

SUBDIVISION REGULATIONS

TOWN OF WATERTOWN
PLANNING & ZONING COMMISSION



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SECTION 1 - TITLE, PURPOSE, AND AUTHORITY

1.1. TITLE

These regulations of the Watertown Planning and Zoning Commission shall be known and may be cited as the “Watertown Subdivision Regulations”.

1.2. PURPOSE

These Regulations are adopted to promote and ensure the orderly development of land within the town so that the land, when subdivided, can be used for building purposes without danger to health and safety and for the following specified purposes:

- 1.2.1. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 1.2.2. To protect and provide for the public health, safety and general welfare of the town.
- 1.2.3. To guide the future growth and development of the town in accordance with the town’s Plan of Development.
- 1.2.4. To protect and conserve the value of buildings and improvements upon the land, and to minimize conflicts among uses of land and buildings.
- 1.2.5. To protect the character and the social and economic stability of the town and to encourage the orderly and beneficial development of the town.
- 1.2.6. To guide public and private policy and action in order to make proper provision for transportation, surface drainage, water supply, sewage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities, and in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision shall be made for protective flood control measures.
- 1.2.7. To provide the most beneficial relationship between uses of land and buildings and the proper circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- 1.2.8. To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- 1.2.9. To ensure that public facilities and services are available and will have a sufficient capacity to serve the proposed subdivision.

- 1.2.10. To prevent the pollution of air and water; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- 1.2.11. To provide for open spaces and environmental protection through the most efficient design and layout of the land, while reserving the density of land established in the town's Zoning Regulations.
- 1.2.12. To preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features.
- 1.2.13. To encourage energy efficient patterns of development and land use, use of solar energy and energy conservation.
- 1.2.14. To ensure that proposed streets are in harmony with existing or officially proposed streets and arranged and constructed so as to provide an adequate and convenient system for the present and prospective traffic needs.
- 1.2.15. To provide that proper provision shall be made for soil erosion and sedimentation control.

1.3. AUTHORITY

Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning and Zoning Commission of the Town of Watertown adopts these Regulations controlling the subdivision and resubdivision of land.

1.4. APPLICATION OF REGULATIONS

These Regulations shall apply to any owner or the agent of any owner of any land located within the Town of Watertown who subsequent to the effective date of these Regulations subdivides or resubdivides land as defined by these Regulations.

1.5. CONFLICTS

Where any provision of these Regulations imposes restrictions different from those imposed by any other provision or provisions of these Regulations, the more restrictive provision or provisions shall govern, subject to final decision by the Commission. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or provision of law. These Regulations are not intended to substitute for or govern any application proceeding that may require to be presented to any other Local, State or Federal Land Use Agency.

1.6. SEPARABILITY

If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances.

1.7. AMENDMENTS

These Regulations may be amended by the Planning and Zoning Commission after a public hearing on said amendment(s).

1.8. EFFECTIVE DATE

The original effective date of these Regulations shall be July 1, 1964.

SECTION 2 - DEFINITIONS

2.1. USAGE

- 2.1.1. The numbers, abbreviations, terms, and words used in these Regulations shall be used, interpreted, and defined as this Section provides.
- 2.1.2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these Regulations”; the word “Regulations” means “these Regulations”; the words “these Regulations” mean the Subdivision Regulations of the Town of Watertown; words of the masculine gender include correlative words of the feminine and neuter genders.
- 2.1.3. A “person” or “applicant” includes an individual, a firm, an organization, a corporation, a partnership, or an incorporated association of persons such as a club; “shall” is always mandatory; “may” is always permissive; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designated to be used or occupied”.
- 2.1.4. If a question arises as to the expressed intent and/or purpose of a definition or work usage in these Regulations, the Commission, by resolution, shall determine its meaning.
- 2.1.5. The term “Architect”, “Landscape Architect”, “Surveyor”, “Land Surveyor”, “Engineer”, “Professional Engineer”, “Civil Engineer”, “Sanitary Engineer” or “Soil Scientist” refers to that specific professional registered and licensed to practice in the State of Connecticut.

2.2. WORDS AND TERMS DEFINES

- 2.2.1. Amended Subdivision: Any change in a property line or improvement shown on a Subdivision or Resubdivision map which has been approved and filed with the Town Clerk pursuant to these Regulations, other than a new subdivision or resubdivision.
- 2.2.2. Applicant: The subdivider or his agent or successor in interest that has signed the subdivision application.
- 2.2.3. Application: An application for the approval of a proposed subdivision or resubdivision as provided in Section 3.3.
- 2.2.4. Base Flood: Flood having a one percent chance of being equaled or exceeded in any given year.
- 2.2.5. Base Flood Elevation: Elevation of the base flood as recorded on the Flood Hazard Boundary Map and accompanying stream profile data.

- 2.2.6. Building Orientation: This term refers to the relationship of a building's longest axis to the true south compass point. Optimal building orientation for detached housing usually occurs when the building's longest axis is east to west (90° from true south) with acceptable variations of 10° to the northwest and 25° to the southwest.
- 2.2.7. Commission: The Planning and Zoning Commission of the Town of Watertown
- 2.2.8. Conservation Commission: The Inland Wetlands Agency of the Town of Watertown ("Agency")
- 2.2.9. ConnDOT: The Department of Transportation of the State of Connecticut
- 2.2.10. Cul-de-sac: A proposed street, or any extension of an existing street or any combination or pattern of streets or extensions thereof, having only one outlet to a through State or Town road, and ending in a circle or turnaround.
- 2.2.11. Date of Receipt: The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or 35 days after such submission, whichever is sooner.
- 2.2.12. Detention Basin: An impoundment made by constructing a dam or embankment or by excavating a pit or dugout.
- 2.2.13. "Development for Agricultural Purposes": Development exclusively for use as "agricultural land", as that term is defined in Connecticut General Statutes, Section 22-26bb.
- 2.2.14. Director of Public Works: The term "Director of Public Works" means the Director of Public Works of the Town of Watertown, or the Town Engineer of the Town of Watertown, or their duly authorized representative.
- 2.2.15. Disturbed Area: An area where the natural vegetative ground cover is destroyed, moved or removed, leaving the land subject to accelerated erosion.
- 2.2.16. Drainage Easement: The right, at any time to direct the flow of water, whether derived from surface or subsurface sources, across any property owned or proposed to be owned by another. Said right is defined to include direction of the flow of water by any method or means, including but not limited to, unrestricted sheet flows, direction by open ditch or trench, or direction by enclosed conduits. Said right also includes the right to enter upon the property and to maintain said direction of the flow of water in perpetuity.

- 2.2.17. Easement: A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.
- 2.2.18. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 2.2.19. Final or Record Subdivision Plan: The final map, drawings, and all supporting data required by these Regulations upon which the subdivider's plan of subdivision is presented to the Commission for action and which, if approved without modifications, would be submitted to the Town Clerk for recording.
- 2.2.20. FIRM: A federal Flood Insurance Rate Map.
- 2.2.21. Floodway: High risk channel area of a watercourse and adjacent land area that shall be reserved to discharge the base flood without increasing water surface elevations more than one foot.
- 2.2.22. Flood Prone Area: The Flood Prone Area is a class of districts in addition to and overlapping one or more of the other districts. For the purposes of these Regulations, the Flood Prone Area shall include all areas of special flood hazard, Zone A, Zones A 1- A 30 and floodway areas shown on maps entitled "Flood Insurance Rates Map", and "Flood Boundary Floodway Map", Town of Watertown, Connecticut, effective date November 5, 1980, as part of the final Flood Insurance Studies. Said maps and any amendments thereto are hereby declared to be part of these Regulations and shall be on file with the Planning and Zoning Office. In addition to the above maps, all areas designated as Flood Prone Areas as shown on the overall map, Town of Watertown, Connecticut, and State of Connecticut Channel Encroachment Lines on file with the Planning and Zoning Office shall apply.
- 2.2.23. General Statutes: The State of Connecticut General Statutes, as amended.
- 2.2.24. Health Department: Town Health Services Agency as designated by the Watertown Town Council.
- 2.2.25. Improvement: Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these Regulations, Improvements include but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading.
- 2.2.26. Inland Wetlands Agency: The Watertown Conservation Commission, being the "Agency" designated pursuant to the Connecticut General Statutes.

2.2.27. Interior Lot: A lot which lacks conventional street frontage and is accessible by a permanent access way of the same ownership as the interior portion.

2.2.28. Level of Service: An indicator of a roadway's ability to accommodate vehicular traffic, as follows:

<u>Level of Service</u>	<u>Description</u>	<u>Vehicles Per Hour Volume Range</u>
"A"	Free Flow	under 800
"B"	Stable flow	800-1000
"C"	Stable flow	1000-1200
"D"	Approaching unstable flow	1200-1400
"E"	Unstable flow (capacity)	1400-1600
"F"	Force flow (severe congestion)	over 1600

2.2.29. Loop Street: A proposed cu-de-sac, or any extension of an existing cul-de-sac, that curves back to intersect with itself.

2.2.30. Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including open spaces as are required by these Regulations. In the case of multiple dwellings, institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying a lot.

2.2.31. Paper Street: A street appearing on a subdivision map which has been officially filed and recorded in the Town Clerk's Office which street has not been physically improved or constructed. Such streets are deemed to be dedicated for public use but not accepted by the Town.

2.2.32. Passive Solar Energy Techniques: Passive solar energy techniques shall mean the utilization of (1) house orientation, (2) street and lot layout, (3) vegetation, (4) natural and man-made topographical feature and (5) the protection of solar access within the subdivision as tools for maximizing solar heat gain, minimizing heat loss and providing thermal storage within a building during heating season and for minimizing heat gain and providing for natural ventilation during the cooling season.

2.2.33. Plan and Profile: The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, containing all information required by Sections 3 and 4 of these Regulations.

2.2.34. Premises: Includes land and buildings on a parcel.

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

- 2.2.36. Public Sewerage System: A sewerage system with a collection and treatment facility approved by the State of Connecticut Department of Environmental Protection and the Watertown Water and Sewer Authority or Watertown Fire District.
- 2.2.37. Public Water System: A water system from an approved common water supply or distribution system; or any water supply provided by the Watertown Water and Sewer Authority or Watertown Fire District.
- 2.2.38. Reserve Strip: Land controlling public access to an area dedicated or to be dedicated to public use, including streets, street connections, pedestrian ways, parks, or other land dedicated to public use.
- 2.2.39. Resubdivision: A change in a map of an approved or recorded subdivision or a resubdivision if such changes (a) affects any street layout shown on such map, or (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.
- 2.2.40. Retention Basin: A detention basin which is wet at all times
- 2.2.41. Sale: A voluntary transfer of title, including easements involving substantially all of the interest in the land, long term (e.g. 50 years) leases, gifts, devises and transfers for security purposes.
- 2.2.42. Section: Reference to a Section means a Section of these Regulations, unless otherwise specified.
- 2.2.43. Sediment: Solid material, either mineral or organic, that is in suspension and is transported, or has been moved, from its site of origin by erosion.
- 2.2.44. Siltation Basin: An excavation of a temporary nature during construction to collect mud, silt, and debris with a controlled outlet; size, shape and location of basin to be determined by the Director of Public Works. Siltation basins shall be constructed and maintained by the developer.
- 2.2.45. Solar Access: The term 'solar access' means the access to unobstructed direct sunlight required by a solar collector for its efficient operation. Solar access will be considered adequately available if the south wall of a proposed building has been unobstructed access to sunlight for 75% of the time between 8:34A.M. and 3:08 P.M. local time on December 21st are made a part of these Regulations.
- 2.2.46. Standard Specifications and Details: The Standard Specifications and Details for construction and materials dated, as the same may have been amended by the Commission from time to time, and which are made a part of these Regulations.

- 2.2.47. Special Erosion Control Area: That portion of a lot which lies within 75 feet of a watercourse or inland wetland, as defined by the Inland Wetlands Regulations of the Town and or as more specifically determined to exist by in-field inspection by a soil scientist, including: rivers, streams, brooks, lakes, ponds, freshwater marshes, swamps and bogs.
- 2.2.48. State: The State of Connecticut
- 2.2.49. Street: A paved thoroughfare for the passage of motor vehicles which has been dedicated to the town, including the following as may be in the town's Plan of Development:
- 2.2.49.1. Arterial Street (Thoroughfare): A street providing for through traffic movement between areas and across the town.
- 2.2.49.2. Collector Streets (Commercial/Industrial): A street intended to move traffic from local streets to arterial streets, and which is intended to accommodate presently, or at any future time, traffic other than that of the immediate neighborhood.
- 2.2.49.3. Dead-end Street (Permanent): A street having only one intersection with another street, and having a turn-around entirely surrounded on its frontage with separate lots.
- 2.2.49.4. Dead-end Street (Temporary): A street having only one intersection with another street and designed to be extended into adjoining undeveloped land, with a temporary turn-around.
- 2.2.49.5. Local Street: A street intended to provide access to other roads from individual residential properties.
- 2.2.50. Street Frontage: The linear distance between the side lot lines of a lot measured at the street line.
- 2.2.51. Street Line: That line separating the public right-of-way of a Street from adjoining properties.
- 2.2.52. Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
- 2.2.53. Street Right-of-way: The distance between street lines.
- 2.2.54. Subdivider: Any person who shall lay out for the purpose of sale a building development any subdivision or part thereof. See also "Applicant".
- 2.2.55. Subdivision: The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the

Commission (7/1/64), for the purpose, whether immediate or future, of sale or building development, expressly excluding the development for municipal, conservation or agricultural purposes, and includes resubdivisions, pursuant to Chapter 126, Section 8-18 of the General Statutes.

- 2.2.56. Swale: An open ditch, depression or low area of land, either natural or man-made, normally used for storm drainage purposes.
- 2.2.57. These Regulations: The Subdivision Regulations of the Town of Watertown, including amendments thereto.
- 2.2.58. Town: The Town of Watertown, County of Litchfield, Connecticut
- 2.2.59. Town Attorney: The attorney of law appointed by the Commission as the Commission attorney
- 2.2.60. Town Engineer: The term "Town Engineer" means the Town Engineer of the Town of Watertown, or the Director of Public Works of the Town of Watertown, or their duly authorized representative.
- 2.2.61. Town Planner: The Administrator for Land Use / Zoning Enforcement Officer of the Town of Watertown ("ZEO") and/or the Wetlands Enforcement Officer / Assistant Zoning Enforcement Officer of the Town of Watertown, who represents the Commission in the implementation and enforcement of these Regulations
- 2.2.62. Town Plan of Development: A plan guiding the development of the Town and which has been adopted by the Planning and Zoning Commission, in accordance with Section 8-23 of the General Statutes.
- 2.2.63. Travel Width: The distance between curb faces, i.e. the width of Street Pavement.
- 2.2.64. Turnaround: See cul-de-sac.
- 2.2.65. "Watercourses": Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or an portion thereof, and shall include watercourses as defined in Section 22a-36 and 22a-45 of the Connecticut General Statutes, as amended.
- 2.2.66. "Wetlands": Wetlands as defined in Section 22a-36 and 22-45 of the Connecticut General Statutes, as amended.
- 2.2.67. Work: Physical improvements approved and/or required by the approved plan, and includes but is not limited to the construction of streets, storm drainage facilities and water and sewer lines, the setting aside of open space and

recreation areas, installation of telephone and electrical services, planting of trees or other landscaping, and installation of retaining walls or other structures.

2.3. POLICY – SUBDIVISION AND RESUBDIVISION

The following policies are established with respect to the applicability of the term “subdivision” and “resubdivision” in the Town under Chapter 126 and these Regulations.

- 2.3.1. For the purpose of the definition of “subdivision” any lot, parcel, tract, or acreage owned separately from any adjoining lot, parcel, tract, or acreage on July 1, 1964, as evidenced by deed or deeds recorded in the Office of the Watertown Town Clerk, is considered to be a “tract”.
- 2.3.2. Any division of such “tracts” by recording of conveyance or filing of maps in the Office of the Watertown Town Clerk is considered to be an act of subdivision.
- 2.3.3. When the total of such division of a “tract” equals three in number, from and after July 1, 1964, and occurring over any period of time and any sequence, a “subdivision” has been made, within the meaning of Chapter 126, which is subject to these Regulations.
- 2.3.4. For the purpose of interpretation of this policy, the initial division of a “tract” into two parts (for the purpose, whether immediate or future, of sale or building development) is not a “subdivision” under Chapter 126 and these Regulations, but any additional division of either of such two parts results in a “subdivision” that is subject to these Regulations.
- 2.3.5. The Record Subdivision Map need only show the part which is the third or any subsequent division of the tract. It is recommended, however, that all divisions, to the degree practical, be shown on the Record Subdivision Map in order to clarify land records and property assessment records and to build up the available survey data in the Town.
- 2.3.6. Any change in a map of an approved or recorded subdivision or resubdivision prior to the time that any lots shown thereon have been conveyed constitutes a revision of a subdivision and is subject to the approval of the Commission but is not considered a “resubdivision”. Revisions will be considered by the Commission upon application to it and payment of an application fee.

2.4. APPROVAL REQUIRED

No subdivision or resubdivision of land shall be made by any person until a map for such subdivision or resubdivision has been submitted for approval by the Commission and has been endorsed by the Commission and recorded in the Office of the Town Clerk.

2.5. ENDORSEMENT

No subdivision or resubdivision shall be considered approved until the Commission has endorsed its approval on the map by signature of the Commission Chairman or Secretary.

2.6. PROCEDURE

The Commission, in reviewing any proposed subdivision or resubdivision, and the person proposing a subdivision or resubdivision shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision or resubdivision unless it conforms to the standards herein specified.

2.7. AUTHORIZATION OF CONSTRUCTION

The construction and installation of roads, drainage facilities, and other improvements required by these Regulations shall not be deemed authorized until the proposed subdivision has been endorsed pursuant to Section 2.5 and recorded in the Town of Watertown Town Clerks office.

2.8. PENALTIES

Any person making subdivision or resubdivision of land without approval of the Commission shall be subject to penalties in accordance with Section 8-25 of the General Statutes.

2.9. ADMINISTRATIVE POLICY

The Commission may from time to time by resolution adopt forms, policies, procedures and interpretations for the administration of these Regulations.

2.10. SUPERVISION OF CONSTRUCTION

All construction and installation of roads, drainage and other improvements required by these Regulations shall be carried out under the supervision of the Director of Public Works and/or the Town Planner and designated agent(s). The Director of Public Works and the Town Planner may establish rules and procedures as are necessary to the proper supervision and inspection of construction.

SECTION 3 - APPLICATION REQUIREMENT & PROCEDURE

3.1. PRESENTATIONS

All applications, maps, plans, documents, and data required by these Regulations shall be presented to the Commission in accordance with the provisions of Chapter 126 of the General Statutes. Such materials, however, may otherwise be presented to the Town Planner and may by Commission determination be considered received at the next Commission meeting or received not later than the first subsequent Regular Meeting of the Commission. It is requested that all such materials be presented to the Town Planner at least 10 days prior to the Commission meeting the application is to be considered received.

3.2. INFORMAL CONSIDERATION

The Commission recommends but does not require, that prior to submission of an official application for approval of a subdivision or resubdivision, the applicant prepare and present an informal plan of the subdivision or resubdivision for informal review by the Town Planner, Director of Public Works, other local staff, and the Commission. The preparation of the informal plan is recommended to facilitate general consideration of factors and problems affecting development of the land to be subdivided or re-subdivided before the applicant proceeds with the official application and the preparation of the maps, plans, and documents required for formal consideration by the Commission. If the proposed plan is presented in an informal manner rather than in final form, any alteration or changes suggested by local staff and the Commission may be made more readily and economically by the applicant. Neither the informal plan nor the informal consideration by local staff and the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivision or re-subdivisions of land as contemplated under the provisions Chapter 126 of the General Statutes. Informal consideration is encouraged in the interest of improved communication with regard to intent and general design, but it is at the sole discretion of the applicant.

3.2.1. Informal Plan: The informal plan should show sufficient information to allow the local staff and the Commission to make a general planning review under the standards of these Regulations, including vicinity map, property map, resources on-site, approximate layout of lots and adjacent streets. It is recommended that the informal plan generally meet the standards of Section 4.

3.3. FORMAL APPLICATION REQUIREMENTS

In order to apply for approval of a subdivision or resubdivision and before the Commission shall formally consider any proposed subdivision or resubdivision, the applicant proposing the subdivision or resubdivision shall meet the following requirements:

3.3.1. Application: Application for approval of a subdivision or resubdivision shall be made to the Commission in writing on forms prescribed by the Commission. The application shall be signed by the applicant or lawful agent; and, if the subdivision or resubdivision is proposed by a person, firm, or

corporation other than the owner of the land to be subdivided, the application shall also be signed by the owner of the land or lawful agent. The applicant shall file a Disclosure Affidavit pursuant to General Statutes Section 8-7c with the Subdivision Application. The Applicant and Owner of the Property (if other than Applicant) shall sign and deliver with the Application a consent form giving the Commission and its authorized representatives consent to enter onto the subject property following the filing of the application and continuing until all subdivision improvements are completed and all sureties have been released. The consent shall be in form approved by the Planning and Zoning Officer and the Town Attorney.

The applicant shall provide to the Town of Watertown a Certificate of Title showing the owner of the property at the time a formal subdivision application is submitted to the Planning and Zoning Office. [This paragraph effective June 23, 2000]

- 3.3.2. Application Fee: An application fee shall accompany the application as per the Town of Watertown Ordinance for Planning and Zoning Fees in effect at application.
- 3.3.3. Record Subdivision Map: A record subdivision map shall be submitted with the application and shall conform to all requirements of Section 4.2. The number and type of prints or copies of the map, as specified in Section 4.2, shall also be submitted with the application.
- 3.3.4. Construction Plans: Plan and profile drawings, and prints or copies thereof, of all proposed streets, storm drains, sewage disposal system, water supply, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs, bridges, culverts, siltation basins and other structures and improvements required by these Regulations shall be submitted with the application and shall conform to all of the requirements of Section 4.3 including separate construction plan sheets for water and sewer line facilities.
- 3.3.5. Site Development Plan: A Site Development Plan, and prints or copies thereof, shall be submitted with the application and shall conform to all the requirements of Section 4.4. The Commission, upon written request by the applicant, may by resolution determine that a Site Development Plan is not needed and need not be submitted for, but not limited to:
 - 3.3.5.1. a resubdivision
 - 3.3.5.2. a subdivision of not more than five lots fronting on an existing street
- 3.3.6. Grading Plan: In the event that any major regrading, cuts, fills, or soil or rock removal is proposed in the area of the subdivision, a grading plan and prints or copies thereof shall be submitted with the application and shall conform to all of the requirements of Section 4.5.

- 3.3.7. Sanitation Report: When a subdivision is not to be served by sanitary sewer, the Health Department shall submit a report to the Commission certifying that the land to be subdivided and the subdivision plans are satisfactory for on-site sewage disposal systems.

When the subdivision is not to be serviced by public water, then the applicant shall submit to the Health Department a report prepared by a Professional Engineer certifying that the land to be subdivided and the subdivision plans are satisfactory for private water supply wells in accordance with all applicable State and Town standards and policies. See Appendix J.

- 3.3.8. State Highway Connection: When a proposed road 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 the ConnDOT with an application for a permit for such connection in accordance with the General Statutes.

- 3.3.9. Referral: Notices in accordance with Section 8-26f of the General Statutes shall be provided, where appropriate. In accordance with the General Statutes 8-3i, any subdivision application for any property within the watershed of a water company, as defined in General Statutes 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the land records of the Town. Such notice shall be certified mail; return receipt requested and shall be mailed at the time of a formal application. The applicant shall submit evidence of such notice to the Commission at the time of the application.

- 3.3.10. Other Evidence: Other evidence may be required from the applicant in order to establish to the satisfaction of the Commission the following matters: that the land to be subdivided is of such character that it can be used for building purposes without danger to health and public safety; that proper provision will be made for water supply, drainage and sewage; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers or other bodies of water subject to flooding; that open spaces for parks and playgrounds will be established in places deemed proper by the Commission; and that any proposed street shown on the subdivision plan is in harmony with existing or proposed thoroughfares shown on the Plan of Development. Provision shall be made in the planning and design of the subdivision to enable the use of solar energy systems to the maximum extent possible.

- 3.3.11. Flood Hazard Assurances: When the subdivision includes land within a Special Flood Hazard Area, written assurances shall be presented as follows, prepared by professional engineer:

3.3.11.1. That the flood carrying capacity of any altered or relocated watercourses in the Special Flood Hazard Area will be maintained,

- 3.3.11.2. That any proposed encroachment on the regulated floodway by construction of improvements or excavation, grading or depositing of materials will not result in any increase in flood levels in the Town during the occurrence of the base flood discharge, and
 - 3.3.11.3. That each lot is capable of accommodating an on-site sewage disposal system and on-site water supply system if applicable, in a manner that avoids impairment of the system and contamination from the system during flooding.
 - 3.3.11.4. Base flood elevation data shall be provided for all subdivision proposals of 50 lots or 5 acres whichever is less, whether or not such data is available for the Federal Insurance Administration. The required detail and accuracy of base flood elevation data developed by the applicant shall be at the discretion of the Commission which shall take into consideration the size and complexity of the development and amount of land subject to flooding.
- 3.3.12. Additional Requirements: Upon review of the application and information submitted under Section 3.1, the Commission may require the submission of additional information as follows:
- 3.3.12.1. Erosion and sedimentation control plans, meeting the standards of Section 4.6, shall be submitted in connection with subdivisions involving the construction of new streets and in other cases where there is potential for significant soil erosion. Eleven blue line or black line prints shall be submitted.
- 3.3.13. Formal Consideration: After the above application requirements have been met to the satisfaction of the Commission, the following procedures shall be followed by the Commission in its formal consideration of the proposed subdivision or resubdivision.

3.4. REVIEW

The Commission shall formally consider the proposed subdivision or resubdivision after the complete application has been submitted. The application for approval of a proposed subdivision or resubdivision shall be considered complete when the Commission, at the Regular Meeting specified in Section 3.1, has made a determination that all the application requirements of these Regulations have been fulfilled by the applicant. In reviewing the application, the Commission shall give consideration to the proposed subdivision or resubdivision and shall determine whether the maps, plans and accompanying certificates and documents conform to the requirements of these Regulations. The Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable review of the proposed subdivision in accordance with the requirements of these Regulations.

- 3.4.1. Public Hearing: A public hearing regarding the subdivision application may be held by the Commission, if in its judgment, the circumstances require such action. The Commission shall hold a public hearing on any application for a resubdivision. Notice of time and place of such hearing shall be published in a newspaper having a substantial circulation in the town at least twice, at intervals not less than two days, the first not more than fifteen days and less than ten days and the last not less than two days before the date of such hearing.

In the event a public hearing is scheduled by the Commission, the applicant shall at their expense and by their action send a copy of the public hearing notice prepared by the Commission for publication in a local newspaper to the record owners of property, as shown on the Assessor's records, which are within 150 feet in any direction from the nearest subject property perimeter boundary including property located across a street. The notice shall be sent by certified return receipt mail not more than fifteen days or less than ten days prior to the hearing. The date of the hearing may be included in calculating the notice requirement. Not later than the commencement of the public hearing, which shall be commenced within 65 days of application receipt, with receipt in accordance to Section 3.1, and adjourned not later than 35 days thereafter, the applicant shall present the return receipts to the Commission as evidence of compliance. The applicant may consent to one or more extension of any period, provided the total extension of all such periods shall not be longer than 65 days. [This paragraph is effective November 30, 2009.]

In the event a public hearing is not held by the Commission, notice of the time and place of the Commission meeting shall be given to the applicant by the Commission not less than three days before the date of the Commission meeting at which the application will be reviewed, unless a lesser period is mutually agreed. The applicant shall be afforded an opportunity to appear before the Commission. [This paragraph is effective November 30, 2009.]

The applicant shall post notice of public hearing on subject property and shall conform to requirements of Watertown Zoning Regulation 51.21 "Posting Public Hearings Notices on Subject Property". [This paragraph is effective October 10, 2008.]

- 3.4.2. Decision: The Commission shall render its decision on the application not later than 65 days after application receipt, which receipt shall be in accordance with Section 3.1, or if there is a public hearing no later than 65 after the close of public hearing. The applicant may consent in writing to one or more extensions of period provided any such extension or extensions shall not exceed a further period of 65 days.
- 3.4.3. Approval: The Commission, after the public hearing, if any, or after the meeting with the applicant, shall give approval to the subdivision application if it shall find the subdivision map and plans and accompanying certificates,

documents, and data conform to the requirements of these Regulations. Such approval shall include and be conditioned upon the following:

- 3.4.3.1. Completion of all required subdivision improvements, or the posting of a bond in accordance with Section 3.4.5 guaranteeing such completion;
- 3.4.3.2. Presentation of conveyances to the Town for streets, proposed streets, easements and open spaces in accordance with Section 3.4.4;
- 3.4.3.3. Evidence by a copy of the permit from the ConnDOT for any proposed road, driveway, or storm drainage system which joins with a State Highway, which permit shall include all potential drainage flow from the subdivision and all land in the watershed draining through the subdivision;
- 3.4.3.4. Evidence that final arrangements have been made for provision of a water supply system and a sewage disposal system;
- 3.4.3.5. Presentation of a copy of a report from the Conservation Commission concerning any proposed modification of wetlands and watercourses and/or other matters within the jurisdiction of said Commission proposed in connection with construction of required subdivision improvements. The Planning and Zoning Commission shall not render a decision until the Conservation Commission has submitted a report with its final decision.

In granting approval, the Commission may attach conditions that it deems necessary to modify the subdivision map, plans or documents to preserve the purpose and intent of these Regulations. If the Commission does not approve the subdivision application and all the accompanying maps, plans, certificates, and documents, it may modify and approve, or disapprove the application. In approving, modifying, or disapproving an application, the Commission shall state in its record any conditions of approval and modifications required, and the grounds for its action. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant, by the Commission staff, in any written, printed typewritten or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that such application has been approved, modified and approved, or disapproved, together with the date of such action but the applicant shall also receive from the Commission, under the same cover with the statement, copy of notice of its decision, any conditions of approval, any modifications required, and the grounds for the Commission's actions.

- 3.4.3.6. Liability Agreement and Insurance: The applicant shall be required to post and maintain a sign indicating that a road is private at any entrances to the subdivision. These signs shall remain posted until the Town of Watertown formally accepts these roads into the Town road system. The form of the sign shall be approved by the Town Planner. [This sub-Section effective June 23, 2000]
- 3.4.4. Conveyances and Easements: Any open spaces for parks and playgrounds (See Section 7) and streets to be dedicated to the Town or other, any easements for sanitary sewers, public water supply and public rights-of-way, and any easements for storm drainage and watercourses draining existing or proposed public streets or public streets that may be constructed in the future shall be confirmed by written easements and deeds describing the land involved and the privileges of the Town in a form satisfactory to the Town Attorney. Such easements and/or conveyances shall be presented prior to endorsement of the record subdivision map. The applicant shall provide the Town of Watertown with a Certificate of Title by fee simple at the time said conveyances are presented to the Town.
- 3.4.5. Bond Requirements: The Commission may as a condition of subdivision and resubdivision site plan approval and special permit require the applicant to post a bond and surety. The bond term, form, amount, conditions, and surety shall be satisfactory to the Commission in order to assure that the site plan Work is completed and acceptable to the Commission within an initial time period of five (5) years from the date of site plan approval, with additional time periods subject to the discretion and conditions of the Commission not to exceed ten (10) years from the date of site plan approval in accordance with these Regulations Section 3.4.9 and General Statutes 8-25(a). Details of any required bond may be approved by the Commission subsequent to subdivision and resubdivision site plan and special permit approval. The bonds and surety may be required for, but are not limited to, the construction, installation, and maintenance of streets, sidewalks, stormwater drainage systems, watercourses, erosion and sedimentation control, landscaping, street trees, monuments and pins, fire suppression holding tanks, utilities, all public improvements, and as-built drawings. The Watertown Zoning Regulations Section 51.13 - Bond Requirements as may be amended are an integral part of these Subdivision Regulations. [Effective November 13, 2009.]
- 3.4.6. Liability Agreement and Insurance:
- 3.4.6.1. Prior to filing a new Record Subdivision Map with the Town Clerk, the Applicant shall file a Subdivision Development Agreement to protect the Town from any liability of any nature due to private or public travel or use of on-site or off-site subdivision roads, sidewalks, drainage facilities or other improvements included in the subdivision plan approved by the Commission. The Agreement shall include appropriate language to provide that the applicant shall save the Town harmless and indemnify the Town for any claim or loss of any nature, including costs of defense, due to private or

public travel or use of such subdivision improvement areas. The Agreement shall remain in full force and effect until all sureties for completion are released.

- 3.4.6.2. The Applicant shall provide a Certificate of Liability Insurance in favor of the Town. The Certificate of Liability Insurance, including amount of insurance, shall be subject to approval of the Town Attorney and the Town Planner.
- 3.4.6.3. The Applicant shall record a Notice on the Land Records to be certain that buyers of subdivision lots are on notice that the Town shall not be responsible for liability claims during construction of subdivision improvements and until sureties for completion are released. The notice shall reference the save harmless and indemnification cause of the Subdivision Development Agreement. The Notice shall be subject to approval of the Town Attorney and the Town Planner.
- 3.4.6.4. The applicant shall be required to post and maintain a sign indicating that a road is private at any entrances to the subdivision. These signs shall remain posted until the Town of Watertown formally accepts these roads into the Town road system. The form of the sign shall be approved by the Town Planner. (This sub-Section effective June 23, 2000.)
- 3.4.7. Filing and Recording: The final Commission approved subdivision or resubdivision map and endorsed by signature of the Commission Chairman or Secretary shall constitute the record subdivision or resubdivision map. The date of endorsement shall be noted on said map. Within 90 days after Commission approval of the subdivision or resubdivision, the applicant shall file and record in the office of the Town Clerk the Commission Chairman or Secretary endorsed record subdivision map and any easements; except that the Commission may by resolution extend the time for such filing and recording for two additional periods not to exceed 90 days each, and the map shall remain valid until the expiration of such extended time. Filing or recording fee for the record maps shall be paid by the applicant to Watertown Town Clerk. Deeds for any open space for parks and playgrounds and for streets or other purposes shall be filed by the applicant on the Watertown Town Clerk land records prior to recording the record subdivision or resubdivision map, and any filing or recording fees for such deeds shall be paid by the applicant.
- 3.4.8. Certificate of Compliance: Before release of any subdivision or resubdivision bond, or before the Commission endorses any subdivision or resubdivision map to permit filing with the Town Clerk, the Commission shall ["shall" is effective June 23, 2000] request the applicant to present a statement, signed and sealed by a land surveyor or engineer certifying that such surveyor or engineer has inspected all of the required construction work and that all of the required improvements have been completed in accordance with plans and

specifications as approved. The Commission may require a Performance Bond to remain in effect during a maintenance period of one year commencing with the date the Commission accepts the subdivision improvements as satisfactorily complete.

3.4.9. Completion:

3.4.9.1. All work in connection with a subdivision or resubdivision shall be completed within an initial time period of 5 years with additional time periods subject to Commission approval of extensions in accordance with General Statutes Section 8-6c. The expiration date shall be shown on the site plan.

3.4.9.2. The applicant may apply for, and the Commission may grant, one or more extensions of time to complete all or part of the work in connection with such subdivision, provided the time extensions under this subsection shall not exceed ten years from the date the subdivision was approved. 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 furnished under this Section, securing the Town and others the actual completion of the work.

3.4.10. Waiver of Conditions: The Regulations may contain provisions whereby the Commission may waive certain requirements by a $\frac{3}{4}$ vote of all the members of the Commission, in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the Regulations shall specify the conditions under which a waiver may be considered and shall provide that no waiver may be granted that would have a significant adverse affect on adjacent property or on public health and safety. The Commission shall state upon its records the reason for which a waiver is granted in each case.

SECTION 4 - MAPS AND PLANS**4.1. GENERAL**

The maps and plans required by these Regulations shall show the information and be prepared in accordance with standards hereinafter specified. The applicant is encouraged to request from Commission staff a dated receipt for each submittal. The following requirements are applicable to all maps and plans:

- 4.1.1. All maps, plans, and profile drawings shall be prepared by and shall bear the name and seal of a land surveyor or engineer, or both, as required by law.
- 4.1.2. Record maps for filing in the Town Clerk's office shall be clearly and legibly drawn and shall be submitted on a polyester film not less than 3 mils thick, and having a sheet size of 24" X 36". All plan and profile and construction drawings for filing in the Department of Public Works shall be clearly and legibly drawn and shall be submitted either on a photographic wash-off mylar, not less than 3 mils thick, or an original ink mylar not less than 3 mils thick, and having a sheet size of 24" X 36". Paper copies shall be with blue lines or black lines and on sheets 24" X 36" in size.
- 4.1.3. Pertinent survey data and computations shall be presented to the Director of Public Works and the Town Planner for review, if requested.
- 4.1.4. The construction plans and contour plan shall bear the signature of approval of the Director of Public Works and the Town Planner.
- 4.1.5. Electronic Data Requirements for Subdivision Drawings:
 - 4.1.5.1. All drawings shall be on a CD or other electronic media approved by the Director of Public Works and submitted with the required paper copies
 - 4.1.5.2. Subdivision drawings are to be in an auto cad DXF format
 - 4.1.5.3. Text and dimensions shall be on a separate layer
 - 4.1.5.4. Electronic drawings shall be certified by a letter accompanying the CD or other electronic media as a true copy of the approved subdivision. This letter is to be provided by a licensed land surveyor in the State of Connecticut.
 - 4.1.5.5. Drawings are to be referenced to the Town Clerk's numerical filing system. [All sub-Section 4.1.5 effective June 23, 2000]

4.2. RECORD SUBDIVISION MAP

The record subdivision or resubdivision map shall be prepared at a scale of not less than 1"=100' and preferably 1"=40' on maps with blue lines or black lines having a sheet size of 24" X 36". The maps shall include an accurate and up-to-date Class A-2 survey of the property prepared in accordance with the standards of Sections 20-300b-1 thru 20-

300b-20 of the Regulations of Connecticut State Agencies – “Minimum Standards for Surveys and Maps in the State of Connecticut”, as amended and as endorsed by the Connecticut Association of Land Surveyors Inc, in the “Code of Recommended Standards for Surveys and Maps in the State of Connecticut”, adopted on September 24, 1992, and effective January 1, 1993, as amended. A land surveyor licensed in the State of Connecticut shall prepare the Class A-2 survey with an A(N) Zoning Location Survey and an A(N) Dependent Resurvey, as applicable. The applicant shall present to the Town Planner conforming to Section 4.2, (a) **twelve paper copies of said map with the application**, and (b) **one Mylar conforming to Section 4.1.2 and three paper copies of the Commission approved map for endorsement by the Commission Chairman or Secretary**. One of the three paper copies is for the applicant. The applicant may at their option present for their records an additional Mylar and/or a paper copy of the Commission approved map for Town officials to endorse by signature. The map shall show the following:

- 4.2.1. Title of the subdivision, which shall not duplicate the title of any previous subdivision in the Town, and shall be in accordance with standard title block as shown in Appendix A.
- 4.2.2. Name and address of the owner of the land to be subdivided; name and address of the applicant, if different for the owner.
- 4.2.3. Date, scale, true north and magnetic north points, Town and State.
- 4.2.4. Existing and proposed property lines including street lines on both sides of an existing street, with the opposite street line tied into the proposed subdivision or resubdivision; adjoining street and property lines for a distance of 200 feet and names of adjacent subdivisions or owners.
- 4.2.5. Existing and proposed watercourses, wetlands, ponds, easements and rights-of-way; channel and building lines; encroachment lines for protection of natural features; and the percentage of wetlands and watercourses on each lot.
- 4.2.6. Proposed lots and lot numbers; existing and proposed open spaces for parks and playgrounds; the square footage or acreage of all lots and open spaces and the total acreage of land in the subdivision.
- 4.2.7. Existing permanent buildings and structures.
- 4.2.8. Dimension in all lines to the hundredth foot; all bearings or deflection angles on all straight lines; and the central angle, tangent distance and radius of all arcs.
- 4.2.9. The width of all existing and proposed streets, rights-of-way and easements, street names.
- 4.2.10. Existing and proposed monuments.

- 4.2.11. The zoning district or districts in which the subdivision is situated and any zoning district boundary lines.
- 4.2.12. The words “Watertown Fire District” if the subdivision lies partially or, wholly within the District, and any boundary lines of the District.
- 4.2.13. A Location Map (scale 1” = 1,000’) drawn in the upper left hand corner of the map showing the location of the subdivision in relation to primary roads in Town.
- 4.2.14. An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and delineation of areas covered by the section or sheet.
- 4.2.15. The survey relationship of proposed streets to nearby monumented Town streets or State Highways where practical.
- 4.2.16. The words “Approved by the Watertown Planning and Zoning Commission” with a designated place for the signature of the Commission Chairman or Secretary and date of signing.
- 4.2.17. A designated area with the words “As Specified in Section 8-26c of the General Statutes, expiration date is _____”.
- 4.2.18. The words “Approved by the Watertown Conservation Commission Inland Wetlands Agency” with a designated place for the signature of the Agency Chairman or Secretary and date of signing”. [This sub-Section effective June 23, 2000]
- 4.2.19. The words “Approved by the Town Attorney” with a designated place for the signature of the Town Attorney and date of signing. [This sub-Section effective June 23, 2000]
- 4.2.20. The words “Approved by the Town Health Services Agency” with a designated place for the signature of the Sanitarian of the Health Department and date of signing. [This sub-Section effective June 23, 2000]
- 4.2.21. The words “I delineated the inland wetland and watercourse boundaries on this property. I am of the opinion that the inland wetland and watercourse boundaries which I marked on the property is shown accurately on this map.

 Signature of *[Name Printed]* Date
 Certified Soil Scientist”

[This sub-Section effective June 23, 2000]

4.3. CONSTRUCTION PLAN

Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, public water supply lines, catch basins, manholes, ditches, watercourses, headwalls, sidewalks; gutters, curbs, and other structures on sheets conforming to Section 4.1.2. The applicant shall present to the Town Planner (a) twelve paper copies of the construction plans and profile drawings with the application, and (b) one Mylar of the Commission approved construction plans and profile drawings and three paper copies of the Commission approved construction plans and profile drawings at the time of Town officials' signature of the record subdivision or resubdivision map. One of the three paper copies is for the applicant. The applicant may at their option present an additional Mylar and/or a paper copy for Town official's signature and the applicant's records. Water and sewer facilities shall be shown on separate maps and submitted in the same manner and number of copies as the construction plans and profile drawings.

If roadway cross sections are not being submitted, existing and proposed contours shall be shown on the plan and existing and proposed profile lines at roadway centerline and lot setback line shall be shown on the profile drawings.

Profile drawings shall be shown to a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. Plan drawings shall be drawn to a scale of not smaller than 1" = 40'. Profile drawings and elevations shall be based on Town, State or U.S. benchmarks or other permanent benchmarks approved by the Director of Public Works; the benchmarks used shall be noted on the plan. As-built mylars shall be prepared by a professional engineer or licensed land surveyor and submitted to the Director of Public Works. Plan-profile drawings shall show at least the following information in accordance with good engineering practices and as appropriate for the particular subdivision:

- 4.3.1. Title of the subdivision, date, scale, Town and State in accordance with standard title block as shown in Appendix A.
- 4.3.2. Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and watercourses, a sample ditch and watercourse cross sections.
- 4.3.3. Approximate location of lot lines intersecting the street lines, lot numbers and street names.
- 4.3.4. Sidewalk, curbs, gutters and special structures.
- 4.3.5. Location of all existing and proposed utilities such as gas, electric, telephone, underground and overhead utility poles, water and sewer.
- 4.3.6. Location of siltation basins, detention basins, retention basins, soil erosion and sediment control measures, limits of on-site soil disturbance, water courses, inland wetlands, construction narrative sequence.

- 4.3.7. The limits of any area of tree removal necessary to provide effective use of a passive solar energy system, based on an assumed mature tree height of 50 feet.
- 4.3.8. The words “Approved by the Director of Public Works”, with a designated place for the signature of the Director of Public Works and the date of signing.
- 4.3.9. The words “Approved by the Town Planner”, with a designated place for the signature of the Town Planner and the date of signing.
- 4.3.10. The words “Additional improvements and/or modifications may be required by the Director of Public Works and the Town Planner if field conditions warrant.”
- 4.3.11. In addition to the plan and profile drawings, other necessary construction drawings and details shall be submitted, including as-built construction mylars, conforming to Section 8, together with four copies thereof.
- 4.3.12. All design criteria and data used to develop the plan and profile drawings.

4.4. SITE DEVELOPMENT PLAN

The site development plan shall show existing conditions, the proposed layout of the subdivision and a tentative layout of all contiguous land of the applicant that may be subdivided in the future and shall be drawn on sheets conforming to Section 4.1.2. The applicant shall present to the Town Planner (a) twelve paper copies of the Site Development Plan with the application, and (b) one Mylar of the Commission approved Site Development Plan and three paper copies of the Commission approved Site Development Plan at the time of Town officials’ signature of the record subdivision or resubdivision map. One of the three paper copies is for the applicant. The applicant may at their option present an additional Mylar and/or a paper copy for Town official’s signature and the applicant’s records. The plan shall show at least the following information in addition to the requirements of Section 4.3

- 4.4.1. Existing contours at an interval not exceeding two feet based at a scale of 1” = 40’ on field or aerial survey or based on available U.S.G.S. contours and using the same bench marks as provided in Section 4.3.
- 4.4.2. Existing and proposed storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, and other structures. Detail sheets of all proposed construction items shall also be submitted.
- 4.4.3. Location of all deep hole tests, percolation test holes, 75 feet well radius, MLSS spread, wetland regulated setback line
- 4.4.4. Principal wooded areas, any ledge outcrops and existing stone walls and fences within the subdivision

- 4.4.5. Location of all existing or proposed underground utilities such as sewer, water, gas, electric and telephone lines.
- 4.4.6. Location of all siltation basins, erosion and sediment control measures for each lot, and limits of soil disturbance.
- 4.4.7. Location and limits of areas subject to potential flooding; the boundaries of any Flood Prone Areas and floodways and the base flood elevation date thereof; and the lowest floor elevations that would be applicable for a building on any lot in the Flood Prone Area in accordance with Section 66, Flood Prone Areas, Town Zoning Regulations.
- 4.4.8. All proposed driveways shall be shown with profile grades and sight distances noted. Proposed contours shall be shown for driveways with grades between 10% to 15% in residential subdivisions and between 6% to 10% in commercial or industrial subdivisions. Proposed contours shall be shown to reflect the earthwork required to achieve the sight distances noted. Proposed grading around a house shall be shown including finished floor elevation, finished basement elevation, and finished garage elevation.
- 4.4.9. The words “Approved by the Conservation Commission Inland Wetlands Agency” with a designated place for the signature of the Chairman or Secretary and date of signing.” [This sub-Section effective June 23, 2000]
- 4.4.10. The words “Approved by the Town Health Services Agency” with a designated place for the signature of the Sanitarian and date of signing. [This sub-Section effective June 23, 2000]
- 4.4.11. The words “Approved by the Director of Public Works”, with a designated place for the signature of the Director of Public Works and the date of signing.
- 4.4.12. The words “Approved by the Town Planner”, with a designated place for the signature of the Town Planner and the date of signing.
- 4.4.13. The words “Additional improvements and/or modifications may be required by the Director of Public Works and the Town Planner if field conditions warrant.”

4.5. GRADING PLAN

The area shown on the grading plan may be limited to the portion of the subdivision affected by the proposed regrading, cuts, fills or soil or rock removal on sheets conforming to Section 4.1.2. The applicant shall present to the Town Planner (a) twelve paper copies of the Grading Plan with the application, and (b) one Mylar of the Commission approved Grading Plan and three paper copies of the Commission approved Grading Plan at the time of Town officials’ signature of the record subdivision or resubdivision map. One of the three paper copies is for the applicant. The applicant may at their option present an additional Mylar and/or a paper copy for Town official’s signature and the applicant’s records. The plan shall be drawn to the

same scale as the record subdivision map and shall have contours and elevations based on the same bench marks as provided in Section 4.3. The grading plan shall show at least the following information:

- 4.5.1. Title of subdivision.
- 4.5.2. Name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owners.
- 4.5.3. Date, scale, north, Town and State.
- 4.5.4. Layout of existing and proposed lot lines and street lines.
- 4.5.5. Existing and proposed contours at an interval not exceeding two feet based on field or aerial survey.
- 4.5.6. Existing and proposed drainage, watercourses, ponds, swamps and wetlands.
- 4.5.7. Existing permanent buildings and structures
- 4.5.8. Location of all test holes, test pits or borings, and soil logs of test holes and borings.
- 4.5.9. The words “Approved by the Director of Public Works”, with a designated place for the signature of the Director of Public Works and the date of signing.
- 4.5.10. The words “Approved by the Town Planner”, with a designated place for the signature of the Town Planner and the date of signing.
- 4.5.11. The words “Additional improvements and/or modifications may be required by the Director of Public Works and the Town Planner if field conditions warrant.”
- 4.5.12. All soil erosion and sediment control structures narrative and sequence of construction.

In addition to the above grading plan, the Commission may request the submission of cross section drawings covering the proposed excavation area.

4.6. EROSION AND SEDIMENTATION CONTROL PLAN

The following shall apply to the submission and approval of an Erosion and Sedimentation Control Plan. All provisions of this Section are in addition to the other requirements of these Regulations.

4.6.1. Definitions

For the purpose of this Section certain words shall have the following meanings:

- 4.6.1.1. Development: Means any construction or grading activities to improved or unimproved real estate, including but not limited to cutting down trees to clear for subdivision road.
- 4.6.1.2. Disturbed Area: Means an area where the natural vegetative ground cover is destroyed, moved or removed, leaving the land subject to accelerated erosion.
- 4.6.1.3. Erosion: Means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 4.6.1.4. Grading: Means any excavating, grubbing, filling (including hydraulic fill) or stock piling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 4.6.1.5. Inspection: Means the periodic review of sediment and erosion control measures shown on the Certified Plan.
- 4.6.1.6. Sediment: Means solid material, either mineral or organic, that is in suspension, and is transported, or has been moved, from its site of origin by erosion.
- 4.6.1.7. Soil: Means any unconsolidated mineral or organic material of any origin.
- 4.6.1.8. Soil Erosion and Sediment Control Plan: Means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. Hereinafter called a Control Plan.
- 4.6.2. Regulated Activities
No land development which is cumulatively more than one-half acre in area shall be undertaken in any district unless certification of a Control Plan in compliance with the provisions of this Section has first been obtained from the Commission or its designated agent. No Zoning or Building Permit shall be issued until a Control Plan has been approved by the Commission or its designated agent, or it has been determined that a Control Plan is not required.
- 4.6.3. Certification
Means approval by the Commission or its designated agent that a Control Plan complies with the applicable requirements of this Section
- 4.6.4. Required Submissions
The applicant shall present to the Town Planner on sheets conforming to Section 4.1.2 (a) twelve paper copies of the Erosion and Sedimentation Control Plan with the application, and (b) one Mylar of the Commission approved Erosion and Sedimentation Control Plan and three paper copies of the Commission approved Erosion and Sedimentation Control Plan at the time

of Town officials' signature of the record subdivision or resubdivision map. One of the three paper copies is for the applicant. The applicant may at their option present an additional Mylar or a paper copy for Town official's signature and the applicant's records.

The submission of material required to obtain approval of a Control Plan as in Appendix F shall include, but not be limited to:

- 4.6.4.1. A narrative describing:
 - 4.6.4.1.1. The development
 - 4.6.4.1.2. The schedule for grading and construction activities including:
 - 4.6.4.1.2.1. Start and completion dates;
 - 4.6.4.1.2.2. Sequence of grading and construction activities;
 - 4.6.4.1.2.3. Sequence for installation and/or application of soil erosion and sediment control measures;
 - 4.6.4.1.2.4. Sequence for final stabilization of the project site.
 - 4.6.4.1.3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - 4.6.4.1.4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - 4.6.4.1.5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - 4.6.4.1.6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 4.6.4.2. A site plan map drawn to a scale of not less than 100 feet to the inch to show:
 - 4.6.4.2.1. The location of the proposed development and adjacent properties;
 - 4.6.4.2.2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;

- 4.6.4.2.3. The existing structures on the project site, if any;
 - 4.6.4.2.4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 - 4.6.4.2.5. The location and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - 4.6.4.2.6. The sequence of grading and construction activities;
 - 4.6.4.2.7. The sequence for installation and/or application of soil erosion and sediment control measures;
 - 4.6.4.2.8. The sequence for final stabilization of the development site.
 - 4.6.4.2.9. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
 - 4.6.4.2.10. The words “Approved by the Conservation Commission Inland Wetlands Agency” with a designated place for the signature of the Chairman or Secretary and date of signing. [This sub-Section effective June 23, 2000]
 - 4.6.4.2.11. The words “Approved by the Town Planner” with a designated place for the signature of the Town Planner and date of signing. [This sub-Section effective June 23, 2000]
 - 4.6.4.2.12. The words “Approved by the Director of Public Works”, with a designated place for the signature of the Director of Public Works and the date of signing.
 - 4.6.4.2.13. The words “Additional improvements and/or modifications may be required by the Director of Public Works and the Town Planner if field conditions warrant.”
- 4.6.5. Minimum Acceptable Standards
- 4.6.5.1. 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 (1985), as amended. Control Plans shall result in a development that; minimizes erosion and sedimentation during construction; is

stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

4.6.5.2. The Commission (or County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

4.6.5.3. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

4.6.6. Issuance or Denial of Certification

4.6.6.1. The Commission shall either certify that the Control Plan, as filed, complies with the requirements and objectives of this Section or deny certification when the development proposal does not comply with this Section.

4.6.6.2. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124A or 126 of the General Statutes.

4.6.6.3. Prior to certification, any plans submitted to the Town may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.

4.6.6.4. The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

4.6.7. Bonds or Other Assurance

4.6.7.1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Control Plan, may be required to be covered in a bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 3.4.5.

4.6.7.2. Site development shall not begin unless the Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

4.6.7.3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Control Plan. Additional soil erosion and sediment control measures and facilities may be required as field conditions warrant.

4.6.7.4. All control measures and facilities shall be maintained in effective condition to ensure compliance with the Control Plan.

4.6.8. Inspection

Inspections shall be made by the Town Planner or the designated agent of the Town Planner during development to ensure compliance with the Control Plan and that control measures and facilities are properly performed or installed and maintained. The Commission shall require the permittee to verify through bi-weekly progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the Control Plan and are being operated and maintained. Additional control measures may be required by the inspector as field conditions warrant.

SECTION 5 - DESIGN STANDARDS**5.1. GENERAL**

Proposed subdivisions and re-subdivisions and all other improvements therein shall be designed in accordance with the following standards and specifications and in accordance with appropriate ordinances and special acts of the Town. These Regulations incorporate APPENDIX A – Standard Details which is attached to and made a part thereof.

5.2. BUILDING LOTS

Proposed building lots shall conform to the Town's Zoning Regulations. The proposed lots shall be of such shape, size, location, topography and character that buildings can be constructed reasonably and that they can be occupied and used without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock or other conditions shall be combined with another contiguous lot that is suitable and shall be considered as one building lot. The following additional standards are applicable to proposed building lots:

- 5.2.1. Access: Access shall be from the length of the lot along the line of the street or proposed private street connecting with an accepted Town or State road, from which a driveway has been provided or is possible to be provided for the access to the principal use or possible principal structure use. (Effective: January 30, 2009)
- 5.2.2. Wetlands: Each lot shall have access and be capable of reasonable use and development, including provision of on-site sewage disposal and water supply systems if proposed, without need to modify any wetland or watercourse, unless such modification is authorized by a permit issued by the Watertown Inland Wetlands Agency prior to endorsement of the record subdivision map.
- 5.2.3. Lot Number: Lots in subdivisions shall be designated only by number, but letter designations shall be allowed in re-subdivisions where necessary for clarity. All lots in a single subdivision shall be numbered consecutively beginning with the numeral "1", and the same numerical sequence shall be continued on lots in any adjoining subdivision having the same title. On maps and plans, the appropriate lot number shall be affixed conspicuously in the approximate center of each lot.
- 5.2.4. Lot Lines: Insofar as practicable, the side lot lines of all lots shall be at right angles to the street on which the lot faces or shall be radial to the street line, unless the purpose of the lot line orientation other than those mentioned is to secure greater solar access or protection or control thereof. It shall be the discretion of the Commission to refuse to permit municipal boundary lines to cross any lot, and in the event of such refusal, such boundary line shall be made to constitute one of the lot lines.

- 5.2.5. Driveways: Driveways for each proposed lot shall be provided in such location and with suitable design to accommodate the motor vehicles of all persons normally using or visiting a use, building, or other structure at any one time. All driveways shall conform to the following standards and to any curb cut driveway standards established by the Zoning Regulations, or ConnDOT:
- 5.2.5.1. The maximum grade for a driveway serving a single-family dwelling shall be 15% from the street to an area sufficient to park at least two cars for each dwelling served. The maximum grade for a driveway serving a commercial use shall be 10% to an area sufficient to park at least two cars.
 - 5.2.5.2. Where substantial amounts of cuts and/or fill would be required to construct any portion of a driveway serving a single-family dwelling or dwellings, plans shall be reviewed and approved by the Director of Public Works prior to issuance of a driveway permit to ensure that adequate drainage shall be provided and that soil erosion shall be minimized.
 - 5.2.5.3. Notwithstanding the maximum permitted grades specified above, no driveway serving a single-family dwelling or dwellings, shall have a grade in excess of five percent within 35 feet of the centerline of the traveled way of the street nor within 10 feet of the street right-of-way line, whichever distance is greater.
 - 5.2.5.4. The maximum grade for new driveways access to uses other than single-family dwellings and connecting the required off-street parking area to the street, shall not exceed seven percent, except that the Commission may permit increased grades when excessive cut and/or fill would be required, provided that such grades shall not exceed ten percent.
 - 5.2.5.5. Notwithstanding the maximum permitted grades specified above, no driveway serving a use other than a single-family dwelling shall have a grade in excess of five percent within 35 feet of the centerline of the traveled way of the street, nor within 10 feet of the street right-of-way line, whichever distance greater. The Commission may require increased platform area of this type in situations where, because of the nature of the proposed use, substantial traffic volumes would be anticipated.
 - 5.2.5.6. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required above, shall be aligned at approximate right angle to the street.

- 5.2.5.7. The Commission may require that only one driveway serve a lot regardless of the amount of street frontage, if deemed necessary for public safety purposes.
- 5.2.5.8. Driveways serving the same lot shall be at least 150 feet apart (measured center line to center line), unless they are one-way driveways.
- 5.2.5.9. For residential corner lots, driveways shall be located as far from the intersection of the street lines of the lots as is practical, but a driveway shall not be located within 60 feet of such intersection. For commercial/industrial lots, driveways shall be located at least 400 feet from an intersection.
- 5.2.5.10. Joint use of driveways for non-residential uses by adjacent lots shall be encouraged.
- 5.2.5.11. The maximum driveway width shall be 30 feet, measured at and parallel to the street line, except for two-way access to non-residential uses with a raised island in the center, for which the maximum width shall be 44 feet.
- 5.2.5.12. The minimum driveway width for non-residential uses shall be 20 feet for two-way access and 12 feet for one-way access.
- 5.2.5.13. Driveways shall cross the street line so that the angle between the centerline of the driveway and a line perpendicular to the street right-of-way line, measured at such street line, does not exceed 30 degrees.
- 5.2.5.14. Clear visibility shall be provided in both directions at all exit points so that the driver of a vehicle stopped on the platform portion of any new driveway shall have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway), and so that the driver of the vehicle traveling on the highway shall have a similar view of the vehicle in the driveway.
- 5.2.5.15. For all driveways, except those serving single-family dwellings, no fence, wall, hedge, or other structure or planting shall be erected, placed or maintained in such a way as to obstruct traffic visibility across triangular area formed by the intersecting street right-of-way and driveway lines and a straight line connecting points along said street right-of-way and driveway lines, which points are located 50 feet distant from theoretical point of intersection of such lines measured along said lines. This provision shall not apply to existing trees, provided that no branches are closer than eight feet to the ground.

- 5.2.5.16. Each residential lot shall have its own driveway. Joint use or shared use of residential driveways with adjacent lots is prohibited. The Commission may waive this section of the regulations by a $\frac{3}{4}$ vote of approval to waive (6 members), provided the Commission determines a driveway is shared with no more than one adjacent building lot, the common driveway is safe, and the common driveway meets all other driveway regulations. A common driveway agreement acceptable to the Commission shall be recorded by the owner on the Watertown Land Records for each building lot having a common driveway. The recording shall be executed no later than the time the Site Plan mylars are signed by the Commission. (Effective: January 30, 2009)
- 5.2.5.17. A common residential driveway shall have a maximum grade of 10%. Paving shall be required for all portions of the driveway above 7% grade and all portions sloping toward the public roadway. The Commission shall determine the width of a common residential driveway, which shall have a minimum travel surface width of 12 feet and minimum shoulder widths of 2 feet on each side of the travel surface. The driveway travel width shall always be cleared of obstructions. There shall be at the common point of the driveway terminus sufficient clearance for a truck 45 ft in length to turn around and safely exit the driveway. The turning terminuses are not required to have hammerheads or to be paved. A Common residential driveway that exceeds 300 feet in length shall have adequately designed pull offs as the Commission requires to allow the passage of opposing vehicles. (Effective March 13, 2009)

5.3. STREETS

Streets shall be planned to conform to the Town Plan of Development and designed to provide a safe and convenient system for present and prospective traffic and to conform to the following standards:

- 5.3.1. Classification: All street shall be classified as follows:
- 5.3.1.1. Thoroughfare: A street of considerable existing or potential continuity on which traffic past abutting lots will be dominant, serving as an artery for intercommunication among larger areas of the Town or serving as a feeder to the neighborhood.
- 5.3.1.2. Local Street: A street primarily providing access to abutting residential properties.
- 5.3.1.3. Commercial/Industrial Street: A street giving direct access to or circulation within business or industrial areas.
- 5.3.1.4. Private Street: Upon written request of the applicant, the Commission may approve a proposed street as a permanent private

street only in multi-family and commercial/industrial areas, if the Commission finds that:

- 5.3.1.4.1. such street will not carry more traffic than is expected of a local street or a commercial or industrial street serving only abutting lots;
- 5.3.1.4.2. such street will not impair the orderly development of the neighborhood;
- 5.3.1.4.3. there will be safe and convenient circulation for vehicles and pedestrians including emergency vehicles; and
- 5.3.1.4.4. there will be suitable arrangements for maintenance and repair

5.3.2. Rights-of-Way Width: Streets shall have the following minimum width right-of-way according to classification:

- 5.3.2.1. Thoroughfare: 60 feet
- 5.3.2.2. Local Street: 50 feet
- 5.3.2.3. Commercial/Industrial Street: 60 feet
- 5.3.2.4. Private Street: 50 feet for residential areas; 60 feet for business and industrial areas

5.3.3. Width of Pavement: Streets shall be designed with the following width of pavement centered between street lines:

- 5.3.3.1. Thoroughfare: 40 feet
- 5.3.3.2. Local Street: 30 feet
- 5.3.3.3. Commercial/Industrial Street: 40 feet
- 5.3.3.4. Private Street: 30 feet for residential areas; 36 feet for business and industrial areas
- 5.3.3.5. Turnarounds:
 - Permanent: 50 foot radius
 - Temporary: 40 foot radius

5.3.4. Alignment: Suitable tangents shall be provided between curves and the minimum radius of curvature at the center line of streets, shall be as follows:

- 5.3.4.1. Thoroughfare: 600 feet
- 5.3.4.2. Local Street: 150 feet
- 5.3.4.3. Commercial/Industrial Street: 300 feet
- 5.3.4.4. Private Street: 150 feet for residential areas; 300 feet for business and industrial areas

Stopping sight distances as in Appendix E, page E-4 shall be provided across all horizontal curves. A sight line profile reflecting the sight line condition

shall be prepared. The construction plan shall show the proposed contours of the cleared area. A sight line easement shall be provided for those areas within the sight line area that are outside of the right-of-way.

- 5.3.5. Grade: Streets should in general follow the contours of the land. The minimum grade for any street shall be 1.0% and the maximum grade shall not exceed the following:

- 5.3.5.1. Thoroughfare: 6%
- 5.3.5.2. Local Street: 10%
- 5.3.5.3. Commercial/Industrial Street: 6%
- 5.3.5.4. Private Street: 10% for residential areas; 6% for business & industrial areas
- 5.3.5.5. Turnarounds: 3%
- 5.3.5.6. Excess Grades: The Commission, after consultation with the Director of Public Works, may approve a subdivision with grades in excess of the above when unusual conditions of topography are encountered, there is no apparent alternate layout for a street and the length of street subject to increased grade is confined to relatively short distances of approximately 600 feet or less. The Commission may approve a subdivision with grades in excess of above where lots are proposed to be subdivided on existing Town roads. At stop controlled intersection legs, the maximum grade shall not exceed 3% within 50 feet of the intersection. [Last sentence effective July 11, 2008]

- 5.3.6. Vertical Curves: Appropriate crest and sag vertical curves for transition shall be established on all streets to insure adequate sight distance in accordance with the classification of the street. See Appendix C for design requirements.

- 5.3.7. Intersections: The following standard shall apply to street intersections:

- 5.3.7.1. No more than two streets shall intersect at one point. Intersections shall be spaced not less than 400 feet apart. The Commission may waive the 400 feet spacing and change the spacing to a different number of feet with a $\frac{3}{4}$ (6 member) vote of approval to waive. The Commission shall take into consideration public safety and state on the record the reasons for waiving the intersection spacing requirements. [This sub-Section effective May 23, 2008]
- 5.3.7.2. Streets shall intersect one another at as near to a right angle as is practical. No intersection shall be at an angle of less than 60 degree.
- 5.3.7.3. At street intersections, edges of pavement shall be rounded to accommodate the turning templates of vehicle as noted in the following table and not cross the centerline of the intersecting street:

Classification of Intersecting Streets Turning Templates

T+T, T+C, C+C	WB-50
T+L, T+P, C+L, C+P	B40-R
T+L, L+P, P+P	P

T = Thoroughfare
 C = Commercial / Industrial
 L = Local
 P = Private

In addition, at commercial/industrial and local street intersections respectively, B40-R and WB-50 shall also be accommodated for turns without crossing the edge of the pavement of the intersecting streets. See templates in Appendix D.

- 5.3.7.4. Appropriate intersection sight distances shall be provided at all stop or signal controlled intersections in accordance with the classification of the street intersected. See Appendix E for design requirements. Sight line easements shall be provided for areas of the sight line triangle outside of the highway right-of-way.
- 5.3.8. Street Right-of-Way Lines: Street right-of-way lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with these Regulations. No street right-of-way shall be widened beyond the minimum width specified in these Regulations for the purpose of securing additional street frontage for proposed lots. The boundary line between a private street and public street shall be clearly delineated on the map.
- 5.3.9. Street Planning: Proposed street and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots and with due consideration for accomplishing an attractive layout and development of the land in the subdivision appropriate to provide for continuation of existing streets in adjoining area and for projection into adjoining properties when subdivided. Proposed streets which may be projected into adjoining properties shall be carried to the boundary line. Streets shall have an east-west orientation to the greatest extent possible in order to provide for orientation of lots and buildings to the south, and thereby to encourage use of passive solar energy systems.
- 5.3.10. Existing Streets: Where a proposed subdivision abuts an existing Town street or State highway, the following standards and requirements are applicable:
- 5.3.10.1. Provision shall be made for widening of the right-of-way of such street or highway to the width applicable to the classification given such street or highway by the Commission. In assigning a classification, the Commission shall take into account the standards and recommendations of the Plan of Development but where the

width of the right-of-way is not specified in such Plan, the standard shall be deemed to be 50 feet. The widening provided shall be not less than one half of the difference between the existing width and the standard width.

5.3.10.2. Where the Commission finds that an existing Town street intersecting, abutting or giving access to the subdivision has a travelway that is insufficient in width, grade, alignment, surface and/or drainage to provide adequate access for the traffic to be generated by the subdivision without undue hazards to vehicles and pedestrians, the Commission may disapprove the proposed subdivision unless:

5.3.10.2.1. The expenditures for the improvement have been recommended and approved by the Town Legislative Body and such expenditures are approved in accordance with Town Charter provisions; or

5.3.10.2.2. The plans for the subdivision include necessary improvements as set forth by the Commission. The above conditions and necessary improvements may pertain to that portion of the existing street abutting the subdivision or to the entire existing street from the subdivision to a suitable Town street or State highway.

5.3.11. Dead-end Streets: A dead-end street is a street having only one access to a through street. It is typically closed at one end by building lots and has topography, physical conditions, environmentally sensitive lands and/or public safety issues that make it temporarily or permanently impractical to extend or connect it with another proposed or existing street as determined by the Commission.

Dead end streets are permitted but not encouraged and shall provide sole access to exceed no more than 15 building lots and shall not exceed a length of 1000 feet. The Commission by a $\frac{3}{4}$ vote of all members of the Commission may approve sole access on dead end streets to exceed no more than 20 building lots, and street length shall not exceed 2000 feet if the street is safe and convenient for vehicular access including emergency vehicles.

A temporary dead-end street shall include a 50 foot right-of-way to the adjoining property at a location approved by the Commission to be conveyed to the Town of Watertown and construction of grading improvements in anticipation of future road construction to be determined by the Commission. Streets estimated by the Commission to be temporary for more than three years shall have a cul-de-sac, plantings, and all requirements of permanent dead end streets. [This sub-Section effective February 11, 2006]

5.3.12. Turnarounds:

- 5.3.12.1. A turnaround with a minimum diameter of 100 feet for the right-of-way shall be provided at the closed end of a permanent dead-end street. A turnaround with a minimum diameter of 80 feet for the right-of-way shall be provided at the closed end of a temporary dead-end street which provides sole access to one or more building lots. Grassed center islands shall be required for all permanent turnarounds.
- 5.3.12.2. The adequacy of all turnarounds shall be verified by the use of the turning template below:

<u>Classification</u>	<u>Templates</u> (See Appendix D)
Thoroughfare	WB-50
Commercial / Industrial	WB-50
Local	B40-R
Private	P

- 5.3.12.3. Hammerhead turnarounds may be permitted at the discretion of the Commission in subdivisions on the extension of paper streets where space for standard cul-de-sac turnarounds is limited. They shall be designed as shown on the Standard Detail in Appendix A. No driveways shall be permitted off the “stub” or end of the turnaround. An easement for highway purposes shall be granted to the Town for any portion of the turnaround outside the right-of-way line of the paper street. The easement line shall be at least ten feet offset from the edge of the pavement of the turnaround.

5.4. SIDEWALKS AND RAMPS

The installation of sidewalks, pedestrian walkways, or ramps may be required on thoroughfares, in pedestrian easements, on local streets in the vicinity of schools and playgrounds, and in other places deemed proper by the Commission. When sidewalks are required, construction plans for the sidewalks shall be submitted and shall be shown on the plan and profile drawings required in Section 4.3.2. All sidewalks shall be at least five feet wide.

The Commission may authorize as an option as part of the subdivision approval, the payment of a fee to a Sidewalk Fund of the Town of Watertown in lieu of installing the sidewalks, such fee to be calculated by the Director of Public Works to reflect the average cost per linear foot of such construction. All monies to be so collected shall be used exclusively for the construction of new sidewalks in areas being necessary for pedestrian safety as recommended to the Town Council by the Planning and Zoning Commission. [Last paragraph effective September 14, 2002]

5.5. STREET NAMES

All proposed streets serving one or more lots shall be named and shall bear names which are appropriate to the character of the Town and which do not duplicate or too

closely approximate in spelling or sound to existing street names in Watertown. All street names shall be subject to the approval of the Commission.

5.6. STREET TREES

Street trees may be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, and shall be located not closer than three feet behind street line on subdivision lots. Trees to be planted shall be 2 ½ inch caliper or larger measured three feet above the ground and shall have a minimum height of 10 feet. The kind of trees shall be subject to the approval of the Commission. Trees in the vicinity of utility poles and wires shall be of the variety that shall not interfere with those poles and wires. Existing trees along the proposed street which conform to these requirements may be substituted for new trees at the discretion of the Commission and when symmetrically located within the grass strip between the inside edge of the sidewalk and the back of curb. A Certificate of Zoning Compliance, required for a Certificate of Occupancy, shall be issued on a lot only after required street trees have been planted. [Last sentence added effective May 13, 2011]

5.7. CURBS AND RAMPS

Bituminous concrete curbs and ramps shall be installed along the edge of pavement of all local streets and private streets serving residential areas. Cement curbs shall be installed along the edge of pavement of all thoroughfares, commercial and industrial streets, and private streets serving business and industrial areas. Cement concrete curbs shall be installed on all corner roundings of intersecting streets.

5.8. RESERVED STRIPS

No reserved strips shall be provided in any subdivision or resubdivision, unless approved by the Commission.

5.9. MONUMENTS AND PINS

Monuments shall be located at all intersections and at all angles and points on street lines every 500 feet, to enable a land surveyor to stake out correctly any lot or street in the subdivision. Iron pins ¾ inch in diameter and thirty-six (36") inches long shall be placed at all lot corners and all major angle points and shall be flush with the proposed grade and prior to release of bond. The accuracy of location and compliance with the regulations of such monuments and property pins shall be certified in writing by a land surveyor licensed in the State of Connecticut.

All monuments and pins shall be installed in strict compliance with these regulations. All proposed modifications to monuments and pins shall require a ¾ vote of all members of the Commission. All minor modifications to monuments and pins may be granted by the Town Engineer due to the presence of ledge, utilities, site obstructions and topography. The Town Engineer shall notify the Commission of his/her decisions on a monthly basis. If in the opinion of the Town Engineer, the minor modification to monuments and pins would be significant, even if in compliance with the above standards, the Town Engineer at his/her discretion may require that it be reviewed by the Commission. An applicant may appeal the decision of the Town Engineer concerning minor modification to the monuments and pins to the Commission. This

section shall also apply to all previously approved subdivisions for which the final release of the bond has not been granted. [This sub-Section effective March 27, 2005.]

5.10. STORM DRAINAGE

Storm drainage shall be provided and designed in accordance with the following standards:

- 5.10.1. General: All street drainage facilities (catch basins, ditches and street pipes), shall be designed to accommodate the 25 year storm, using rational method, drainage area developed to maximum density at current zoning and ConnDOT gutter flow and storm sewer methods with modifications as in Appendix G. Provisions for the connections of roof, footing and curtain drains to the storm system shall be made. The Commission may request analysis of the impact of the project on the downstream area.

Catch Basin, Curb and Gutter: (a) maximum spacing shall be 300 feet or that required to intercept gutter flow before flow width equals $\frac{1}{2}$ travel lane width, whichever is closer; (b) catch basins shall be located at PC and PT intersection curb arcs; (c) headwater in catch basins shall not be greater than one foot below top of grate; and (c) use of curb and gutter or sheet flow discharge shall be evaluated and care taken not to detrimentally impact private property, especially roadway fills and with lots lower than roadways.

- 5.10.2. Street Pipes and Swales: (a) minimum pipe diameters = 15 inches; (b) minimum slope, pipe = 0.5%, swale = 1.5%, ditch lining analysis is required; (c) swales in zones with lot sizes R-70 or greater may at the Commission's discretion be evaluated as an alternative to street storm sewer system (see Appendix A); and (d) driveway culverts to be designed and specified on the plan as shown in Appendix A and headwater not to be greater than one foot below driveway edge or other critical feature.

- 5.10.3. Detention Basins: (a) variable storm outlet designed for zero percent increase at 2-10-25-50 year frequency with spillway designed for 100 year frequency; (b) RCP $\frac{1}{2}$ pipe set in basin bottom as low flow channel with diameter equal to inlet pipe; (c) sloped bottom (1.5% minimum); and (d) 15 foot accessway and berm top width, 3:1 max side slopes; analyze hydrological effect of basin flow on receiving stream flow at confluence of flows.

- 5.10.4. Drainage Structures: Structure provided primarily for the passage of water from one side of the roadway to the other shall be divided into the following classes:

- 5.10.4.1. Minor Structures: These shall include pipe box culverts and bridges providing waterways for the drainage of adjacent land, in which there is no established watercourse, having a drainage area less than one square mile.

Minor structures shall be designed to pass 25 year frequency discharge determined by the appropriate means. The water surface upstream at design discharge shall not be elevated so as to damage developed property or endanger the highway.

- 5.10.4.2. Small Structures: These shall include pipe or box culverts or bridges providing waterways for the drainage of areas of less than one square mile in which there is an established watercourse.

Small structures shall be designed to pass a 50 year frequency discharge similarly determined. Effects of a discharge equal to the 100 year flood passing through the proposed constructions shall be investigated. Where a likelihood of danger of persons, extensive property damage or other than temporary interruption of traffic will exist under these conditions, increases in waterway or other improvements shall be provided to alleviate the danger.

The water surface upstream shall not be elevated so as to endanger the roadway or damage private property. At the upstream highway property boundary, the elevation shall generally be not more than one foot above that which would be obtained in the existing stream at design discharge if the highway embankment were not constructed, unless damage to developed property would occur at a lesser elevation.

For minor and small structures design discharge is less than 500cfs, the water surface used at the inlet to determine the culvert size shall generally be based on the allowable headwater (AHW) minus one foot for freeboard. The AHW is one of the critical items to be considered and shall be indicated on the culvert computation form. The AHW is determined or limited by the elevation of the highway, sill of a building, etc. Each culvert design shall be considered individually based on the AHW and topography adjacent to its inlet.

Careful consideration shall be given to the effect of the selected design water surface on abutting private property. In general, the backwater effects shall be contained within the highway taking lines unless there is a deep ravine to contain the flow approaching the culvert shall also be exercised to be certain that the headwater is reasonable and not excessive.

At all culvert inlets the approximate limits of flooded area covered by the headwater shall be shown on the plans submitted for review. These limits shall not be shown on the final plans. If this area is beyond reasonable survey limits at 40 scale it may be shown on USGS or other topographic mapping. Culverts shall be designed with the aid of portions of FHWA, Hydraulic Design Series No. 5, "Hydraulic Design of Highway Culverts" as presented in Appendix

I. Where successive culverts are utilized on a project and the flow in upper culverts is affected by headwaters in the lower culverts, a water surface profile and appropriate computations shall be submitted for review.

5.10.4.3. Intermediate Structures: These shall include pipe or box culverts or bridges providing waterway for the drainage of areas larger than one square mile and less than 10 square miles. Intermediate structures shall be designed to pass a discharge equal to 100 year flood with reasonable under clearance and a backwater usually not to exceed one foot and which will not endanger the roadway or cause damage to developed property upstream. The effects of a discharge equal to the 500 year flood passing through the proposed constriction shall be investigated. Where a likelihood of danger to persons, extensive property damage or other than temporary interruption of traffic will exist under these conditions, increased in waterway or other improvements shall be provided to alleviate the danger.

5.10.4.4. Large Structures: These shall include pipe or box culverts or bridges providing waterway for the drainage of areas larger than 10 square miles and less than 1,000 square miles. Large structures shall normally be designed to pass a discharge equal to the 100 year flood with an under clearance generally not less than two feet and an increase in water surface elevation at the upstream highway property line of not more than one foot above that which would have been obtained in the natural channel of the highway embankment were not constructed. This elevation may be decreased as needed to avoid damage to developed property upstream.

Rating curves for large structures shall be required in order to better enable reviewers to determine the probabilities of danger of persons or property for floods of various return frequencies. These rating curves shall be extended far enough to determine the effects of a recurrence of the flood of record, if such flood is greater than the design discharge. They shall, in all cases, show the effects of 50 year, 100 year and 500 year frequency storms.

5.10.5. Minimum Pipe Coverage: The minimum cover over pipe shall be four feet from the invert but, in no case shall be less than two feet over the top of the pipe.

5.10.6. Stormwater Manholes: Manholes shall be provided at each change in direction or grade of the pipe and shall not be spaced more than 400 feet apart.

5.10.7. Discharge: The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into Town drains, paved ditches or other Town drainage facilities with adequate capacity to carry additional water. Where the discharge shall be into private property adjoining the proposed subdivision,

proper easements and discharge rights shall be secured by the applicant for the Town before approval of the record subdivision map and acceptance of the drainage plan. When discharge is into existing Town drainage facilities not capable of handling the additional water, the existing facilities shall be replaced by the developer to adequately carry the flow based on the design storm.

5.11. PUBLIC WATER SUPPLY AND SANITARY SEWAGE SYSTEMS

Public water supply and sanitary sewage systems shall be provided for subdivisions and re-subdivisions in areas generally supplied with such services. Any public water supply or sanitary sewage systems shall be designed and constructed in accordance with requirements set forth by the Water and Sewer Authority and approved by the Superintendent of the Water and Sewer Authority, by appropriate Town ordinances, and by standards applicable to the area in which the subdivision is situated.

- 5.11.1. Sanitation Report: When on-site sewage disposal is to be provided, soil testing for on-site sewage disposal systems shall be conducted in accordance with Appendix J. At least three deep test pits and two percolation tests are required on each lot. Two deep test pits in the primary and one in the reserve. The Health Services Agency shall be present to witness the soil testing. Field testing shall be scheduled sufficiently in advance to allow for a submission of the proposed final plan to the Health Services Agency for review at least three weeks prior to the anticipated formal submission to the Commission. A copy of the proposed plan shall be provided to the Health Services Agency for review and field testing purposes. A letter from the Health Services Agency shall be submitted to the Commission certifying the land to be subdivided and subdivision plans are satisfactory for on-site sewage disposal systems.
- 5.11.2. When a subdivision is to be served by the municipal Sanitary Sewer System, a letter from the Water and Sewer Authority shall be submitted to the Commission noting review of the proposed sanitary system and indicating accessibility and feasibility of the proposal.
- 5.11.3. No community sewage systems are allowed as such systems are defined in Section 7-245 of the General Statutes.
- 5.11.4. In areas where public water supply or sanitary sewage systems are not available, dry lines shall be installed in new and/or reconstructed streets at the discretion of the Commission, when in the opinion of the Water and Sewer Authority the extension of lines to the area will be accomplished within the next four years. Detailed design drawings of the lines shall be approved by the Water and Sewer Authority and shall incorporate good engineering design standards and Town policy.

5.12. EASEMENTS

Easements, 25 feet minimum in width, shall be provided for all public water, storm water, and sanitary sewer pipes which will not be installed in streets to be dedicated to the Town. Easements at least 15 feet in width shall also be provided for the full width

of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street or streets likely to be constructed in the future on unsubdivided land within the watershed. Water and sewer shall be in separate easements.

- 5.12.1. Pedestrian Easement: In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the provision of 15 foot easements for the establishment of pedestrian ways.

5.13. CHANNEL ENCROACHMENT LINES

Channel and building lines may be required along any stream or river for the purpose of preventing encroachment upon and construction within the floodplain by buildings, filling operations or other facilities and construction. Should channel encroachment lines be required, the width of the floodplain shall be based upon sound engineering calculations anticipating long range storms and flow potentials and recognizing proper alignment and gradients of the channel. The Commission may also require the provision of encroachment lines around other watercourses, wetlands, and natural features that are to be preserved. A note shall be placed on the record subdivision map explaining the encroachment lines and stating the restrictions in a manner approved by the Town Attorney.

5.14. NATURAL FEATURES

The planning of any subdivision, including streets, drainage, other improvements and building lots, shall give due regards for the preservation and potential enhancement of natural features of the tract, including, but not limited to mature trees, or other plant materials which will serve as wind barriers and aid energy conservation, scenic points, wetlands, watercourses, soils resources and other assets of a community nature.

5.15. ENERGY, EFFICIENCY AND CONSERVATION

The applicant shall demonstrate to the Commission that in developing the subdivision plan, the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after any available tax credits, subsidies, and exemptions, has been considered (See Appendix B). Such techniques shall maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain, and provide 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 manmade topographical features; and (5) protection of solar access within the development. A written statement outlining how this requirement has been adhered to shall be required as follows:

- 5.15.1. All subdivisions shall be planned and designed to encourage energy efficient development patterns and the use of renewable energy forms through use of as many of the following guidelines as possible:

- 5.15.1.1. Where natural features or other planning considerations do not limit street layout and location, streets should have an east-west orientation to the greatest extent possible with acceptable variations up to 15° north or south of due east to provide for southerly building orientation.
 - 5.15.1.2. Lot lines may be oriented in a fashion other than that provided in Section 4.19 if such orientation is necessary to secure, protect, or control solar access.
 - 5.15.1.3. Existing vegetation and natural terrain located to the north of any proposed structure which serves as a wind barrier should remain intact. Other methods of providing for manmade wind barriers, such as earth mounds, should be encouraged, as appropriate.
 - 5.15.1.4. The location and designation of open spaces, parks, and playgrounds, should take into account the energy requirements, particularly for solar and wind access, of the subdivision as follows:
 - 5.15.1.4.1. If the maximum possible number of lots have good solar or wind access, land reserved for open space should be located so as to avoid the creation of lots without good solar or wind access; or
 - 5.15.1.4.2. If land is such that few lots can be provided with good solar access, land for open space should be located on land which has good solar or wind access in order to provide for future use of community energy systems.
 - 5.15.1.5. The designation and reservation of land for open space, parks, playgrounds, or their public uses should not preclude its use in meeting community energy requirements. Such areas may be used to locate facilities, subject to any other applicable requirements of these Regulations and Town Zoning Regulations.
 - 5.15.1.6. Species of street trees should be chosen taking into account their suitability in relationship with solar access objectives. Street trees should be located in such a manner as to avoid shading the most southerly side of proposed structures in order to facilitate the use of solar energy systems.
- 5.15.2. In determining whether adequate solar access is available to proposed building locations, the Commission will also utilize the “Solar Access Setback Overlay” available at the Planning and Zoning Office, using the procedure contained in the Memorandum titled “Procedure for Evaluating Solar Access as required by the Subdivision Regulations of the Town of Watertown.”

5.16. REQUIREMENTS REGARDING FLOODING

Land subject to flooding, as identified on the Federal Administration Flood Insurance Rate Map (FIRM) on file with the Town Clerk and Planning and Zoning Office, shall not be subdivided unless the following conditions are met:

- 5.16.1. The Commission determines that the proposed subdivision is reasonably safe from flooding and when a subdivision is proposed in a special Flood Hazard Area, as shown on the FIRM, it shall be reviewed to assure that:
 - 5.16.1.1. All proposals are consistent with the need to minimize flood damage within the flood-prone area.
 - 5.16.1.2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
 - 5.16.1.3. Adequate drainage is provided to reduce exposure to flood hazards.
 - 5.16.1.4. New and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into systems.
 - 5.16.1.5. New and replacement sanitary systems are designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into flood waters.
 - 5.16.1.6. On-site disposal systems are located to avoid impairment of them or contamination from them during flooding.
- 5.16.2. Applicants for subdivisions within special Flood Hazard Areas shown on the town's FIRM shall be required to submit within their applications a copy of these materials demonstrating that the flood-carrying capacity shall be maintained with any altered or relocated portion of any water course.
- 5.16.3. The Commission, in cooperation with the Building Official and the Zoning Enforcement Officer, shall notify riverine situations, adjacent communities, the applicable Regional Planning Agency, and the Connecticut Department of Environmental Protection prior to approving any alteration or relocation of a water course, and submit copies of such notices to the Federal Insurance Administrator.

5.17. CONFORMITY WITH ZONING

All subdivision plans shall conform to the pertinent requirements of the towns Zoning Regulations.

5.18. NATURAL FEATURES AND AMENITIES

- 5.18.1. General: Existing features which would add value to residential development or the town, as a whole, such as trees, wetlands and watercourses, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any proposed subdivision nor any change of grade

of the land affected until approval of the subdivision has been granted. All trees on the plan required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade.

- 5.18.2. Clearing Lines: The Site Development Plan shall show the vegetation clearing line and shall further indicate all trees marked for retention and the location of all proposed shade trees required along the street side of each lot, as required by these Regulations.
- 5.18.3. Shade Trees Planted by Applicant: As a requirement of Subdivision approval, the applicant shall plant shade trees on the property of the proposed subdivision, except where, in the opinion of the Commission, existing trees are to be retained by the applicant in sufficient number and location to meet the intent of this section. Such trees are to be planted on both sides of the street and shall be located at least 3 feet from the right of way and no more than 20 feet from the right of way on streets within and abutting the subdivision. Where required, one tree shall be planted every 50 feet of frontage along each street. Determination of precise locations for trees shall consider future possible locations of driveways and utility connections. New trees to be planted pursuant to these Regulations shall be approved by the Commission's agent, shall be nursery grown, of specimen quality, balled and burlapped, straight-stemmed, and free from disease. Such trees shall have a minimum trunk diameter (measured 12 inches above ground level), of not less than 2 ½ inches in caliper, and shall be guaranteed by the applicant for growth with a three year cash bond from the time of planting or replanting. Only long-lived shade trees such as Sugar Maple, Pin Oak, Red Oak, London Plane, or other species acceptable to the Commission shall be planted. (Effective: January 30, 2009)

5.19. UNDERGROUND ELECTRIC TRANSMISSION, TELEPHONE & CABLE TV

Underground electric transmission lines, telephone lines and cable television lines shall be installed in each proposed subdivision, unless a waiver is granted in accordance with Section 3.4.9. In determining the feasibility of underground installation, the Commission shall refer to the detailed soils survey prepared by the Natural Resources Management Agency, information on the subdivision plan, site investigation by the Director Public Works and consultation with the authorized representative of the utility or telephone company.

SECTION 6 - IMPACT STATEMENT REQUIREMENTS

6.1. PURPOSE

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

6.2. EVALUATION

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

6.3. SIGNIFICANT PROPOSALS REQUIRING IMPACT STATEMENTS

6.3.1. Those subdivision plans proposed to include 50 acres or 50 lots, whichever is less, immediately or in the future.

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

6.3.3. Those subdivision plans irregardless of acreage or number of lots may be required to submit an impact statement if the Commission deems that the plan will have an impact in terms of drainage, traffic, groundwater quality or quantity or environmental impact. [This sub-Section effective June 23, 2000]

6.4. WAIVER

The Commission may waive any or all of the requirements when, in the opinion of the Commission, enforcement of these would not serve the Purpose set forth in Section 6.1 hereinabove. The Commission shall give full consideration to the size and extent of the proposal in deciding on the information required. To assist the applicant in the procedures, the Town will provide access to certain data necessary for the preparation of the impact statements. This data shall be available in the Planning and Zoning Office, unless otherwise indicated

6.5. INFORMATION TO BE MAINTAINED BY THE TOWN-GRAPHIC

The Commission, in its review shall note which of the following information it wishes the applicant to provide:

- 6.5.1. Map(s) indicating the Town's Plan of Development and subsequent updates.
 - 6.5.2. Map(s) indicating existing legal constraints on the land via property line ownership (Assessor's Office).
 - 6.5.3. Map(s) indicating existing land use.
 - 6.5.4. Map(s) showing inland wetlands and watercourses.
 - 6.5.5. Map(s) showing soil conditions, slopes and soil classifications.
 - 6.5.6. Map(s) indicating land filed under P.A. 490 for farm, forest, and open spaces.
 - 6.5.7. Map(s) showing historic districts.
 - 6.5.8. Map(s) showing existing road conditions and types of pavement.
 - 6.5.9. Map(s) showing latest traffic counts for State highways.
 - 6.5.10. Map(s) indicating flood hazard boundaries, National Flood Insurance Administration.
 - 6.5.11. Map(s) indicating potential aquifer areas.
 - 6.5.12. Map(s) indicating watershed regions in Town.
 - 6.5.13. Map(s) indicating U.S.G.S. topographic lines.
 - 6.5.14. Map(s) of recent or planned intersection changes, bridge construction and road alignments.
 - 6.5.15. Map(s) indicating major utility distribution lines, above ground and underground.
 - 6.5.16. Map(s) indicating culvert location and land drainage areas.
 - 6.5.17. Map(s) indicating police and fire locations in Town.
- 6.6. INFORMATION TO BE MAINTAINED BY THE TOWN-REPORTS
- 6.6.1. Sewer study reports.
 - 6.6.2. Water system regulations.
 - 6.6.3. Surface water drainage and street study.
 - 6.6.4. Current Zoning and Subdivision Regulations.

- 6.6.5. Current Plan of Development
- 6.6.6. Standard specification and details.
- 6.6.7. Inland Wetlands and Watercourse Regulations.
- 6.6.8. Permit Manual for work on Town highways, driveway openings, etc.

6.7. OPEN SPACE

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

SECTION 7 - OPEN SPACE AND RECREATIONAL AREAS**7.1. DISPOSITION**

For any subdivision of land under these Regulations, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this Section, “open space or recreation areas” shall be defined to include, but not be limited to: areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like.

In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider Plan of Development objectives and map designations and the subject site’s characteristics with respect to the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, ledge cutcroppings and other unusual physical features; the protection of historic or archeological sites; the expansion of existing open space and recreational areas and the meeting of the 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 spaces on adjoining properties owned by any public or private institution.

In addition the Commission may consider areas adjacent to Town streets with features such as large trees and stone walls and which would retain the rural character of Watertown. [This paragraph effective June 23, 2000]

7.2. SIZE

When open space and/or recreation area disposition is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site’s value and importance in meeting the objectives cited in Section 7.1 and the scope of the subdivision proposal. Required open space and/or recreation areas may be up to ten percent of the property under consideration. In determining the total land to be reserved as open space or recreation land, the Commission may consider not only the tract or tracts of land immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map. This provision shall apply to all subdivisions, irrespective of the acreage or the number of lots. [Last sentence effective June 23, 2000]

7.3. METHOD OF DISPOSITION

The Commission shall determine the most appropriate method of disposition considering, among other things, the relationship of the subject areas(s) and its specific characteristics to the Plan of Development and the objectives cited in Section 7.1; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- 7.3.1. Perpetual dedication to the Town.
- 7.3.2. Perpetual dedication to the State.
- 7.3.3. Perpetual dedication to a land trust (at the option of the subdivider).
- 7.3.4. Dedication to a homeowners' association (see Section 7.7).
- 7.3.5. Utilization of conservation restriction(s), with or without public access.
- 7.3.6. Utilization of a recreation easement.
- 7.3.7. Private ownership with the appropriate taking of development rights.
- 7.3.8. Any combination of the above or any suitable alternative approved by the Commission.

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

7.4. REFERRALS

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

7.5. CONDITIONS OF OPEN SPACES AND/OR RECREATION LAND

- 7.5.1. Open space and/or recreation areas typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. All such areas shall include access roadways to be graded and improved in a manner suitable for safe pedestrian and vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall typically be 20 feet wide, have an adequate base, adequately drained, with right-of-way adequate to accommodate the road pavement and have a slope no greater than 12%.
- 7.5.2. 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 as may be required by the Commission, open space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris. The Commission may require that any land to be dedicated for recreational use be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to depth of four inches; be seeded with low maintenance grass seed and be otherwise improved so that the land is left in a condition appropriate to the intended use. The Commission need not accept land composed entirely or substantially of inland wetlands in

satisfaction of the requirements of this Section, unless it considers such areas to have special habitat or other environmental value.

- 7.5.3. When site improvements are required, they shall be clearly shown on the official subdivision maps or alternatively on a separate Site Development Plan and they shall be approved by the Commission prior to the filing of the Subdivision Plan.
- 7.5.4. The Commission requires that at least 50% of the land designated as open space shall be land classified as Upland Soil by the Litchfield County Soil Survey, Litchfield, Connecticut.

The Commission may waive this requirement if the applicant demonstrates that the designation of additional upland areas as open space will result in the preservation of site features as aforementioned, that would not be protected otherwise or the Commission determines that the non-upland areas have special habitat or are more environmentally significant. [This sub-Section effective June 23, 2000]

7.6. ENFORCEMENT BONDING

To ensure proper construction of any required improvements, the Commission shall require the subdivider to post a performance bond in an amount and with terms acceptable to the Commission. Unless modified by the Commission in accordance with Section 3.4.9, all required improvements of open space and/or recreation land shall be completed prior to the occupancy of 50% of the dwellings within the subdivision.

7.7. HOMEOWNERS' ASSOCIATION

The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an association of property owners in the subject subdivision. Such transfer shall be in accordance with standards established by the Commission to include, but not be limited to, the following which:

- 7.7.1. Establishes a mandatory participation in an association of property owners to maintain the land reservation for open space, park and/or playground purposes, with power to assess all members for all necessary costs.
- 7.7.2. Shall be binding on all future property owners.
- 7.7.3. Shall be perpetual.
- 7.7.4. Shall not be affected by any change in zoning or land use.
- 7.7.5. Shall assure adequate maintenance.
- 7.7.6. May be enforced by the Town by appropriate legal action.

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

7.8. LEGAL TRANSFERRAL

Properly executed legal documents, including warranty deeds for any title transferals, shall be prepared in accordance with the provision of this Section and shall be submitted in triplicate with the final subdivision map to be filed. All documents shall be acceptable to the Town Attorney and Planning staff 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 and/or recreation areas. 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 and/or recreation area by the Town.

7.9. DECICATION 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 Section shall be complied with. The Commission may consider such a municipal dedication as a credit toward any open space and/or recreational area disposition requirements.

7.10. PAYMENT OF FEE IN LIEU OF OPEN SPACE

7.10.1. In accordance with General Statutes 8-25, as amended by Public Act 90-239, Section 1, the Commission may authorize a subdivider to pay a fee to the Town in lieu of the disposition of land by one of the methods set forth in Section 7.3 hereinabove. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that there are inadequate areas in the subdivision which merit preservation by one of the methods set forth in Section 7.3, or that there are other areas in the Town where preservation would be more beneficial to the public health, safety and welfare.

7.10.2. In the event that such authorization is granted by the Commission, such payment or combination of payment and the fair market value of land transferred shall be equal to not more than 10% of the fair market value of the land to be subdivided prior to approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the subdivider. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund. Such fund shall be solely for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

- 7.10.3. The said payment obligation shall be secured by a lien against each lot in the subdivision which shall be filed at the time the final subdivision plans are filed in the Office of the Town Clerk. The said lien shall be in a form approved by the Commission, and shall be unencumbered by any mortgage or encumbrance having priority over said lien, as evidenced by a Certificate of Title.

7.11. EXEMPTIONS FROM FEE IN LIEU OF OPEN SPACE REQUIREMENTS

In accordance with Public Act 90-239, Section 1, the provisions of this Section shall not apply if:

- 7.11.1. The transfer of all land in a subdivision of less than five 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 void the subdivision in accordance with the provisions of these Regulations.
- 7.11.2. The subdivision is to contain affordable housing, as defined in Section 8-39a of the General Statutes, equal to 25% 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 void those subdivision lots in accordance with provisions of these Regulations.

SECTION 8 - CONSTRUCTION STANDARDS

8.1. GENERAL

All required subdivision improvements shall be constructed in accordance with the standards hereinafter specified and APPENDIX A Standard Details.

8.2. INSPECTION

8.2.1. All subdivision improvements to be dedicated to the Town shall be inspected by the Director of Public Works or his designated agent. Prior to commencement of construction, the developer shall arrange with the Director of Public Works for the employment of an inspector to supervise the installation of all improvements. Such inspector shall be an individual(s) approved by the Director who shall report as required to the Commission, and all fees and expenses of such inspector shall be payable to the Town in accordance with An Ordinance Establishing Fees For Planning and Zoning. Prior to commencement of any work, a preconstruction meeting must be held with the Director, the designated inspector, the applicant's contractor and the Town Planner.

8.2.2. Inspections shall be made at the following stages of construction at a minimum:

8.2.2.1. Installation of soil erosion control measures.

8.2.2.2. When rough grading is complete. (Roadways shall be rough graded from street right-of-way to street right-of-way).

8.2.2.3. When drainage and all other underground facilities are being installed.

8.2.2.4. During construction of street base courses.

8.2.2.5. During construction of bituminous concrete surface and binder courses.

8.2.2.6. When curbing is being installed.

8.2.2.7. During the construction and installation of any sidewalks.

8.2.2.8. Backfilling behind curbs.

8.2.2.9. A final inspection shall be made when all improvements have been completed and before acceptance by the Commission.

The Commission and its authorized representatives shall have authority to enter upon the subject property in order to inspect construction and/or determine compliance with the Subdivision Plan as approved, until all subdivision improvements have been completed and all sureties have been released. The

consent to inspect shall include the authority to take samples, corings, and conduct other tests as deemed appropriate to determine compliance with the Subdivision Regulations and the approved Plan. Said right to enter shall include the right to correct violations in accordance with the performance bond.

- 8.2.3. The developer shall not proceed to work on any stage subsequent to the first stage until such inspection has been made by the Director of Public Works or his designated agent, on the preceding stage and approval has been obtained on the preceding stage. At least 48 hours notice, excluding Sundays and Holidays, shall be given by the developer to the Director or his designated agent for each inspection.

8.3. STREETS

Streets shall be constructed in accordance with the following standards:

- 8.3.1. Cross Section: Pavements shall be constructed with a cross slope of 0.033' / sq. ft.; a six inch crown in 30 foot wide pavements and eight inch crown on 40 foot wide pavements. A 10 foot sidewalk area shall be provided on each side of the pavement. The sidewalk area shall be graded with a cross slope of 1/4 inch per foot pitching toward the curb as provided in Appendix A.

Normal street cross sections shall be crown at the center at the pavement. Super elevated street cross sections shall be provided where required by the Director of Public Works and be designed pursuant to current ConnDOT geometric standards.

- 8.3.2. Subgrade: Subgrades shall be formed from right-of-way line to right-of-way line. All trees and roots shall be stripped to below the base course of the pavement and for the full width of the pavement. All soft spots, peat, organic material, soft clay, spongy soil, boulders and unsuitable material shall be removed and replaced by material approved by the Director of Public Works or his agent. All fill that is placed to the elevation of less than three feet above water table at the time of filling shall consist of rock, or free draining soil. The subgrade shall be rolled to 95% of the modified proctor density.

- 8.3.3. Base Course: Upon the prepared subgrade shall be spread a uniform gravel or broken stone surface which shall have a minimum depth after compaction of 12 inches. Where ledge rock is encountered the depth shall be increased as requested by the Director of Public Works or his agent. Prior to placing, all surfacing material shall be approved by the Director of Public Works or his agent. The base course shall be rolled to 95% of the modified proctor density. Gravel shall meet current ConnDOT Specifications.

- 8.3.4. Surface Course: On the prepared and approved base course there shall be spread by a mechanical paver, acceptable to and approved by the Town Engineer, a surface of two course bituminous concrete, which after compaction shall not be less than four inches thick and which shall conform to the approved lines and grade. The first course shall be 2 ½ inches thick after compaction and shall be Class 1 Bituminous Concrete Pavement binder course. The second

course shall be 1 ½ inches thick after compaction and shall be a Class 2 Bituminous Concrete surface course. All material shall conform to ConnDOT Specifications for this type of pavement. Compaction shall be obtained and procedure shall be as specified by ConnDOT Specifications for this type of pavement. In locations where bituminous concrete curbing is to be installed, the pavement shall extend a minimum of one foot outside the face of the curb.

- 8.3.5. Underdrains: The Director of Public Works may require the installation of underdrains beneath the street pavement where necessary to protect the stability of the pavement.
- 8.3.6. Slopes: Cut or fill sections beyond the ten foot sidewalk area shall not exceed a slope of 3:1 in areas where lawns are expected to be planted and maintained or a 2:1 in other areas except in rock. The Director of Public Works may require a decrease in the amount of slope to whatever extent is necessary to maintain the stability of the bank under the particular soil conditions, improve the maintainability of the side slopes or eliminate the need for rail guides. All earth surfaces of slopes, and areas that have been disturbed in any way due to grading and construction of the streets and/or sidewalks, shall be covered with a minimum of five inches of top soil and suitably seeded and planted to prevent soil erosion. The Director may require the removal of sight line obstructions adjacent to street intersections or on curves in order to assure adequate sight distance and according to the current ConnDOT standards. No cut or fill sections beyond the ten foot sidewalk area shall extend into property outside the subdivision or property not owned by the applicant unless appropriate temporary slope rights are obtained; in the absence of such slope rights, appropriate retaining walls shall be constructed within the subdivision to prevent encroachment upon adjoining property. Applicant shall deliver appropriate documentation to indemnify and save harmless the Town of Watertown in connection with slope construction in situations where conditions in the judgment of the Director of Public Works indicate potential liability to the Town.
- 8.3.7. Construction Procedure: Limit of work and line and grade stakes shall not be spaced more than 50 feet apart and shall be set by a land surveyor or engineer and maintained in good order during construction.
- 8.3.8. Topsoil Removal: No topsoil or loam shall be removed from any subdivision until all building construction within the subdivision is completed or unless written permission is given jointly by the Director of Public Works, Town Planner, and if applicable, the Health Services Agency, for removal of said material. Said topsoil or loam (minimum of five inches) shall be redistributed evenly on all disturbed areas.

8.4. STORM DRAINAGE

Storm drainage shall be constructed in accordance with the following standards:

- 8.4.1. Pipe: All pipe used within the street right-of-way shall be reinforced concrete, meeting ConnDOT specifications. Metal and plastic pipe, where allowed, shall be of the size and type approved by the Director of Public Works.
- 8.4.2. Ditches: All open ditches shall be paved with an erosion resistant material justified by design and in a manner approved by the Director of Public Works. Riprap ditches shall be on gravel bedding with filter fabric separation between rock and gravel.
- 8.4.3. Joints: The joints of all reinforced concrete pipes shall be of the "O" ring type.
- 8.4.4. Catch Basins, Drop Inlets and Manholes: Catch basins and manholes shall be constructed in accordance with good engineering practice and in accordance with ConnDOT standards, with the exception that manhole frames and covers shall conform to Campbell Foundry pattern #1202 with "WTN" on cover.
- 8.4.5. Backfill: Where the drainage pipe is necessary to serve as an under-drain for the street or to control the water table, the trench around and over the pipe shall be backfilled with bank run gravel as approved by the Town Engineer.

8.5. MONUMENTS

All monuments shall be made of stone or concrete with reinforcing rod, thirty (30") inches and four (4") inches square and marked with a hole or a cross. Such ferrous material shall be placed adjacent to the monuments as an aid to recovery. Each monument shall be set so that the marked center of the top shall be the point of reference. The monuments shall be set flush to the ground after all other street development is completed. The accuracy of the location and compliance with the regulations of such monuments and property pins shall be certified in writing by a land surveyor licensed in the State of Connecticut.

All monuments and pins shall be installed in strict compliance with these regulations. All proposed modifications to monuments and pins shall require a $\frac{3}{4}$ vote of all members of the Commission. All minor modifications to monuments and pins may be granted by the Town Engineer due to the presence of ledge, utilities, site obstructions and topography. The Town Engineer shall notify the Commission of his/her decisions on a monthly basis. If in the opinion of the Town Engineer, the minor modification to monuments and pins would be significant, even if in compliance with the above standards, the Town Engineer at his/her discretion may require that it be reviewed by the Commission. An applicant may appeal the decision of the Town Engineer concerning minor modification to the monuments and pins to the Commission. This section shall also apply to all previously approved subdivisions for which the final release of the bond has not been granted. [This sub-Section effective March 27, 2005.]

8.6. GUIDE RAILS

RI type metal guide rails or traffic-safe alternative approved by the Commission shall be installed along all streets where there will be an embankment steeper than 4:1 and with a height of four feet or more, where the embankment is within 30 feet of the proposed pavement. Guide rails are not required on any embankment of 4:1 or flatter.

8.7. CURBS

The bituminous concrete or cement concrete curbing shall conform to ConnDOT standards. The curbing shall slope down smoothly at driveway approaches. All driveway cuts shall have a lip of a minimum of 1½ inches across the entire width.

8.8. SIDEWALKS

Sidewalks shall be constructed of Portland Cement concrete and shall conform to ConnDOT standards. Where driveways are to cross sidewalks, thickness of the walk shall be eight inches and reinforced with a welded wire mesh.

8.9. STREET SIGNS

Street name signs and posts shall be provided and installed by the subdivider at all intersections in accordance with Town specifications.

8.10. DRIVEWAY APRONS

All driveways shall have paved bituminous concrete aprons. Driveways in areas with sidewalks and grass strips shall have paved aprons between the curb and the sidewalk. Driveways in areas without sidewalks shall have paved aprons from the curb to at least the street line. Those paved aprons that serve lots lower than the street shall be bermed so as to provide at least six inches of elevation from road gutter to crest of berm before beginning the downgrade to the lot in order to prevent gutter flow from running down the driveway. All driveway aprons shall be constructed to ConnDOT standards.

8.11. STREET LIGHTING

Street lights, where required, shall conform to Northeast Utilities Standard DTR 21.515 and/or other lighting utilizing Northeast Utilities Standard in conformance with neighborhood character.

8.12. TRAFFIC CONTROL DEVICES

All traffic control signs shall conform in shape and message to the requirements to the Manual of Uniform Control Devices. The reflective faces shall be of the enclosed lens type, standard engineer grade. Metal posts shall be Type B, 3#/ft. Sign blanks thickness shall be 0.080" aluminum. All manufacturing processes, material specifications, hardware requirements and installation procedures shall conform to ConnDOT specifications. All other traffic control devices, delineators, pavement markings, etc. shall be as required by the Director of Public Works and shall conform to ConnDOT specifications.

8.13. ADDITIONAL REQUIREMENTS

All construction drawings shall contain the following notes: (1) Additional work and modification to this plan may be required by the Director of Public Works and the Town Planner as field conditions warrant; (2) Prior to the acceptance of subdivision improvements, all areas disturbed during the construction of the public facilities shall have the turf vigorously established and mowed at least once; and (3) Prior to the acceptance of subdivision improvements, all catch basins shall be cleaned, roads swept, detention basins dredged to drain as necessary and cleared of brush.

8.14. IMPROVEMENTS ACCEPTANCE

Prior to the acceptance by the Commission of off-site improvements, the Director of Public Works shall inspect such improvements for compliance with these Regulations and any conditions of subdivision approval. A recommendation by the Director shall be forwarded to the Commission.

**WATERTOWN
PLANNING & ZONING COMMISSION**

**SUBDIVISION REGULATIONS
APPENDICES**

The following Appendices **are not** part of the Subdivision Regulations and are presented for information purposes only. Unofficial copies of the Appendices are on the Town of Watertown web site, www.watertownct.org in sub-menus “Departments” and “Planning and Zoning” and “P&Z Regulations and Plan”. Official copies of the information purposes only Subdivision Regulations Appendices are in the office of the Watertown Planning and Zoning Department.

**APPENDIX A – TITLE BLOCK AND CONSTRUCTION DETAILS
APPENDIX B – PROCEDURE FOR EVALUATING SOLAR ACCESS
APPENDIX C – VERTICAL CURVES
APPENDIX D – TURNING TEMPLATES
APPENDIX E – INTERSECTION SIGHT AND STOPPING DISTANCES
APPENDIX F – SOIL EROSION AND SEDIMENTATION CONTROL
APPENDIX G – ConnDOT GUTTER FLOW AND STORM SEWER METHODS
APPENDIX H – [BLANK]
APPENDIX I – DESIGN OF HIGHWAY CULVERTS
APPENDIX J – TORRINGTON HEALTH DISTRICT APPLICATION**

The following Appendices **are** part of the Subdivision Regulations.

APPENDIX S – SUBDIVISION DEVELOPMENT AGREEMENT

APPENDIX S – SUBDIVISION DEVELOPMENT AGREEMENT
(Effective August 13, 2010)

SUBDIVISION DEVELOPMENT AGREEMENT

[Name of the Subdivision Development]

1. Parties to Agreement

This Subdivision Development Agreement (hereinafter referred to as the “**Agreement**”) is made by and between _____ *[Owner of Subject Property]* (hereinafter referred to as the “**Developer**”), which is the owner of the property to be developed, having its principal office and place of business at _____ *[Address of Developer]*, and the Watertown Planning and Zoning Commission, a municipal corporation having its territorial limits within the County of Litchfield and the State of Connecticut and its principal office and place of business at 51 Depot Square Business Center, Suite 502, Watertown, Connecticut (hereinafter referred to as the “**Commission**”). The following terms and conditions are mutually agreed to and understood by the parties to this Agreement and are binding on all successors, heirs, and assigns:

2. Purpose of Agreement

The purpose of this Agreement is to spell out the terms, conditions, duties, and obligations of the Developer and the Commission in regards to the construction of roadways, other public and private improvements, and conditions of approval, pursuant to Commission approval on _____ *[Date]* of the _____ *[Name Development]* Subdivision Development located at _____ *[Address of Development]* (hereinafter referred to as the “**Subdivision**”).

3. Subdivision Regulations

The Subdivision Regulations (hereinafter referred to as the “**Regulations**”) are the “Subdivision Regulations of the Watertown Planning and Zoning Commission, adopted on June 9, 1964 effective July 1, 1964”, and amended through the date this Subdivision Plan application is accepted for review by the Commission.

“**Article**” referred to in this Agreement is an Article or sub-Article in this Agreement.

4. Subdivision Plan Approval

The Developer has requested and received a subdivision approval for the Subdivision in accordance with the Connecticut General Statutes Section 8-25 and the Regulations, subject to the subdivision modifications, conditions of approval, and this Agreement:

- A. There be no sale and no offer for sale of the Subdivision property, in whole or in part until:
 - i. The Record Subdivision Plan Mylar Map is approved when endorsed by signature thereon of the Commission Chairman or Secretary and is recorded by the applicant at the expense of the applicant in the Watertown Town

Clerk's Office. The recording of the Record Subdivision Mylar Map in the Watertown Town Clerk's Office is null and void without said approval and endorsement, AND is null and void without satisfactory compliance with ALL of Article 4.A.

- ii. The Developer and the Commission Chairman or Secretary endorse a Subdivision Development Agreement by their signatures. Said agreement shall be filed and recorded in the Watertown Town Clerk's Office by the applicant at the expense of the applicant. The Subdivision Development Agreement is null and void without said approval, endorsement, and filing.
- iii. The applicant produces evidence to the ZEO that the property taxes, liens, encumbrances, and assessments not deferred with approval of the Town of Watertown are paid for the Subdivision property.
- iv. Easements, deeds, rights-of-way, and other instruments such as for roads, traffic lights, or sidewalks, that are required by the approved Subdivision, the Regulations, and or the Subdivision Development Agreement shall be recorded by the applicant on the Watertown Land Records at the expense of the applicant and as is acceptable to the Town Attorney as to form. The applicant shall provide a copy of each recorded instrument to the ZEO.

B. Zoning Permit, Building Permit, and Foundation Permit:

Only after all requirements of Article 4 including the following are satisfactorily completed may a zoning permit be issued by the ZEO. Only subsequent to issuance of a zoning permit may a foundation permit and a building permit be issued. The applicant shall provide to the ZEO prior to issuance of a zoning permit:

- i. If a Performance Bond (Security) is required by the Commission in accordance with the Regulations, evidence that a Performance Bond is provided in compliance with Section 3.4.5 of the Regulations and in conformance with the Commission approved Bond Obligation Schedule.
- ii. Evidence that Commission fees and gifts have been paid to the town in accordance with the Town of Watertown Code of Ordinances, as amended. The applicant shall pay to the town gifts in an amount equal to three (3%) percent of the Commission approved Bond Obligation Schedule prior to contingency, or in the event said bond is not required, 3% of the ZEO approved estimate of construction and site improvement costs which are the subject of the approved Subdivision and or Special Permit, and amendment thereto. Expenditures using gifts shall pay town direct costs for technical assistance services and related expenditures and for non-town consultants that the Commission finds reasonable and necessary for the applicant to comply with its regulations, and for the Commission and or its agents to review and process an application, and to inspect, test, and monitor construction and site improvement installations. The deposits may pay for legal and paralegal services and related expenses that are not for litigation. The deposits may pay

expenditures approved by the ZEO for completion of permitted work resulting from Commission called bonds or securities for unsatisfactory and or untimely performance of the Subdivision and Special Permit work. The applicant shall also be responsible for payment of direct costs in excess of the three (3%) percent deposit and shall deposit with the town additional gifts in accordance with the ordinance. The ZEO shall account for gift revenues and expenditures. The Commission shall refund to the applicant any balance remaining of gift deposits after satisfactory completion of the Subdivision work and the Commission releases all sureties. The applicant shall pay to the town fees and gifts of original deposit prior to issuance of a zoning permit.

- iii. Evidence that a Certificate of Liability insurance is issued and a copy given to the ZEO naming the "Town of Watertown" as an additional insured. The insurance shall be in an amount not less than \$1,000,000 and be acceptable to the ZEO and the Town Attorney as to the insurance provider, conditions, form, period, and amount. This insurance is to protect the Town from any liability of any nature due to private or public travel or use of on-site or off-site roads, sidewalks, drainage facilities or other public and private improvements shown or not shown on the Subdivision approved by the Commission. The applicant shall save the Town harmless and indemnify the Town for any claim or loss of any nature, including costs of defense, due to private or public travel or use of any site improvement areas.
- iv. Evidence that all property lines and wetland boundaries including the 100 foot upland review areas have been marked clearly and correctly
- v. Evidence that all rear and side lot pins have been placed clearly and correctly, and are of the correct size and type
- vi. Evidence by a copy of a ConnDOT permit or a ConnDOT application for said permit for any proposed road, driveway curb cut, or storm drainage system that joins with a State Highway and or which permit or permit application includes all potential drainage flow from the site and land in the watershed draining through the site.
- vii. Evidence to the ZEO that final arrangements have been made for provision of an approved water supply system and an approved sewage disposal system.
- viii. A pre-construction meeting is held with attendees satisfactory to the ZEO. This meeting is typically with the ZEO, the Town Engineer, the Wetlands Enforcement Officer, the Building Inspector, the Developer, and the Developer's on-site contractor and site design engineer.
- ix. All requirements of Subdivision approval required prior to commencement of Subdivision work shall have been completed to the satisfaction of the ZEO.

[Insert HERE Commission Motion of Approval and modifications]

5. Subdivision Plans, Maps, Drawings, and Reports

The following drawings are approved by the Commission for the construction of the Subdivision and site improvements, and are referred to collectively as the “**Approved Subdivision Plans**” which consists of the drawings and reports prepared by _____ [Name and address] (hereinafter referred to as the “**Preparer**”) as follows:

- i. Received in Commission office _____ [Date] last revised by the Preparer _____ [Date] shown SHEET _____ [Sheet Number] titled _____ [Sheet Title]
- ii. Received in Commission office _____ [Date] last revised by the Preparer _____ [Date] shown SHEET _____ [Sheet Number] titled _____ [Sheet Title]

6. Conservation Commission / Inland Wetland Agency Decision and Report

The Commission has reviewed the report and decision of the Watertown Conservation Commission / Inland Wetlands Agency (hereinafter referred to as the “**Agency**”) made at the Agency meeting on _____ [Date]. Having given due consideration to said Agency report and decision, and in accordance with State Statute 8-26(e) and the Regulations, the Commission establishes and approves the following terms and conditions that are not consistent with the Agency report and decision:

- i. _____, [Term and Condition Not Consistent with Report]

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Agency report and decision not qualified above:

[Insert HERE Agency Report and Decision]

7. Scope of Improvements

The scope of the construction and improvements shown on the Approved Subdivision Plans and the final Record Subdivision Plan Mylar Map are required and further described as follows, and may include other permanent and temporary improvements as may be required and necessary to complete the construction and improvements as determined by the Commission or the ZEO:

A. Notice of Roadways, Street Names, and Roadway Signage

The proposed streets shall be _____ feet wide in a _____-foot right-of-way deeded in fee simple to the Town of Watertown. The deed(s) shall be executed by filing and recording the same on the Watertown Land Records. The roads shall be constructed to the Regulations standards, have curbing as shown on the Approved Subdivision Plans, and be constructed to the satisfaction of the Commission. Street names are approved as shown on the Approved Subdivision Plans. Sight lines and limits of clearing shall be as shown on the Approved Subdivision Plans. Any necessary sight line easements shall be executed by the Developer recording the easements on the Watertown Land Records and a copy of the recorded easements given to the ZEO.

The roadways constructed under the provisions of this Agreement are private roadways until the roadways are accepted by the Commission as conforming to the Approved Subdivision Plans and the Regulations, and until the roadways are accepted by the Watertown Town Council into the Town of Watertown public roadways inventory. The Developer is fully responsible for maintenance, operation, repair, upkeep, and liability of the roadways until the roadways are accepted by the Commission and the Watertown Town Council.

The Developer shall install appropriate road signage pursuant to the Regulations and the Approved Subdivision Plans.

- B. Notice of Curb Cut in the Public Right-of-Way for Driveways
- C. Notice of Sidewalks
- D. Notice of Street Lights
- E. Notice of Street Trees and Landscaping
- F. Notice of Storm Water Drainage and Under Drain Facilities
- G. Notice of Storm Water Detention Facilities
- H. Notice of Watercourses
- I. Notice of Soil Erosion and Sediment Controls
- J. Notice of Earth Materials Activity
- K. Notice of Open Spaces
- L. Notice of Conservation Areas
- M. Notice of Solar
- N. Notice of Energy Conservation
- O. Notice of Monuments and Pins
All rear and side lot pins shall be clearly and correctly placed before the issuance of a zoning permit
- P. Notice of As-Built Drawings
- Q. Notice of Public Health Requirements
 - i. Torrington Area Health District
The Commission establishes and approves the following terms and conditions that are not consistent with the Torrington Area Health District report and decision:

a. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Torrington Area Heath District report and decision not qualified above:

[Insert HERE Torrington Area Heath District Report and Decision]

R. Notice of Utilities for Water and Sanitary Sewer

i. Watertown Water and Sewer Authority

The Commission establishes and approves the following terms and conditions that are not consistent with the Watertown Water and Sewer Authority report and decision:

a. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Watertown Water and Sewer Authority report and decision not qualified above:

[Insert HERE Watertown Water and Sewer Authority Report and Decision]

ii. Watertown Fire District

The Commission establishes and approves the following terms and conditions that are not consistent with the Watertown Fire District report and decision:

a. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Watertown Fire District report and decision not qualified above:

[Insert HERE Watertown Fire District Report and Decision]

S. Notice of Other Utilities

All utilities shall be underground. The Developer shall extend public and private utilities by separate agreement consisting of: cable TV, telephone, data communications, electrical power, and natural gas. The Developer shall give a copy of said agreements to the ZEO.

T. Notice of Fire Safety and Fire Suppression

The Commission establishes and approves the following fire safety terms and conditions that are not consistent with the Watertown Fire Marshall report and decision:

i. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Watertown Fire Marshall report and decision not qualified above:

[Insert HERE Watertown Fire Marshall Report and Decision]

U. Other Construction, Improvements, and Conditions

8. Notice of Liability

Pursuant to Regulations Subsection 3.4.6, this Notice shall serve to alert the Developer and prospective purchasers of lots in the aforesaid Subdivision that the Commission and Town of Watertown shall not be responsible for any claims and legal expenses, including, but not limited to liability claims, during construction of the Subdivision and installation of the site improvements.

The Developer assumes all responsibility for such construction and improvements upon such terms as are fully set forth herein and in the Subdivision approval and the Regulations. The Commission and the Town of Watertown shall have no liability of any nature concerning construction of the Subdivision, installation of the site improvements, sale of lots, and/or development of the subdivision lots. The Developer hereby agrees to indemnify the Commission and the Town of Watertown in connection with any such liability.

9. Design and Technical Details

The Developer shall design and construct the improvements to the Subdivision in accordance with the following documents. In the event of a conflict in the requirements, the more restrictive requirement generally governs the construction of the improvement. The Commission shall determine conflict resolution.

- A. The Regulations
- B. Approved Subdivision Plans
- C. State of Connecticut Department of Transportation Standard Specifications
- D. State of Connecticut Department of Transportation Standard Drawings for Roads, Bridges, and Incidental Construction, as amended
- E. Construction and design requirements of (1) Northeast Utilities for electrical power and natural gas supply, and (2) AT&T and Cablevision of Litchfield for telephone, data, and cable TV

10. Construction Monitoring

The Developer shall provide for a Connecticut licensed professional engineer, and/or a licensed land surveyor to monitor the construction and installation of the improvements on a regular basis. Upon completion of the various stages of the improvements as set forth below, the said licensed professional shall prepare a written report under seal and signature to the ZEO and copied to the Town Engineer stating the extent of compliance with the Approved Subdivision Plans. Construction or installation of improvements that are out of compliance with the Approved Subdivision Plan shall be noted in the monitoring report with recommendation as to how such construction or installation may be brought into compliance. The Developer shall comply with the requests of the ZEO and the Town Engineer regarding the recommendations set forth in such report.

- A. Monitoring reports shall be provided by the Developer and given to the ZEO and copied to the Town Engineer at the following stages in the construction and installation of the improvements:
 - i. Upon placement of property corners and street line monuments
 - ii. Upon initial installation of erosion and sedimentation control measures
 - iii. Upon the replacement or removal of erosion and sedimentation control measures
 - iv. Upon completion of clearing, grubbing, and stump disposal
 - v. Upon completion of site improvements and prior to a request for the start of the one year maintenance and three year tree maintenance
 - vi. Upon request for partial and final releases of Security in accordance to Article 11
 - vii. Upon completion of the construction and installation of public utilities including electric, gas, telephone, cable
 - viii. Upon completion of the construction and installation of public water and public sanitary sewers
 - ix. Upon final completion of all improvements
 - x. Upon completion of the one year maintenance period and the three year tree maintenance period

- B. In an effort to promote uniformity and efficiency in the provisions of construction and installation inspection, monitoring, and testing services, so as to provide for proper quality control and assurance in conformance with the Regulations Section 8, "Construction Standards" and the Regulations Appendices:
 - i. Installation of soil and erosion control measures
 - ii. Clearing of trees, if any
 - iii. Installation of street trees
 - iv. Installation of public improvements
 - v. All recommendations of the ZEO and the Town Engineer shall be followed.

11. Performance Bond and Fees

The Developer shall provide the Commission a Performance Bond and a Maintenance Bond in accordance with the Regulations Subsection 3.4.5 to ensure the satisfactory construction and installation of public and private improvements as shown on the Approved Subdivision Plans and in Article 7, "Scope of Improvements". The amount of the Security shall be reviewed and, if necessary, adjusted by the Commission, by increase or reduction in the bond amount to protect the interests of the Town. The amount of the Security may be released pursuant to the Regulations Subsection 3.4.5.

The Developer shall in accordance with the Town of Watertown Code of Ordinances for Planning and Zoning Fees and Gifts then in effect, pay to the Town of Watertown gifts in an amount equal to three (3%) percent of the total amount of the Performance Bond prior

to contingency, or in the event a bond is not required, 3% of the ZEO approved estimate of the costs of construction and site improvements which are the subject of the Approved Subdivision Plan and amendments thereto. These gifts shall only be used for direct costs of town employees, non-town employee consultants, and related expenses for purposes determined by the Commission as reasonable and necessary to review an application and to inspect, monitor, and test site improvements, for legal and paralegal services that are not for litigation, for technical assistance consulting services including third party consulting services, and to pay costs for the Commission to cause work to be corrected and or to complete the Developer's unsatisfactory and or untimely performance of Subdivision work and or Special Permit work using proceeds of the Commission called performance bond, maintenance bond, and or other security. Gifts shall be accounted for by the ZEO. The Developer shall be responsible for the direct costs of any purpose of expenditure authorized in the ordinance including direct costs in excess of the three (3%) percent gifts deposit. The Commission shall refund the Developer the gifts balance remaining after satisfactory completion of the work and the Commission releases all sureties. Fees and gifts shall be paid by the Developer to the Town of Watertown prior to issuance of a zoning permit.

12. Taxes, Liens, and Encumbrances

The Developer shall pay all outstanding Town of Watertown taxes, liens, encumbrances, and assessments not deferred with approval of the Town of Watertown, that are against the property upon execution of this Agreement. Prior to any subsequent conveyance of the property, all taxes, liens, encumbrances against the property, and assessments not deferred with approval of the Town of Watertown, shall be paid such that any conveyance shall be free and clear.

13. Town Right of Entry

During the term of the Agreement, the Town of Watertown and the Commission, their officers, employees, and agents shall have the right to enter at any time upon the Developer's property to observe construction in progress or in place, to make measurements, and conduct tests, all to insure compliance with this Agreement, the Regulations, and the Approved Subdivision Plans, and any amendments thereto. The Developer may require appropriate safety equipment for protecting the safety of said persons as a condition of entry onto the property.

14. Damage to Town Facilities

The Developer shall, at the direction of the ZEO or the Town Engineer, replace and or repair any damage caused by its activities to Town facilities and Town property. In the event there is damage to Town facilities or Town property that are not replaced or repaired by the Developer, the Developer is subject to a hearing before the Commission with a minimum ten (10) days hearing notice to the Developer (unless mutually agreed otherwise). The Commission may authorize, direct, and cause to be made by the Developer or other person, as "person" is defined in the Regulations Section 5.1.9, such replacements and repairs as the Commission deems appropriate. The Commission may require the Developer to make payment for the replacements and repairs, may collect the expense of the replacements and repairs from the security, may require additional security, and or may commence a claim in Court. The parties to this Agreement are not required to utilize Article 22, "Dispute Resolution" in the event a dispute arises from actions taken by

the Commission on the subject of this Article 14. However, both parties may agree to utilize Article 22 “Dispute Resolution” to resolve Article 14 disputes.

The Developer’s licensed engineer or licensed land surveyor shall document by text, drawings, photographs, video tapes, or other means, the known damage to Town facilities and Town property that occurred prior to the start of construction and installation of the site improvements. This documentation shall be provided to the Commission in the form of a report. The Developer shall not be responsible for the repair and or replacement of damage to Town facilities or Town property that is accurately documented in the report.

The Developer shall provide a Certificate of Liability Insurance in favor of the Commission and the Town in accordance with Subsection 3.4.6 of the Regulations, and in a minimum coverage of one million (\$1,000,000.) dollars. The ZEO shall be given the Certificate of Liability Insurance prior to issuance of a zoning permit.

15. Field Changes and Minor Amendments

It is agreed and understood that it may be necessary to make a field change and or a minor amendment to the Approved Subdivision Plans to accommodate unforeseen or unusual conditions without having to delay the construction and installation of the site improvements. The Developer shall receive written approval from the ZEO prior to beginning to make a field change or a minor amendment. The field change and minor amendment shall be in conformance with the Regulations and shall be noted in the monitoring report to the Commission with background information as to why the field change and minor amendment was necessary.

16. Indemnity

The Developer shall indemnify the Town of Watertown, the Commission, and their officers, employees, and agents harmless from and against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use or occupancy of the property, including without limitation the construction and/or the installation of the site improvements, excepting such claims or damages as may be due to the gross negligence or willful misconduct of the Town of Watertown, the Commission, or their officers, employees, or agents.

17. Compliance with Laws

The Developer shall comply with all applicable laws, enactments, and regulations of any federal state, or local governmental authority as to the Developer’s possession and use of the Subdivision property. “All applicable laws” includes, without limitation, any and all environmental laws, including any regulation, and written final guidelines, standards, or policies of governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental conditions or concerns as may now or at any time hereafter be in effect.

The Developer shall indemnify and hold the Town of Watertown, the Commission, and their officers, employees and agents harmless from and against any penalties, fees, enforcement proceedings, or other actions arising from the Developer’s non-compliance with applicable law or other authority of the preceding paragraph.

18. Hazardous Substances

The Developer shall not introduce or use on the property any substance which is identified as hazardous, toxic, or dangerous in violation of applicable law or authority.

In the event of an uncontrolled release of any substance on the property, the Developer shall immediately notice the ZEO by telephone, in addition to other authority required to be noticed.

19. Title Certificate

Prior to the transfer of property or rights thereto to the Town of Watertown, the Developer shall provide a Title Certificate to the ZEO to certify that the Title Certificate is free and clear of defects rendering the title unmarketable. The Title Certificate shall be subscribed and sworn to by an attorney, and in a form acceptable to the Town Attorney.

20. Assignment

This Agreement shall not be sold, assigned, or transferred without the prior written consent of the Commission, which consent shall not be unreasonably withheld, delayed, or conditioned. Notwithstanding, this Agreement shall be enforceable against successors and assigns of the Developer.

21. Governing Law

This Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws, regulations, and customs of the State of Connecticut and the Commission. Any action brought under this Agreement in a Court shall be to the Superior Court of the Waterbury Judicial District in Waterbury, Connecticut and is first subject to the Dispute Resolution of Article 22.

22. Dispute Resolution

A. Mandatory Negotiations:

The parties to this Agreement agree they will attempt to negotiate in good faith any dispute of any nature arising under this Agreement. The parties shall negotiate in good faith at not less than two negotiation sessions of which at least one negotiation session is with the Commission prior to seeking a resolution of any dispute by any means under “Mandatory Mediation” and “Election to Begin Court Proceedings” of Article 22. Each party shall have the right to legal representation at any negotiation session.

B. Mandatory Mediation:

Any dispute or question arising under the provision of this Agreement which has not been resolved under the “Mandatory Negotiation” provision of Article 22 shall be submitted to non-binding mediation before one mediator agreed upon by the parties or appointed by the presiding Civil Judge for the Waterbury Judicial District. Mediation proceedings shall take place at any suitable location in Watertown, Connecticut or any contiguous Town and shall be conducted in the accordance with the rules for mediation then applicable of the Connecticut Bar Association. If an independent mediator is agreed upon by both parties, said independent mediator shall establish the rules and procedures of the mediation. Each party shall pay one-half of all common costs and expenses of such mediation. The parties shall use their best efforts to reach a good faith resolution of such dispute within ninety (90) days after commencement of the mediation proceedings.

Any decision of the mediator is not binding upon the parties, except by written agreement of the parties.

C. Election to Begin Court Proceedings:

Provided the parties have completed the required “Mandatory Negotiations” proceedings and the “Mandatory Mediation” proceedings, either party may determine the mediator decision is not an appropriate means to settle the dispute. The parties thereafter shall have the right to commence judicial proceedings of Article 21 for the purpose of settling any such dispute.

D. Legal Fees:

Each party is responsible for their own legal fees incurred by Article 22, and may petition the Court to award their legal fees to be paid by the other party for legal fees incurred pursuant to Article 21.

23. Severability and Survival

Any provision of this Agreement later held to be unenforceable for any reason shall be deemed void, and all remaining provisions shall continue in full force and effect. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the parties to this Agreement shall survive the termination of this Agreement.

24. Filing on the Land Records

This Agreement shall be filed by the Developer at the Developer’s expense on the Land Records of the Town of Watertown upon execution and endorsement by signature of the Developer and the Commission Chairman or Secretary. The recording of the Subdivision Development Agreement on the Watertown Land Records is void without said endorsement and execution.

25. Agreement Amendments

This Agreement may be amended by written consent of both parties. Such Amendments shall be in writing, executed by both parties, endorsed by signature of the Developer and the Commission Chairman or Secretary, shall satisfy compliance to all of Article 4.A, and is recorded by the Developer on the Watertown Land Records at the Developer’s expense. The recording of the Amendments to the Agreement on the Watertown Land Records is void without said endorsement and execution.

26. Notices

All notices concerning this Agreement shall be in writing, sent by certified mail return receipt requested addressed as follows:

Developer: _____, which is the owner of the property to be developed,
having its principal place of business at _____

Commission: Administrator for Land Use / Zoning Enforcement Officer, Watertown
Planning and Zoning Office, 51 Depot Square Business Center, Suite 502,
Watertown, CT 06795

27. Term of Agreement

This Agreement shall be for a term run concurrently with the approval of the Subdivision, expiring _____ [*Expiration Date of Subdivision Approval*], and may be renewed without amendment to this Agreement for additional periods by mutually agreed action of the Commission and the Developer in accordance with the Regulations and State Statute Section 8-25.

All terms and conditions of this Agreement shall remain unchanged and remain in full force and effect for the term of this Agreement and until all sureties are released by the Commission.

28. Agreement Execution

IN WITNESS WHEREOF, the parties hereto have executed this document on the _____ day of _____, 20__.

BY THE DEVELOPER

In presence of:

DEVELOPER:

_____ [*Developer*]

[*Printed Name*]

[*Printed Name*]

Its _____

[*Printed Name*]

STATE OF CONNECTICUT)

) ss. WATERTOWN _____, 20__

COUNTY OF LITCHFIELD)

On this _____ day of _____, 20__, before me, the undersigned officer, personally appeared _____, its _____ of _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to within this instrument (Agreement) and who acknowledged that they executed the same for the purposes therein contained.

[*Printed Name*]

Commissioner of the Superior Court

OR

[*Printed Name*]

Notary Public

My Commission expires: _____

BY THE COMMISSION

In presence of:

COMMISSION:

Watertown Planning & Zoning

[Printed Name] _____

[Printed Name] _____
Its Chairman

[Printed Name] _____

STATE OF CONNECTICUT)

)

ss. WATERTOWN _____, 20__

COUNTY OF LITCHFIELD)

On this _____ day of _____ 20__, before me, the undersigned officer, personally appeared _____, its _____

of _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to within this instrument (Agreement) and who acknowledged that they executed the same for the purposes therein contained.

[Printed Name] _____
Commissioner of the Superior Court

OR

[Printed Name] _____
Notary Public
My Commission expires: _____