

## Chapter 410

### SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Bolton. Comprehensive amendments adopted eff. 8-20-2008. Subsequent amendments noted where applicable.<sup>1</sup>]

#### ARTICLE I

##### Authority and Purpose

##### § 410-1.1. Authority; effective date.

- A. The Bolton Planning Commission (now the Planning and Zoning Commission) adopted the original subdivision regulations on September 19, 1955. Acting under the authority granted to it by the provisions of Chapter 126 of the General Statutes, Revision of 1958, as revised, the Planning and Zoning Commission of the Town of Bolton hereby adopts the following revised regulations to govern the subdivision of land in the Town of Bolton. [Amended during codification]
- B. These revised regulations are effective as of January 1, 2011.

##### § 410-1.2. Purpose.

The purpose of these regulations is to promote and to insureensure the orderly development of land within the Town so that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; so that proper provisions shall be made for water supply, surface drainage, and sewage disposal; so that proposed streets shall be in harmony with existing or officially proposed thoroughfares and so arranged and constructed so as to provide an adequate and convenient system for the present and prospective traffic needs; so that open spaces for recreation and conservation shall be provided in locations deemed proper by the Commission; and in general to protect the health, safety, and welfare of the inhabitants of the Town of Bolton.

##### § 410-1.3. Waiver of requirements.

The Planning and Zoning Commission may waive certain requirements under these Subdivision Regulations by a three-quarters vote of all the members of the Commission in cases where conditions, as determined by the Commission, exist which affect the subject land and are not generally applicable to other land in the area. No waiver shall be granted that would have significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each case.

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1. Editor's Note: See Appendix IV, Subdivision Regulations Amendment History, included as an attachment to this chapter, for further details regarding amendments to these regulations.

## ARTICLE II Definitions

### § 410-2.1. Word usage; terms defined.

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meanings given therein. When not inconsistent with the content, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. In case of any question over the meaning of a word, phrase or sentence, whether defined herein or not, the Commission reserves the right to make a determination thereof, being guided in such determination by the purpose and intent of these regulations.

AGRICULTURE — As defined in C.G.S. § 1-1, Subsection (q) ~~of section 1-1 of the General Statutes.~~ \_\_\_\_\_

AQUIFER — A geological formation, group of formations or part of a formation that contains sufficient saturated, permeable materials to yield significant quantities of water to wells and springs.

BUILDABLE AREA — The land remaining, after subtraction of regulated wetlands and regulated watercourses and their associated buffers, that is used for calculation of allowable construction area on a lot, in accordance with Zoning Regulation § 450-3.10.

BUILDING — Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials; also, any other structures more than six feet high, excluding a public utility pole or flagpole.

COMMISSION — The Planning and Zoning Commission of the Town of Bolton.

DISTURBED AREA — Any area on which excavating, grading, filling or removal of earth, sand, gravel, soil, minerals, loam, fill, clay, peat moss, and other earth products is performed.

FARM — An establishment where the primary activity is agriculture.

FINAL PLAN — The final map, drawing or drawings, prepared for endorsement by the Commission and filing in the office of the Town Clerk, which shall include the subdivision plan, site development plan, construction drawings and the erosion and sedimentation control plan.

FLOOD, BASE — The flood having a 1% chance of being equaled or exceeded in any given year; also, the ~~"one-hundred100-year flood,"~~ as portrayed on the FEMA Flood Insurance Rate Map, as amended.

LOT — A separately deeded parcel of land for separate occupation or use.

OPEN SPACE [Added 9-22-2009]

A. Any land, the preservation or restriction of the use of which would:

- (1) Maintain and enhance the conservation of natural or scenic resources;
- (2) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;
- (3) Enhance public recreation opportunities;
- (4) Preserve historic sites;
- (5) Promote connections between natural or man-made corridors ("greenways"); or
- (6) Promote the orderly development of the Town of Bolton; \_\_\_\_\_

B. Such lands may include but are not limited to:

- (1) Land left in its natural, undisturbed state;
- (2) Agricultural land;
- (3) Forests; and
- (4) Areas used for passive or active recreation.

PLAN OF CONSERVATION AND DEVELOPMENT == The latest revision of the Plan of Conservation and Development of the Town of Bolton prepared by the Planning and Zoning Commission pursuant to ~~Public Act No. 577(6), of the State of Connecticut (January Session, 1959) C.G.S. § 8-23~~, as amended, which indicates the general locations recommended for streets and other ways, for parks, playgrounds, and other public facilities, and recommendations for the use of land and for the development of that portion of the Town of Bolton, including any unit or part of such plan separately adopted or any amendment to such plan or part thereof. [Amended during codification]

RESUBDIVISION == A change in a map of an approved or recorded subdivision or resubdivision if such change:

- A. Affects any street layout shown on such map; 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.

ROADWAY == The paved portion of the street.

SPECIAL FEATURES == When used in the context of § 410-4.5 herein, this term shall mean the following:

- A. Wetlands and watercourses as field-verified in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Bolton;
- B. One-hundred-year floodplain as identified by the National Flood Insurance Program; and
- C. Slopes 25% or greater, based on two-foot contour intervals in accordance with a T-2 survey.

STREET == Any existing avenue, boulevard, road, lane, or highway that is accepted and actively maintained by either the Town of Bolton, any municipality or the State of Connecticut; or any proposed roadway which is shown on a subdivision map approved by the Planning and Zoning Commission and duly recorded in the Bolton Town Clerk's office and which is formally bonded for completion and dedication to the Town of Bolton. [Amended during codification]

STREET LINE == The line separating the public right-of-way of a street from the adjoining properties.

STREET, DEAD-END == A street closed at one end with an intersection with a through street at the other end, and also includes the term "cul-de-sac street." A street with a temporary turnaround is a dead-end street.

SUBDIVISION == The division of a tract or parcel of land into three or more parts or lots made subsequent to the initial adoption of these subdivision regulations by the Commission on September 19, 1955, for the purpose, whether immediate or future, of sale or building development, expressly excluding development of municipal, conservation or agricultural purposes, and includes resubdivision.

TOWN == The Town of Bolton, Connecticut.

WETLAND — All wetlands and watercourses as defined in the Connecticut General Statutes, as amended from time to time.

### ARTICLE III General Requirements

#### § 410-3.1. Transfer or sale of land.

No lot within a subdivision shall be sold or offered for sale until the subdivision plan has been endorsed by the Commission Chairman or Secretary and filed in the office of the Bolton Town Clerk.

#### § 410-3.2. Conformity to regulations.

The Commission shall not approve the final plan of subdivision unless it conforms to these Subdivision Regulations and the Zoning Regulations of the Town of Bolton.

#### § 410-3.3. Conformity with Plan of Conservation and Development.

The plan for subdivision shall conform to the Plan of Conservation and Development for the Town of Bolton.

#### § 410-3.4. Inland wetlands.

If a subdivision application involves land that is regulated by the Bolton Inland Wetlands Commission, the applicant shall submit an application to the Inland ~~Wetland~~Wetlands Commission no later than the day the application is filed for the subdivision or resubdivision.

#### § 410-3.5. Regional planning agency. [Amended during codification]

Whenever the subdivision or resubdivision of land abuts or includes land in another municipality, the Commission shall submit the application to all regional ~~planning agencies-councils of government~~ as required by ~~CGS, Section C.G.S. §~~ 8-26b. The regional planning agencies' reports are advisory only.

#### § 410-3.6. Public health and safety.

No land shall be subdivided or resubdivided which is of such character~~se~~ as to jeopardize the public health, safety and welfare. No subdivision or resubdivision shall be approved unless conforming to the public health, safety and welfare regulations for the Town of Bolton~~7~~ and the laws of the State of Connecticut. No subdivision or resubdivision shall be approved unless the plan provides for adequate water supply, drainage and sewage. In areas contiguous to federal flood zones, adequate flood control measures must be indicated.

#### § 410-3.7. Reserve strip.

No subdivision or resubdivision shall be permitted to create a privately owned reserve strip of land~~7~~ which~~1~~, in the opinion of the Commission, has the purpose or effect of controlling access to land dedicated or to be dedicated to public use. Access to public land or public open space shall be free and impediments to access, as determined by the Commission, shall not be allowed.

#### § 410-3.8. Professional responsibility.

All technical work done in conjunction with the submission of subdivisions shall be performed by qualified professionals.

**§ 410-3.9. Solar energy techniques.**

Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation are encouraged. Any person submitting a plan for a subdivision to the Commission shall demonstrate that he or she has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. As used in these regulations, "passive solar energy techniques" mean site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to:

- A. House orientation;
- B. Street and lot layout;
- C. Vegetation;
- D. Natural and man-made protection of solar access within the development.

**§ 410-3.10. Lot size and arrangement.**

The area and width of the proposed lots shall conform to the Zoning Regulations of the Town of Bolton and shall be of such shape, size, location and character that the buildings can be constructed in conformity with the requirements of such regulations. The lots shall be of such character that they can be used for building purposes without danger to the health and safety of the public or the occupants.

**§ 410-3.11. Restriction on the sale of certain lots.**

The Commission may require that the subdivision owner not sell certain lots containing public improvements, such as drainage facilities, until such improvements are completed to the satisfaction of the Commission. If such public improvements are not satisfactorily completed before the approved subdivision plan is endorsed by the Commission Chairman or Secretary, then a note describing the restriction on the sale of certain lots shall be prominently shown on the subdivision plan to be filed in the Town Clerk's office.

**§ 410-3.12. Special flood hazard areas.**

In all special flood hazard areas the following requirements shall apply:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for all subdivision proposals.

ARTICLE IV  
**Open Space**

**§ 410-4.1. Open space conservation development.**

The requirements and criteria of an open space conservation development (OSCD), as described in the Bolton Zoning Regulations, § 450-7.1, apply to any application for subdivision in any Residence Zone in

which the parcel or parcels of land involved comprise a total area of at least 10 acres, with the exception that the Commission may waive the OSCD procedure as follows:

- A. For a subdivision application of at least 10 acres but proposing no more than seven lots for sale or building development; or
- B. For a subdivision application for which the Commission has determined that an alternate open space proposal is suitable for the Town, such as a traditional development or a payment of a fee in lieu of open space land.

#### **§ 410-4.2. Traditional development.**

- A. In traditional subdivisions proposed for residential development with full-sized lots complying with the dimensional requirements section of the Zoning Regulations, open space shall be provided in places deemed proper by the Commission for use by the Town, the state or a conservation land trust.
- B. The Commission shall have the right to require up to 20% of the property to be subdivided to be dedicated as open space. Land reserved for open space should be of such size, location, shape, topography and general character as to be useful to satisfy the needs determined by the Commission.
- C. Appropriate pedestrian and/or vehicular access should be provided for each open space parcel as approved by the Commission.
- D. The Commission, in requiring the provision and location of open space, may consider the proper development of the Town, the density of population and existing public open space in the vicinity of the subdivision, as well as the density of the population and burden on open space caused by the proposed development.
- E. No loam, fill or natural growth shall be removed from the area reserved for open space and no foreign matter shall be permanently placed upon said space unless required by the Commission in connection with the grading, construction or development of the subdivision or the open space.
- F. The percentage of open space land that is wetlands shall not exceed 50%, or 1 1/2 times the percentage of the wetland areas of the entire land(s) being subdivided, whichever is less; except that, in the sole discretion of the Commission and by a majority vote of all its members, portions of open space lands that the Commission has identified as especially worthy of preservation, may contain a greater area of wetlands.

#### **§ 410-4.3. Submission of two subdivision plan submission plans.**

Any applicant filing a traditional subdivision application for a subdivision for full-sized lots complying with ~~the dimensional section~~ Article XI, Dimensional Requirements, of the Zoning Regulations in Chapter 450, Zoning, and which is required to comply with the OSCD requirements, shall be required to submit sets of traditional subdivision plans and sets of OSCD subdivision plans as described in the Zoning Regulations. The Commission may modify either or both types of plans and may approve either the traditional non-OSCD plans or the OSCD plans or may deny both plans.

#### **§ 410-4.4. Fee in lieu of open space and land appraisal.**

As set forth in ~~Section C.G.S. § 8-25 of the Connecticut General Statutes~~, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town, in lieu of the full requirement to provide open space as set forth above.

- A. Fee based on appraisal. Such fee or combination of fee 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 the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- B. Open Space ~~Preservation Acquisition and Conservation~~ Fund. Fees collected pursuant to this section shall be deposited in the Town's Open Space ~~Preservation Acquisition and Conservation~~ Fund. [Amended during codification]
- C. Lien. The subdivision owner shall pay the open space fee in full or upon the sale of each lot. The ~~said~~ open space fee obligation shall be secured by a lien against each lot in the subdivision in favor of the Town of Bolton and in a form acceptable to the Town. The applicant shall record the lien at the time that the final subdivision plans are filed in the office of the Town Clerk.
- D. Procedure. To employ the fee-in-lieu-of-open-space option, the following procedures shall be used:
- (1) The applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.
  - (2) The Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.
  - (3) If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.
  - (4) Steps (1) through (3) may be accomplished during an informal discussion or at the time of acceptance of a formal subdivision application.
  - (5) The applicant shall submit the appraisal prior to the completion of the Commission's review of the formal subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.
  - (6) The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.

**§ 410-4.5. Suitability of open space.** [Amended 9-22-2009]

In accordance with these regulations and the Zoning Regulations, the applicant may propose an OSCD plan, a traditional plan with full-size lots and open space land, or a traditional plan with full-size lots and payment of a fee in lieu of open space land, or plan with a combination of open space land and fee -in -lieu of open space. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing patterns of open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee -in -lieu of open space, in whole or in part. In making its decision concerning the suitability of open space, the Commission may consider information from appropriate sources, including, but not limited to, the Bolton Plan of Conservation and Development and the Open Space Plan for Bolton. No open space land to be dedicated shall contain special features, that, in the aggregate, ~~exceeds~~exceed 50% of the open space parcel, or, ~~which shall~~ contain special features that, in the aggregate, exceed 1 1/2 times the percentage of these factors located on the property as a whole, whichever is less. In determining partial fee-in-lieu requirements, the Commission shall utilize the following formula:

A/B(0.1[V])

Where:

- A = Deficit "upland" acreage, "upland" defined as "land remaining when special features are removed."  
 B = Upland acreage required.  
 0.1 = 10% limitation on amount of appraised value to be considered as a basis for fee in lieu of open space.  
 V = Appraised value.

**§ 410-4.6. Method of conveying open space.**

The subdivision owner shall convey the open space land approved by the Commission to the receiving entity as described in § 450-7.1E of the Bolton Zoning Regulations and in accordance with ~~General Statutes C.G.S. § 8-25.~~

ARTICLE V

**Informal Preliminary Consideration**

**§ 410-5.1. Informal discussion.**

Upon request of the applicant, the Commission may informally discuss preliminary subdivision plans. To be considered, the preliminary subdivision plans do not need to completely conform to the requirements of the site development plan.

**§ 410-5.2. Required plans.**

Developments that are required to submit two plans, as set forth in Article IV, must also conform to the requirements set forth in Article IV.

**§ 410-5.3. Preliminary subdivision plan.**

Four blue-line or black-line prints of the preliminary subdivision plan shall be submitted.

**§ 410-5.4. Input from Commission.**

The Commission shall consider the preliminary subdivision plan and any accompanying plans and may hold an informal hearing with the applicant, recommend changes in the proposed plans, and give such advice that it deems necessary to preserve the purpose and intent of the regulations.

**§ 410-5.5. Scope of review. [Amended during codification]**

Requests for consideration of preliminary subdivision plans shall not be deemed to constitute formal applications for approval of a subdivision but shall merely serve to guide the applicant in preparing plans for submission ~~with a formal.~~



ARTICLE VI  
Application Procedures

In order to apply for approval of a subdivision and before the Commission shall consider any proposed subdivision, the following requirements shall be met and information submitted by the person, firm or corporation proposing a subdivision, with the subdivision application.

**§ 410-6.1. Application form. [Amended during codification]**

Application for approval of a subdivision shall be made to the Commission in ~~writing on forms and checklists~~ accordance with procedures prescribed by the Commission. The application shall be complete and shall be signed by the applicant and by the owner or authorized agent of the owner of the property to be subdivided.

**§ 410-6.2. Application fee.**

Application fees, in accordance with Town ordinances shall accompany the application and shall be paid to the Town of Bolton.

**§ 410-6.3. Certification of compliance.**

The subdivision applicant's engineer shall certify compliance with these regulations as part of the application form to be specified by the Commission.

**§ 410-6.4. State Highway Department permit. [Amended during codification]**

Where a proposed street or drain joins with a state highway, the applicant shall ~~apply for a permit for such connection~~ provide to the Land Use Department a copy of any required submission to or approval from the Connecticut Department of Transportation, ~~and shall present a copy of such permit application to the Commission with the subdivision application, together with proof of submission to the Department of Transportation. The Commission may condition approval upon the applicant's receiving a DOT permit, when in the Commission's opinion the permit is reasonably likely to be granted.~~

**§ 410-6.5. Notice to neighboring property owners. [Amended during codification]**

The applicant shall notify, by certificate of mailing, on a form provided by the Commission, all persons who are current owners, as set forth in the records of the Assessor's Office, as of the date of submission, of land within 500 feet of the perimeter boundaries of the proposed subdivision. Such notice shall be sent at least 10 days prior to the date of the scheduled public hearing and shall include a copy of the subdivision application form submitted to the Commission, the date and time of the scheduled public hearing and the fact that the subject plans are on file in the office of the Town Land Use Department. A copy of the applicant's notice to neighboring property owners, a list of the property owners notified, and proof of certificate of mailing shall be submitted by the applicant prior to the public hearing.

**§ 410-6.6. Notices mandated by statute.**

- A. In accordance with C.G.S. ~~Section §~~ 8-26b, any proposed subdivision which will abut or include land in another municipality, shall be referred to the regional planning agency or agencies of the region in which the other municipality or municipalities is/are located, prior to action on such subdivision application.

- B. In accordance with C.G.S. ~~Section §~~ 8-7d(f), the Commission shall notify the Clerk of any adjoining municipality of the pendency of any application concerning any subdivision in which;
- (1) Any portion of the property affected is within 500 feet ~~feet~~ of the boundary of the adjoining municipality;
  - (2) A significant portion of the traffic to the completed subdivision will use streets within the adjoining municipality to enter or exit ~~in~~ the subdivision;
  - (3) A significant portion of the sewer or water drainage from the subdivision will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
  - (4) Water run-off from the subdivision will impact streets or other municipal or private property with the adjoining municipality.
- C. Such notice shall be made by certified mail and shall be mailed within seven days of the receipt of the subdivision application, and no public hearing shall be held on any subdivision application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.
- D. In accordance with C.G.S. ~~Section §~~ 8-3i, in any subdivision application for any property which is within the aquifer protection area delineated pursuant to C.G.S. ~~Section §~~ 22a-354c or the watershed of a water company, as defined in C.G.S. ~~Section §~~ 16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health of the State of Connecticut in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the land records of the Town or the aquifer protection area has been delineated in accordance with C.G.S. ~~Section §~~ 22a-354c, as the case may be. Such notice shall be by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on such application.

#### **§ 410-6.7.        Sign to be posted on property to be subdivided.**

The applicant shall post a sign, to be furnished by the Commission, on the property for which the subdivision application is filed. Such sign shall be posted at least 10 days prior to the scheduled public hearing and shall give the date, time and location of the public hearing. The sign is to be posted on the site in a location to be determined by the Commission and posted in a manner that will offer maximum visibility to the public. The sign shall remain until 15 days after publication of legal notice of the Commission's action on the application. If the subject property has frontage on more than one street, one sign shall be posted in accordance with this section for each such street."      

#### **§ 410-6.8.        Required submittal items.**

- A. In addition to the above items, ~~and at the request of the Commission~~, any subdivision application shall be accompanied by up to 14 copies of all plans and supporting materials, including the required A-2 boundary survey of the subject property, a subdivision plan, a site development plan that shows buildable area, wetlands, natural features and conceptual improvements, an erosion and sedimentation plan, construction drawings, drainage calculations, best management practices to protect surface ~~and ground~~-water and groundwater quality, an open space proposal with evidence that the receiving entity will accept it, draft deeds, easements and legal documents, reports from or approvals by the Inland Wetlands Commission, Health District and Fire Marshal, evidence of

applicant's legal interest in the subject property, and copies of any required applications for other local, state or federal regulatory approvals, all as may be applicable to the proposed subdivision. [Amended during codification]

- B. All the applicable items required by these regulations must be submitted with the subdivision application. The Commission may require other information, such as traffic studies or environmental reviews, to be submitted by the subdivision applicant after the subdivision application is received.

**§ 410-6.9. Submission of application. [Amended during codification]**

A complete subdivision application, fee and all required accompanying materials should be submitted ~~to the Bolton Land Use Department~~ in accordance with procedures prescribed by the Commission at the Bolton Town Hall at least 10 days prior to the Planning and Zoning Commission meeting at which the application is to be received.

**§ 410-6.10. Checklist requirements for all applications.**

The Commission will use the checklist, in a form prescribed by the Commission, to determine if an application is complete. The applicant is responsible for providing all the applicable information on this checklist. The applicant is encouraged to provide any additional information to clearly present a proposed activity and its potential ~~affect~~ effects on the community. The Commission may require additional information not included in this checklist to determine compliance with the regulations. This checklist must be completed by the applicant or an authorized representative and submitted with the application. An application may be denied if an application lacks sufficient information or the checklist is not complete.

ARTICLE VII  
Review and Approval Procedures

**§ 410-7.1. Receipt of application.**

The Commission will receive a subdivision/resubdivision application in accordance with the time requirements of ~~General Statutes Section C.G.S. § 8-26d.~~

**§ 410-7.2. Public hearing.**

The Commission may hold a public hearing regarding any subdivision proposal. No plan of resubdivision shall be approved by the Commission without a public hearing. The requirements for the publication of the notice for a public hearing shall be in accordance with the requirements of ~~General Statutes Section C.G.S. § 8-26,~~ and the public hearing time requirements shall be in accordance with the requirements of ~~General Statutes Section C.G.S. § 8-26d.~~

**§ 410-7.3. Final approval. [Amended during codification]**

The Commission may approve, modify and approve, or disapprove the subdivision application or any maps or plans submitted with the application. Such an approval shall be the final approval, and the subdivision plan shall be endorsed by the Commission subject to the applicant's submission of all required deeds and easements, ~~title insurance policies~~ and the construction of all required public facilities or, in lieu of construction, the submission of all required bonds. All decisions on the application shall be rendered within the time requirements of ~~General Statutes Sections C.G.S. § 8-26d.~~ The notice of the Commission's action shall be published and sent to the applicant in accordance with the requirements of ~~General Statutes Section C.G.S. § 8-26.~~

**§ 410-7.4. Conditional subdivision approval.**

- A. For subdivisions in which the public improvements are not to be built or bonded within the time allowed to file the approved plans, the Commission may authorize the filing of a subdivision plan with a conditional approval endorsed on it. Conditional approval requires the completion and submission of all plans, maps, and documents, with the exception of bonds required for final subdivision approval, and shall specifically limit any construction to that required for the installation of public improvements. A conditional approval shall be granted in accordance with the requirements of ~~General Statutes Section C.G.S. §~~ 8-25. Prior to the final approval of a subdivision without bonding, the Commission will consider reports from the Town Engineer, verifying the installation and completion of all public improvements. The reports will contain a recommendation for maintenance bonding. Any subdivider applying for final subdivision approval prior to completing all public improvements shall provide the Town Engineer with a professional engineer's estimate of the cost of completing all public improvements under a performance bond.
- B. A subdivision which has received only a conditional subdivision approval shall include the following statement and signature block on each subdivision plan sheet:

## CONDITIONAL APPROVAL ENDORSEMENT

This subdivision plan is conditionally approved by the Bolton Planning and Zoning Commission. A final approval of this plan shall be conditioned on (1) the actual construction, installation and maintenance of any improvements or utilities that are shown as a part of this plan or (2) the provision of a bond that is approved by the Planning and Zoning Commission. This conditional approval shall lapse five years from the date shown below. Prior to receiving the final approval, no lot in this subdivision shall be sold or offered for sale.

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Chairman, Bolton Planning and Zoning Commission

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Date

**§ 410-7.5. Withdrawal of application.**

At any time prior to the final action by the Commission on the application, the subdivider may withdraw such application by filing with the Commission, in writing, a formal request to that effect. No fees will be refunded if an application is withdrawn except by vote of the Commission.

**§ 410-7.6. Revision of ~~the~~ subdivision plan.**

If the Commission modifies and approves a final subdivision plan or a subdivision plan with conditional approval, the applicant shall, if necessary, have the plan and any other attendant documents revised to conform to any modifications called for in the Commission's action prior to the endorsement by the Chairman. It is the applicant's obligation to submit such revised plans and documents in a timely manner to allow review prior to endorsement by the Commission.

**§ 410-7.7. Endorsement. [Amended during codification]**

- A. Five complete sets of plans, ~~with each set~~ including the approved subdivision plan, site development plan, construction plan and all associated plans, shall be submitted to the ~~Commission Chairman.~~ Land Use Staff as follows: one of the sets— mylar of plans shall be suitable for filing in with the Town Clerk's ~~office~~ and one paper set of plans for Town files. shall be produced by one of the following

~~processes: 1) wash-off photographic polyester film, 2) fixedline photographic polyester film, 3) original ink drawing on polyester film or linen.~~ One set of the plans shall be in a digital format prescribed by the Commission. ~~The remaining three sets of plans shall be paper copies.~~ After the Commission Chairman determines that the sets of plans comply with the Commission's action, that all other regulatory requirements have been met, and that all required public improvements have been satisfactorily built or bonded, he/she shall sign the signature block on each sheet of the set of plans, ~~to be filed in the Town Clerk's office and shall sign the signature block on including~~ the cover sheet. ~~on each set of paper plans.~~ When the Chairman is absent or otherwise unable to sign the plans, the Secretary of the Commission shall sign the approved plans. No plan shall be recorded with the Town Clerk until the Commission's approval has been endorsed on the plan, and the recording of a plan without such an endorsement shall make that plan void. A plan revised without a proper endorsement shall make that plan void. -

- B. The construction of all public facilities in connection with the subdivision shall be completed within five years after the approval of the plan for such subdivision or within any extension of such construction period authorized by the Commission in accordance with C.G.S. § 8-26c or with a Special Act, and the Commission's endorsement of approval on the plan shall state the date on which such five-year period expires. Any public improvements not satisfactorily built and accepted by the Town at the time the Commission endorses the plan, shall be bonded as approved by the Commission. Before the subdivision is endorsed, the subdivider shall provide all required executed deeds and easement documents and a letter from a licensed surveyor stating that all property line markers and road right-of-way monuments have been set as shown on the approved subdivision plan. If the subdivision involves construction activity, such as building a road, that might disturb a boundary marker, in lieu of setting the markers before the subdivision plan is endorsed, the cost of setting such markers may be included in the performance bond as approved by the Commission.

#### **§ 410-7.8. Filing of endorsed plan.**

The applicant shall file or record the subdivision plan, with all associated plans, deeds and easement documents, in the office of the Town Clerk within 90 days of the effective date of the approval of the subdivision plan; except that the Commission may extend the timing for such filing for two additional periods of 90 days each, and the plan shall remain valid until the expiration of such extended time. Failure to file the endorsed subdivision plan with the Town Clerk within such time period shall void the ~~Commissions~~Commission's approval of the subdivision plan. No subdivision plan shall be filed or recorded with the Town Clerk until it has been approved by the Commission and endorsed by the Commission Chairman or Secretary.

### ARTICLE VIII Subdivision Plan

#### **§ 410-8.1. Description and requirements.**

- A. The subdivision plan shall be prepared, sealed and signed by a surveyor licensed to practice in the State of Connecticut. The surveyor shall certify that the plan conforms to the standards for a "Class A-2 survey" as defined by the Connecticut Association of Land Surveyors. The subdivision plan shall be drawn on 24 ~~inches-inch~~ by 36 ~~inches-inch~~ sheets at a scale of not more than 100 feet to the inch. The North arrow shall include the reference meridian and should point towards the top of the sheet or towards the right edge of the sheet unless unusual conditions exist. If more than one sheet is needed for the subdivision plan, a separate drawing shall be provided at a scale to fill ~~one-half~~one half sheet to a full sheet that shows all the lots in the subdivision with the lot numbers but not the property descriptions. ~~14~~Up to 14 paper copies and one digital copy of the subdivision plan in a DXF, DGN

~~or other~~ format as approved by the Town, shall accompany the application. ~~Five~~ Copies of the final subdivision plan shall be provided in accordance with § 410-7.7. with one copy produced by one of the following processes: 1) wash-off photographic polyester film, 2) fixedline photographic polyester film, 3) original ink drawing on polyester film or linen. One of the sets of plans shall be in a digital format prescribed by the Commission. The remaining three subdivision plan copies shall be paper copies.— [Amended during codification]

B. The subdivision plan shall show the following items:

- (1) Subdivision name.
- (2) Name and address of the subdivision owner.
- (3) Total area of the subdivision.
- (4) Number of lots in the subdivision.
- (5) Zone(s) in which the subdivision is located and a table showing the required zoning dimensions.
- (6) Existing structures and features, their uses and those to be removed and existing and proposed property and street lines.
- (7) Adjoining property lines and the names and addresses of adjoining owners as shown on tax assessment records, including those properties that are on the opposite side of a street from the subdivision. [Amended during codification]
- (8) Existing and proposed watercourses, ponds, easements and rights-of-way.
- (9) Existing and proposed parks, recreation areas and open space.
- (10) Existing stone walls.
- (11) Proposed lot arrangement, lot markers, lot numbers and street numbers as approved by the Town.
- (12) All dimensions to ~~one one-hundredth~~1/100 of a foot and all bearings or angles on all property lines, proposed lots, street lines, easements, rights-of-way, parks, recreation areas and open spaces.
- (13) The central angle, arc length and radius of all arcs.
- (14) The width of all streets, rights-of-way and easements.
- (15) The square footage and acreage of all lots, new roads, parks, recreation areas and open spaces.
- (16) Existing and proposed ~~S~~street names, house numbers and ~~existing and proposed~~ street monuments. Street names and house numbers are subject to approval by the Commission. [Amended during codification]
- (17) Length of all proposed streets along the center line from intersection to intersection or terminus.
- (18) The survey relationship of proposed streets to nearby monumented Town or state highways or to nearby subdivisions, if any such highways or subdivisions exist within 1,000 feet of the proposed streets.

- (19) Unique title for each sheet in the extreme lower right corner, to include the name of the Town of Bolton, sheet number with the format "Sheet x of y", date, scale, including a graphic bar scale and North arrow with reference meridian.
- (20) On each sheet the statement: "All construction of public facilities required for this subdivision shall be completed within five years after the approval of this subdivision plan, and this five-year period expires on \_\_\_\_\_", with the designated space for the date; followed immediately by the statement: "Approved by the Bolton Planning and Zoning Commission" with the designated space for the signature of the Commission ~~Chairmen~~Chairman or Secretary and the date of signing. [Amended during codification]
- (21) An index map to the proposed subdivision if divided into sections or ~~is~~ of such size that more than one sheet is required.
- (22) A location map (scale one inch equals 500 feet, to match the Town base map) showing the existing and proposed lots and the location of the subdivision in relation to Town roads. [Amended during codification]
- (23) A revision number, date and brief description of each plan revision. Change symbols and/or highlighting of changes shall be used.
- (24) On the first sheet of any set of plans having more than two sheets, a master change list of all changes on all sheets, with revision dates, sheet numbers and brief descriptions of changes. Change symbols and/or highlighting of changes shall be used.

## ARTICLE IX Site Development Plan

### § 410-9.1. Description and ~~submission~~ requirements. [Amended during codification]

The site development plan shall be prepared by an engineer and/or surveyor registered or licensed to practice in Connecticut. The site development plan shall be drawn on 24 ~~inches-inch~~ by 36 ~~inches-inch~~ sheets at a scale of not more than 40 feet to the inch. The North arrow shall include the reference meridian and should point towards the top of the sheet or towards the right edge of the sheet unless unusual conditions exist. ~~Fourteen~~Up to 14 paper copies and one digital copy of the site development plan in a DXF, DGN or other format as approved by the Town, shall accompany the application. ~~Five~~One paper ~~copies~~copy of the final site development plan shall be provided, including one copy prepared by the same process required for the subdivision plan that is to be filed in the Town Clerk's office, as described in Article VIII of these regulations, including one digital copy in a format prescribed by the Commission.

### § 410-9.2. Information to be included.

The site development plan shall show the existing conditions, the proposed general layout of the subdivision, and a tentative layout of all contiguous land of the applicant that may be subdivided in the future. The site development plan shall show the following items:

- A. Clear legible plans with all lines, symbols and features readily identifiable.
- B. Existing and proposed structures, property and street lines and building set backsetback lines.
- C. Existing and proposed natural features, including watercourses, ponds, swamps, vernal pools, aquifers, ~~one-hundred~~100-year floodplains, ridgelines, large ledge outcrops, large trees, slopes steeper than 25%, potential areas of endangered species, and easements. [Amended during codification]

- D. Existing and proposed streets with the right-of-way, edges of pavement, center line, station numbers, street names, house numbers, bridges and culverts, including those adjacent to the site. Street names and house numbers are subject to approval by the Commission. [Amended during codification]
- E. Existing and proposed drainage systems, any affected floodway catch basins, manholes, bridges, headwalls and all other structures pertaining to streets, drainage and sewers, with construction detail drawings.
- F. Proposed lot arrangement and lot numbers and street numbers as approved by the Town.
- G. Existing contours at an interval not exceeding two feet, unless otherwise approved by the Commission in writing, based on official U.S. Geological Survey datum. Interpolation of U.S.G.S. maps is not acceptable.
- H. Proposed grading with contours at intervals not exceeding two feet, key elevations of existing adjoining roads, spot elevations showing proposed roads and conceptual site grading for each lot within the subdivision.
- I. Location of all deep soil test holes and percolation test holes with all test results.
- J. Existing and proposed parks, recreation areas and open space.
- K. Principal wooded areas and ledge outcrops.
- L. Existing stone walls, fences, foundations, large trees, trails, etc., that would serve as landmarks for field inspection. [Amended during codification]
- M. Location map (scale one inch equals 500 feet, to match the Town base map) showing the lots and the location of the subdivision in relation to Town roads.
- N. Location and type of sediment, erosion, and runoff control devices. See Article XIV for further details.
- O. Existing and conceptual structures, and driveways for each lot, including adequate sight distance lines along public streets. In R-2, NB, GB, and I Zones, the applicant shall also depict in schematic form the maximum buildout possible under current zoning, assuming the most intensive use. [Amended 9-22-2009]
- P. Location of existing and conceptual wells with appropriate radius, including those on other properties that could conflict with proposed site improvements. [Amended during codification]
- Q. Location of existing and conceptual on-site sewage disposal systems, including reserve areas and including those on other properties that could conflict with proposed site improvements. All primary and reserve areas must each include at least one test hole with suitable soil conditions or as otherwise required by the Town Sanitarian.
- R. Existing and proposed footing drains, curtain drains and dry wells, with construction detail drawings.
- S. Name of subdivision, unique title for each sheet in the extreme lower right corner, to include the name of the Town of Bolton, sheet number with the format "Sheet x of y", date, scale.
- T. Graphic bar scale and North arrow with reference meridian.
- U. On each sheet the statement: "All construction of public facilities required for this subdivision shall be completed within five years after the approval of this subdivision plan, and this five-year period expires on \_\_\_\_\_," with the designated space for the date followed immediately by the statement:



"Approved by the Bolton Planning and Zoning Commission" with the designated space for the signature of the Commission Chairman or Secretary and the date of signing.

- V. Signature and seal of engineer and surveyor preparing map.
- W. Limits of inland wetlands, including those on other properties that may be within 100 feet of any proposed activity, as delineated by a certified soil scientist, with the soil scientist's signed and dated certification.
- X. Location of the minimum buildable area for each lot as required by the Zoning Regulations.
- Y. A revision number, date and brief description of each plan revision. Change symbols and/or highlighting of changes shall be used.
- Z. On the first sheet of any set of plans having more than two sheets, a master change list of all changes on all sheets, with revision dates, sheet numbers and brief descriptions of changes. Change symbols and/or highlighting of changes shall be used.

## ARTICLE X Construction Documents

### § 410-10.1. Required documents. [Amended during codification]

Plan and profile drawings, construction detail drawings, specifications and other supporting documents, prepared by an engineer licensed to practice in the State of Connecticut, shall be provided for all proposed streets, drainage systems, utilities, sidewalks, curbs, gutters, bridges, culverts and all other proposed public improvements. All construction drawings shall be on 24~~-inches-inch~~ by 36~~-inches-inch~~ sheets. The Commission may require up to three paper copies of each final construction drawing ~~shall~~ be provided, along with a digital copy and one copy prepared by the same process required for the subdivision plan that is to be filed in the Town Clerk's office, as described in Article VIII of these regulations.

### § 410-10.2. Public improvements and driveways.

Streets, storm drainage facilities, related public improvements, common driveways and all driveways with over 10% grade shall be planned and constructed in accordance with these Subdivision Regulations and approvals and/or plans.

### § 410-10.3. Compliance with state standards. [Amended during codification]

The Commission shall require that all construction plans, materials and methods conform to the "State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816"~~2~~, or most recent edition, except as otherwise required by these Bolton Subdivision Regulations. Where there are conflicts with the provisions of these Subdivision Regulations, the more stringent provisions ~~will~~shall apply.

### § 410-10.4. Elevation standards.

The elevations shown on the plan and profile drawings shall be based on the same U.S. Geological Survey Datum as for the site development plan. At least two benchmarks shall be noted on the plan and profile drawings.

**§ 410-10.5. Detail drawings.**

Construction detail drawings, at suitable scales for clarity, shall be provided for all structures, including the road cross-section, drain pipes and trenches, sanitary sewers and trenches, catch basins, manholes, ditches, headwalls, sidewalks, curbs, bridges and culverts.

**§ 410-10.6. Streets and drainage systems.**

The plan and profile drawings for all streets and drainage systems shall be drawn at a horizontal scale of 40 feet to the inch and a vertical scale of four feet to the inch. At a minimum, plan and profile drawings shall include the following items:

- A. Right-of-way and easement lines, with existing and proposed boundary markers.
- B. The center line and numbered stations.
- C. Pipes with notes explaining the pipe function, material, size, length and slope. Underground utilities shall be included.
- D. Structures with notes explaining the structure function, an identifying number for each structure, its center-line station location and offset from the center line appropriate elevations at the ground surface and at pipe inverts.
- E. The existing and proposed center-line profiles, with the proposed elevations noted at fifty-foot intervals, and with the slopes of the proposed tangent.
- F. Vertical curves along the center-line profiles of streets, with appropriate notes describing the curve location and design parameters, including sight distance.
- G. Required sight lines at intersections, horizontal curves, crest vertical curves, ~~guidera~~guide rail and any other features.
- H. Traffic controls signs, pavement markings and streetlights.
- I. A revision number, date and brief description of each plan revision. Change symbols and/or highlighting of changes shall be used.
- J. On the first sheet of any set of plans having more than two sheets, a master change list of all changes on all sheets, with revision dates, sheet numbers and brief description of changes. Change symbols and/or highlighting of changes shall be used.

ARTICLE XI  
Streets

**§ 410-11.1. Classification.**

All streets shown on the subdivision plan shall be classified by the Commission as an arterial street, collector street, local street, or commercial street. Each street classification is defined further in this ~~section~~article with the unique requirements for each street classification.

**§ 410-11.2. Requirements for all new streets.**

- A. Streets, storm drainage facilities, related public improvements, common driveways and all driveways with over 10% grade shall be planned and constructed in accordance with these Subdivision Regulations and approvals.

- B. All streets and related public improvements shall be planned and constructed ~~as~~ to provide a safe and convenient street system for present and prospective traffic and to conform to the requirements described below: .
- C. The Commission may require that all materials and construction methods conform to the "State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction, Form 816" (the latest revision) , or as otherwise required by these Bolton Subdivision Regulations. Where there are conflicts with the provisions of these Subdivision Regulations the more stringent provisions will apply. All materials used for the construction of roads and public improvements shall be new materials that have not been previously used unless specifically approved by the Commission.
- D. The Commission may require that all roadway designs conform to the Connecticut Department of Transportation's Highway Design Manual and any associated references, including but not limited to "A Policy on Geometric Design of Highways and Streets" , published by AASHTO, latest edition.
- E. The pavement cross-section for all streets shall be crowned with a cross-slope of 3/8 inch per foot or super-elevated in accordance with the design speed requirements. The sidewalk shelf shall be graded from the top of the curb to the street line. In flat areas and in fill sections , the sidewalk shelf area shall slope up from the curb to the street line at 1/2 inch per foot or as otherwise approved by the Commission. In cut sections , the sidewalk shelf area shall slope down from the curb towards the street line at 1/2 inch per foot and adjacent to the street line. Within the street , a swale shall direct drainage water to a curbless catch basin located between the curb and the street line as approved by the Commission.
- F. The pavement structure for all streets shall have the following compacted depths: [Amended during codification]
- (1) Subsoil. The subsoil shall be hard, undisturbed native soil cleared of all stumps, topsoil and unsuitable materials. In fill sections, the subsoil shall be hard soil compacted in lifts no thicker than 12 inches to 95% of the ideal native soil density. The fill shall not include any stumps, debris, boulders over 12 inches in diameter, organic soil or any unsuitable materials as determined by the Commission.
  - (2) Subbase. The minimum gravel subbase shall be 12 inches thick compacted gravel. Subbase shall be 24 inches thick in areas of rock cut. Construction methods shall conform to the requirements of the CTDOT Standard Specifications for "rolled granular base," and materials shall conform to the requirements of CTDOT Standard Specifications Sections M.02.03 and M.02.06 (Grading A).
  - (3) ~~Rolled gravel~~Processed aggregate base. The ~~rolled gravel~~processed aggregate base course shall be placed to a compacted depth of four inches ~~thick compacted processed gravel~~. Construction methods shall conform to the requirements of the CTDOT Standard Specifications Section M.05.01.
  - (4) ~~Bituminous concrete~~Hot mix asphalt (HMA) pavement. The pavement shall be four inches thick compacted bituminous concrete placed in two layers. The bottom layer shall be a 2 1/2-~~inch inches~~ thick base pavement course of ~~Class 1 bituminous concrete~~HMA 0.5. The top layer shall be a 1 1/2 ~~inch inches~~ thick finish pavement course of ~~Class 2 bituminous concrete~~HMA 0.375. Equivalent superpave pavement material may be substituted for the Class 1 and Class 2 bituminous concrete. All bituminous concrete pavement material shall be obtained from a plant certified by the Connecticut Department of Transportation.

- (5) Tack coat. ~~Tack coat is to be applied between all courses of pavement, with the exception of pavement courses placed during the same work shift. Prior to placement of tack coat, the pavement surface shall be thoroughly swept by mechanical methods. If the finish pavement course is placed more than a week after the base pavement course is placed, then the base pavement surface shall be thoroughly, mechanically swept and a tack coat placed immediately before the finish pavement is placed.~~
- G. The slopes in cut or fill sections beyond the street line shall not be steeper than two feet horizontal to one foot vertical, except in rock as approved by the Commission. The Commission may require flatter slopes to maintain the stability of the bank. At intersections and horizontal curves, banks shall be cut back to maintain the minimum sight distances along each approach leg that is required for the classification of each leg. No cut or fill slopes or any other grading or construction work shall extend outside of the subdivision property unless appropriate slope rights and/or construction rights are obtained for the Town. All ground surfaces that are disturbed due to grading and construction work for the street shall be loamed, seeded and mulched and maintained until stable to control erosion and sedimentation.
- H. Curbs shall be machine-laid bituminous Cape Cod curbing installed along all streets and turnarounds or as approved by the Commission. The Commission may require Portland cement concrete curbing or vertical granite curbing to be installed, or may require no curbing.
- I. Sidewalks may be required by the Commission in locations deemed proper by the Commission. When sidewalks are required, they shall be five feet wide by five-inch thick Portland cement concrete placed on an eight-inch gravel base in locations within the street and along the right-of-way line or with materials and in locations as approved by the Commission.
- J. ~~Guiderail~~Guide rail.
- (1) ~~Guiderail~~Guide rail shall be new galvanized metal beam rail installed with reflectors and concrete end anchors. Metal beam rail shall be installed one foot beyond the gutter line where the following ~~condition(s)~~conditions exist or are proposed:
- (a) A roadside hazard such as but not limited to a rigid object within the clear zone;
  - (b) The roadside embankment drops off with an average grade steeper than one foot vertically for each four feet horizontally within clear zone of the road pavement;
  - (c) The ground surface within the clear zone of the pavement is four feet or more lower than the pavement.
- (2) The clear zone shall be based on the design speed.
- K. Street names shall not duplicate or too closely approximate in spelling or sound ~~of~~ existing street names in Bolton. All street names shall be approved by the Commission.
- L. School bus accommodations may be required by the Commission to provide for school bus stops. These accommodations may include a paved stopping lane, good sight lines, ~~turn-  
around~~turnarounds and sufficient right-of-way to provide a safe waiting area.
- M. The vertical alignment for all streets shall include vertical curves for all changes in gradient where the algebraic difference in grades exceeds 1/2%. All vertical curves shall be parabolic curves with a minimum length based on the design speed. The vertical curves for crests and sags shall provide at least the minimum stopping sight distance required for the particular classification of each street. Sag curves may be modified as approved by the Commission to eliminate puddles.

- N. The street lines for the right-of-way on each side of a proposed street shall be separated from the opposite street line by at least a minimum width for the classification of the street. The street lines on each side of the street shall be parallel or concentric with the street line on the opposite side of the street, except as otherwise approved by the Commission. The roadway shall be centered between the street lines.

**O. Definitions. As used in this section, the following terms shall have the meanings indicated:**

**CLEAR RUN-OUT AREA** – “Clear run-out area” is the area at the toe of a non-recoverable slope available for safe use by an errant vehicle. Slopes steeper than 1V:3H are not considered traversable and are not considered part of the clear zone.

**CLEAR ZONE** – “Clear zone” shall be defined as the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear run-out area. Simply stated, it is an unobstructed, relatively flat area beyond the edge of the traveled way that allows a driver to stop safely or regain control of a vehicle that leaves the traveled way.

**DESIGN SPEED** – “Design speed” shall be defined as the selected speed used to determine the various geometric design features of the roadway.

**NONRECOVERABLE SLOPE** -- A “nonrecoverable slope” is a slope which is considered traversable but on which an errant vehicle will continue to the bottom. Embankment slopes between 1V:3H and 1V:4H may be considered traversable but nonrecoverable if they are smooth and free of fixed objects.

**RECOVERABLE SLOPE** – “Recoverable slope” is a slope on which a motorist may, to a greater or lesser extent, retain or regain control of a vehicle by slowing or stopping. Slopes flatter than 1V:4H are generally considered recoverable.

**§ 410-11.3. Arterial street requirements.**

**A.** — An arterial street is a primary through road to convey traffic among large areas of the Town and to provide connections with major state roadways. Through traffic passing abutting properties will be the dominant traffic volume on arterial streets.

**~~B~~A.** The minimum right-of-way width for an arterial street shall be 70 feet.

**~~C~~B.** The minimum pavement width for an arterial street shall be 40 feet between ~~gutterlines~~gutter lines, unless specifically approved otherwise.

**~~D~~C.** The design speed shall be based on the 85th percentile or 40 ~~mph~~miles per hour, whichever is more restrictive.

**~~E~~D.** The grades for arterial streets shall be designed to conform to the Connecticut Department of Transportation's standards. The streets should in general follow the contours of the land.

**~~F~~E.** The minimum radius for a horizontal curve at the center line of an arterial street shall be based on the design speed. Superelevation of the roadway may be permitted up to 4% if specifically approved by the Commission.

~~GF.~~ The minimum stopping sight distance for arterial streets shall be based on the design speed.     

#### **§ 410-11.4. Collector street requirements.**

~~A.~~—A collector street is a street that is supplementary to the arterial street system and conveys traffic between the arterial system and smaller areas or among smaller areas. Traffic passing abutting properties is somewhat dominant on collector streets.

~~BA.~~ The minimum right-of-way width for a collector street shall be 60 feet.

~~CB.~~ The minimum pavement width for a collector street shall be 30 feet between gutter lines.

~~DC.~~ The design speed shall be based on the 85th percentile or 30 ~~mph~~miles per hour, whichever is more restrictive.

~~ED.~~ The grades for collector streets shall be no less than 1% and no greater than 8%. The streets should in general follow the contours of the land.

~~FE.~~ The minimum radius for a horizontal curve at the center line of a collector street shall be based on the design speed. Superelevation of the roadway may be permitted up to 4% if specifically approved by the Commission.

~~GF.~~ The minimum stopping sight distance for collector streets shall be based on the design speed.

#### **§ 410-11.5. Local street requirements.**

A local street is a street that primarily provides access to abutting residential properties.

A. The minimum right-of-way width for a local street shall be 50 feet.

B. The minimum pavement width for a local street shall be ~~26-24~~ feet between ~~gutterlines~~gutter lines.  
[Amended during codification]

C. The design speed shall be 25 ~~mph~~miles per hour.

D. The grades for local streets shall be no less than 1% and no greater than 10%. The streets should in general follow the contours of the land.

E. The minimum radius for a horizontal curve at the center line of local streets shall be based on the design speed. Superelevation of the roadway shall not be permitted.

F. The minimum stopping sight distance for a local street shall be based on the design speed.

#### **§ 410-11.6. Commercial street requirements.**

A commercial street is a street which gives access to or circulation within business or industrial areas.

A. The minimum right-of-way width for a commercial street shall be 60 feet.

B. The minimum pavement width for a commercial street shall be 30 feet.

C. The design speed shall be 30 ~~mph~~miles per hour.

D. The grades for commercial streets shall be no less than 1% and no greater than 6%. The streets should in general follow the contours of the land.

- E. The minimum radius for a horizontal curve at the center line of a commercial street shall be based on the design speed. Superelevation of the roadway shall not be permitted.
- F. The minimum stopping sight distance for a commercial street shall be based on the design speed.
- G. Sidewalks may be required at the discretion of the Commission.

#### § 410-11.7. Intersections.

- A. The number of intersecting streets at any one point shall be no more than two streets, which includes through roads and crossroads. Except for crossroads, no point of intersection of any street shall be closer than 200 feet ~~from to~~ an intersection on the opposite side of the street.
- B. The intersection angle of all intersecting streets shall be 90° wherever practical, and no street shall intersect at any other street at less than ~~a 60° an~~ angle ~~of 60°.~~
- C. The corner radius for the curve along the street line at ~~intersection-intersecting~~ streets shall be a minimum of 25 feet, but must accommodate the turning movements of the design vehicle without crossing the center line of ~~the~~ either street.
- D. The maximum grade for all streets at intersections shall not exceed 3% for a distance of not less than 75 feet from the gutter line of the intersection.

#### § 410-11.8. Permanent cul-de-sac streets.

A permanent cul-de-sac street is a street that is closed at one end by building lots and which will not be extended in the future. See the cul-de-sac drawings in the appendix for detailed requirements.<sup>2</sup>

- A. No more than 20 building lots shall have ~~the~~ sole access to the lot from a permanent cul-de-sac street or as otherwise approved by the Commission. This count shall be from the nearest through street and shall include the total of all lots regardless of the number of culs-de-sac.
- B. The ~~turn-around~~turnaround right-of-way for a permanent cul-de-sac street shall be a circular area with a minimum right-of-way radius of 60 feet. The circular ~~turn-around~~turnaround right-of-way shall be joined to the remaining street right-of-way by a curve or curves with sixty-foot radii. The ~~turn-around~~turnaround center shall be located on the extension of the center line of the remaining street right-of-way or the ~~turn-around~~turnaround right-of-way shall be offset to either side of the center line so that it is tangent to the remaining street right-of-way on the opposite side. See the cul-de-sac drawings in the appendix.
- C. The ~~turn-around~~turnaround pavement shall have a fifty-foot radius concentric with the right-of-way.
- D. The ~~turn-around~~turnaround grades, along the gutter line, shall be no less than 1% and no greater than 4%. The ~~turn-around~~turnarounds should in general follow the contours of the land.
- E. The cul-de-sac shall be visible a distance equal to at least the stopping sight distance, but not less than 250 feet.

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<sup>2</sup>. Editor's Note: The drawings are included as an attachment to this chapter.

### § 410-11.9. Temporary cul-de-sac streets.

A temporary cul-de-sac street is a street that initially has only one outlet and for which a right-of-way is provided for the future extension of the street to connect to another street. See the cul-de-sac drawings in the appendix for detailed requirements.<sup>3</sup>

A. No more than 20 building lots shall have the sole access to the lot from a temporary cul-de-sac street or as otherwise approved by the Commission.

~~C. Turn-around~~B. Turnaround easements shall be provided to the Town and shall be as for a permanent cul-de-sac street, except that the land within the minimum right-of-way width for the classification of the street shall be dedicated as a permanent public road and the areas beyond the minimum right-of-way width shall be temporary road easements that expire upon the Town's acceptance of an extension of the street beyond the ~~turn-around~~turnaround.

C. A right-of-way easement for a future street extension of a temporary cul-de-sac street shall be provided to the Town and for the benefit of the owner of any property abutting the subdivision at the future street. The right-of-way easement shall be for the future extension of the street to the property line of the abutting property or to another street. The future street right-of-way easement shall be completely described on the subdivision plan as a parcel of land. The future street easement shall be clearly described as having no time limit and as enabling the Town or the owner of property abutting the subdivision at the future street to construct a public street for all highway purposes for the full street width for the classification of the street. The adjacent lot or lots upon which such future street easement resides shall take title subject to such easement and use of same may continue subject to the easement until such time as a road is constructed thereon and accepted by the Town.

D. Easement descriptions for a future street extension shall provide that the right-of-way for such future street shall be conveyed to the Town automatically by acceptance of such street by the Town.

E. Temporary grading and construction easements shall be provided to the Town and to the owner of any property abutting the subdivision at the future street, along both sides of the future street for a minimum width of 25 feet beyond the right-of-way or wider as may be needed for grading. The easements shall expire upon the Town's acceptance of the street extension.

F. The ~~turn-around~~turnaround pavement shall have a fifty-foot radius concentric with the sixty-foot radius of the ~~turn-around~~turnaround easements. The pavement structure shall be the same as the street.

G. The temporary ~~turn-around~~turnaround grades shall be no less than 1% and no greater than 3%. The cross-slope for the road crown shall be placed through to the end of the ~~turn-around~~turnaround for the pavement width for the classification of the street, with appropriate drainage characteristics to prevent any puddles. The ~~turn-around~~turnarounds should in general follow the contours of the land.

H. The temporary ~~turn-around~~turnaround shall be visible a distance equal to at least the stopping sight distance, but not less than 250 feet.

~~J. Turn-arounds~~I. Turnarounds shall be removed during the construction of a new street that is the extension of a cul-de-sac street, even though it is outside of the limits of the subdivision being constructed. The pavement and road base shall be removed to a depth of at least six inches, new curbs constructed<sup>7</sup> and the area backfilled, loamed and seeded to blend with the surrounding areas.

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<sup>3</sup>. Editor's Note: The drawings are included as an attachment to this chapter.



**§ 410-11.10. Monuments and lot markers.**

Monuments shall be set at corners and angles of all streets, at all points of curvature and all points of tangency of curved streets, with accurate reference to some existing permanent monument or marker. Monuments shall be concrete or granite, not less than four inches square, and 42 inches long with brass or copper plug or drill hole or cross marking the center of the four-inch square, with a ferrous rod in or attached to the monument, and with the monument set flush with proposed grades.

**§ 410-11.11. Street signs, streetlights and street numbers.**

- A. The subdivision owner shall install at each intersection in a subdivision, including intersections of new subdivision streets with existing streets or highways, an appropriate sign identifying the streets and, where required by the Commission, appropriate traffic control signs. The materials, sizes and location of all signs shall be as approved by the Commission.
- B. The subdivision owner shall install and maintain at each terminus of each new subdivision street a secure sign reading as follows:

"This is not a Public Road"

Signed \_\_\_\_\_

Owner \_\_\_\_\_

- C. The above required sign shall be at least 18 inches high by 24 inches wide with two-inch-high block lettering and shall be maintained until the street is accepted by the Town.
- D. The subdivision owner shall install streetlights at all street intersections, including intersections of new streets with existing streets, or as otherwise approved by the Commission. The streetlights shall be in operation before the Commission recommends that the Town accept the street. The subdivision owner shall be responsible for all streetlight operating and maintenance costs until the Town accepts the streets. The streetlights shall be installed in accordance with standards established by the Town or recommended standards for municipal streetlighting as established by the power company providing local service.
- E. Lots along new streets shall have street numbers approved by the Commission, with odd numbers on the right side of the street, which is the side of the street to the right when traveling on the street from its main intersection with other streets. The even and odd numbers shall start at an intersection with another street and increase one number for each 50 feet of road frontage. For instance, with 200-foot lot frontages the even sequence might be 4, 12, 20, etc. [Amended during codification]

**§ 410-11.12. Driveways. [Amended during codification]**

- A. Each lot shall have a driveway location for a driveway entrance that provides the minimum sight distance in both directions along the street as required for the classification of the street. The subdivision owner shall install any new driveways, including paved aprons within the street right-of-way, which replace existing driveways to existing buildings, before the Town accepts the street. No driveway grades shall exceed ~~15%~~12%. Driveways with grades ~~exceeding of 10% or more~~ shall be paved driveways. The site plan shall show the proposed grading for driveways with grades exceeding 10% and shall include notes stating that such driveways shall be paved. Driveways and driveway aprons that must be paved shall be constructed at least to the minimum requirements as specified in the Town's "application and permit for driveway installation". The Commission may require detailed

plans for certain driveways, including steep driveways and driveways through wetland crossings. The Commission may require the subdivision owner to construct certain driveways or portions of driveways before the street is accepted by the Town.-

- B. For driveway grades that exceed 10%, provisions shall be made to accommodate parking for at least two vehicles at the base of the driveway unless specifically waived by the Commission.

C. The visibility at driveway intersections with Town roads shall be such as to allow a stopped vehicle on the driveway, located eight feet back from the gutter line, to see, and to be seen, from a vehicle approaching from either direction along the Town road, a distance of not less than 150 feet, based on a height of eye and object of 3.5 feet.

**§ 410-11.13. Common driveways.**

- A. Common driveways serving more than one lot may be allowed only in accordance with the Zoning Regulations and the Inland Wetlands and Watercourses Regulations.
- B. The subdivision owner shall build each common driveway in the subdivision to the satisfaction of the Commission before any of the lots served by the common driveway are sold or offered for sale.
- C. Each private common driveway in a subdivision shall comply with the following requirements:
- (1) Each common driveway shall be shown on the appropriate subdivision plan.
  - (2) The location of each common driveway shall be fixed and ascertainable.
  - (3) Each common driveway easement document, including a legal description, shall be submitted to the Planning and Zoning Commission for review and shall be recorded in the Town land records prior to or at the time of recording the approved subdivision plan.
  - (4) Each common driveway easement document shall contain the following items in such language and form as approved by the Town Attorney:
    - (a) A "release" and "acknowledgement" that the Town of Bolton shall not be responsible for creating, maintaining, improving or repairing any portion of the common driveway or any connecting driveways.
    - (b) A statement of the respective landowners' responsibilities for maintaining, repairing or replacing the common driveway and that the owner(s) of the common driveway intends the common driveway to remain forever.
    - (c) A statement that the common driveway easement, with its obligations and rights, ~~runs~~ with the land in perpetuity.
  - (5) Each common driveway easement right-of-way shall be at least 25 feet wide and no longer than 1,000 feet. The Commission may require wider easements to accommodate the terrain.
  - (6) The travel portion of each common driveway must be paved at least 12 feet wide with at least two-inch-thick compacted bituminous concrete pavement over at least two-inch-thick compacted processed gravel over at least six-inch-thick compacted base gravel. The maximum grade of the common driveway shall not exceed ~~15%~~12%. Each driveway over 300 feet long shall have a paved travel portion at least 18 feet wide by 50 feet long for each 300-foot length of driveway or portion ~~there-of~~hereof. Drainage facilities, shoulders, alignment and other construction features shall be as approved by the Commission. [Amended during codification]

- (7) For common driveways that exceed a grade of 10%, provisions shall be made to accommodate parking for at least two vehicles per dwelling at the base of the driveway unless specifically waived by the Commission. [Amended during codification]

#### § 410-11.14. Existing streets.

When proposed subdivisions abut an existing street, the following requirements shall be adhered to:

- A. Right-of-way. A street line shall be established to provide for future widening of the existing street. The street line shall be set in accordance with the requirements as to width and alignment for the classification assigned to the street by the Commission. The subdivision owner shall give the Town a quit claim deed for the land between the newly established street line and the center of the existing traveled way.
- B. Drainage. When required by the Commission, drainage structures shall be constructed to conform to the future widening of the existing street with provisions made to properly drain the street in its existing configuration.
- C. Reconstruction. When required by the Commission, the existing street shall be reconstructed in conformance with the requirements of the classification assigned to the street by the Commission.

#### § 410-11.15. Reserved rights-of-way.

- A. When required by the Commission, the subdivision owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining properties.
- B. Easement descriptions for a future street extension shall provide that the right-of-way for such future street shall be conveyed to the Town automatically ~~be~~by acceptance of such street by the Town.
- C. A right-of-way easement for a future street connection/extension shall be provided to the Town and for the benefit of the owner of any property abutting the subdivision at the future street. The right-of-way easement shall be for the future connection or extension of the street to the property line of the abutting property or to another street. The future street right-of-way easement shall be completely described on the subdivision plan as a parcel of land. The future street easement shall be clearly described as having no time limit and as enabling the Town or the owner of property abutting the subdivision at the future street to construct a public street for all highway purposes for the full street width for the classification of the street. The adjacent lot or lots upon which such future street easement resides shall take title subject to such easement, and use of same may continue subject to the easement until such time as a road is constructed thereon and accepted by the Town. Easement descriptions for a future street extension shall provide that the right-of-way for such future street shall be conveyed to the Town automatically ~~be~~by acceptance of such street by the Town

#### § 410-11.16. Pedestrian walkways and bikeways.

In areas where the proposed street system does not conform to the anticipated pattern of pedestrian circulation, particularly in the vicinity of schools and playgrounds, the Commission may require the construction of pedestrian walkways and/or bikeways to be located within easements at least 15 feet wide.

#### § 410-11.17. Fire protection.

When required by the Commission, the subdivision owner shall dedicate to the Town easements to bodies of water for the purpose of accessing and using the water body for fire protection. This dedication shall include any purpose associated ~~to~~with fire protection, including, but not limited to, training, testing,

maintenance or any other legitimate purpose. In the absence of water bodies, cisterns shall be provided as directed.

## ARTICLE XII Drainage

### § 410-12.1 ~~Drainage general.~~ General drainage requirements.

- A. The protection of life and property of area residents, the traveling public, environment and the Town shall be of paramount importance in the design, location, construction and operation of drainage facilities.
- B. All calculations, drawings, details, specifications and reports shall conform to the Connecticut Department of Transportation's latest Drainage ~~Design~~ Manual. All calculations, shall be reviewed, signed and sealed by a professional engineer licensed in the State of Connecticut. [Amended during codification]
- C. A comprehensive drainage report shall be prepared and submitted to the Commission as part of the application process. The report shall conform in all respects to the Connecticut Department of ~~Transportations~~ Transportation's Drainage Manual, unless specified otherwise in the Bolton Subdivision Regulations or by the Bolton Zoning Regulations
- D. The following design storm frequencies shall be utilized:
  - (1) Roadway drainage systems: ten-year storm.
  - (2) Roadway basins located in sag condition: twenty-five-year storm.
  - (3) Cross-culverts with no established watercourse: twenty-five-year storm.
  - (4) Cross-culverts with established watercourse or intermittent watercourse or as directed by the Commission: ConnDOT design criteria. (See Table 8-4 of the CTDOT Drainage Manual).
  - (5) Bridges or areas with established floodplains: ~~one hundred~~ 100-year and 500-year ~~storm.~~ storm.
- E. Drainage systems shall be designed to conform to the latest practices and techniques as outlined in the Connecticut Department of Energy and Environmental Protection's "2004 Stormwater Quality Manual", or the most current revision. Increased runoff from the development shall not be permitted. Retention and/or detention of the increase flows is/are explicitly required.

### § 410-12.2 Roadway drainage.

- A. Roadway drainage shall be designed by a professional engineer to adequately collect or control stormwater runoff and convey it in a manner to minimize the potential for roadway flooding and erosion to areas adjacent to the pavement and to neighboring properties.
- B. Roadway pavement, shoulders, gutters, swales and other systems shall also be designed to minimize snowmelt from plowed snow from draining across the paved portion of the roadway.
- C. Gutter flow analysis shall be performed to determine if all the drainage water within a street is being intercepted by the catch basins and to determine the need for double catch basins. Under no circumstances shall the water spread in the gutter exceed the width of the shoulder plus 1/2 the travel lane width.

- D. Hydraulic grade line computations shall be performed by the professional engineer and included in the report. In addition, hydraulic grade line profiles shall be included in the drainage report. The hydraulic grade line elevation shall be at least one foot below the gutter line elevation. All energy losses within the system shall be incorporated into the calculations. This shall include, but not be limited to, entrance, exit, bend, friction, structure, pipe diameter, flow depth, and other losses as necessary to accurately reflect the proposed design.
- E. Drainage swales, ditches and channels shall be designed to convey the maximum flows computed without erosion or overtopping.
- F. Outlet protection calculations shall be performed to assure adequate protection of the outlet and downstream properties. A field investigation of all proposed outlet locations or existing outlets to be used in a drainage design of a proposed project shall be conducted to determine the erosion resistance of the soils at the outlet, the character of the downstream flow path, and any other site constraints that must be addressed by the proposed design.
- G. Stormwater which is transported through closed conveyance systems at design capacity generally reaches a velocity that exceeds the permissible or erosion-resistant velocity of the receiving channel or overland area. To prevent scour at stormwater system outlets, a flow transition structure shall be used to absorb the initial impact of the flow and reduce the flow velocity to a level which will not erode the receiving channel or overland area.
- H. Recognizing that design and site conditions can vary significantly depending on the project or location on a particular project, it is the responsibility of the engineer to ensure that the design is suitable to the site and will adequately protect the outlet area from scour and erosion. These situations shall be documented in the drainage design report. For all drainage designs, the minimum size pipe shall have a fifteen-inch diameter. The minimum roughness coefficient (n) shall be 0.015 for concrete pipe, 0.024 for corrugated pipe and 0.012 for smooth plastic pipe.
- I. The pipe slope shall not be less than 1% and shall not exceed 10% for pipes up to 24 inches in diameter. Pipe slopes less than 1% may be used for pipes greater than 24 inches in diameter only as approved by the Commission.
- J. At exposed inlets, such as headwalls and flared ends, when the headwater depth divided by the diameter of the inlet pipe exceeds 1.2, the limits of flooding shall be shown on the site plan.
- K. Detention and retention basins shall be designed so that the peak discharges do not exceed the peak discharges prior to development for the one-, two-, five-, ten-, twenty-five-, fifty- and ~~one-hundred~~100-year storm frequencies.
- L. The procedure for computing the outflow from basins shall include the development of storm hydrographs and the routing of these hydrographs through the basins. Stormwater flows shall be computed by use of the methods described in the most current edition of the Natural Resources Conservation Service, United States Department of Agriculture, Technical Release No. 20 or Technical Release No. 55. The method developed by the Soil Conservation Service, United States Department of Agriculture, for developing synthetic hydrographs and routing these hydrographs through reservoirs is a satisfactory method. Other more advanced methods may be required by the Commission. [Amended during codification]
- M. Detention basins may be any of the following types:
- (1) Dry basin that may be ~~multi-purpose~~multipurpose with recreational or other uses during dry periods. The basin should be designed to empty within 72 hours after a design storm.

- (2) Permanent pond with detention provided above the normal water level. The pond should be designed as a silting basin for use both during and after construction. Extreme care shall be taken in the design to minimize the creation of mosquito problems. A qualified biologist shall provide expertise in the design. Provisions shall be made for periodic removal of sediments, overgrowth of vegetation and inspection purposes.
- N. Retention basins, basins that store water over a relatively lengthy time and allow the water to percolate slowly into the ground, shall only be permitted by ~~expressed~~express approval of the Commission.
- O. Basins shall be designed and constructed in accordance with the 2004 Stormwater Quality Manual published by the Connecticut Department of Energy and Environmental Protection or most current version, with the following additional requirements:
- (1) Each basin shall have access from a public Town road for maintenance, on a driveway that provides exclusive access to the detention basin, the outlet and the emergency spillway. The driveway shall be at least 10 feet wide with gravel at least 10 inches thick and have a maximum slope of 12%. The basin and its access driveway shall be on a separate parcel of land deeded to the Town, or be within a permanent easement deeded to the Town for the inspection, repair and maintenance of the basin.
  - (2) Basins may be constructed by excavation or berming. When a berm is to be used it shall be designed and constructed as a dam.
  - (3) All embankments shall be stabilized to resist seepage and erosion.
  - (4) Basins shall be designed so that the maximum depth will not exceed five feet, including the one foot of freeboard. All side slopes on the wetted side shall not be steeper than 4H:1V. The maximum depth may be exceeded by express approval by the Commission if so required to control mosquitoes and shall be protected from access by the public.
  - (5) Sediment collection shall be facilitated by a trap or stilling area, with clean-up provided for.
  - (6) An emergency spillway/overflow structure shall be provided to safely channel flows downstream in the event that the design storm is exceeded or the outlet blocked. The emergency spillway shall be designed to pass the post-development discharge from a ~~one-hundred~~100-year storm frequency, with the crest of the flow at least one foot below any other portion of the basin perimeter.
  - (7) The basin bottom for a dry basin should have a 1% slope towards the low-flow bypass channel. This will prevent standing water and allow the basin to completely drain for park use during dry periods.
  - (8) The bottom and side slopes and all adjoining disturbed areas shall be covered with at least four inches of loam and planted with grass.
  - (9) A buffer zone of a minimum of 20 feet between the top of the inside slope of the detention basin and adjacent property is required. This requirement shall be increased to 100 feet if subsurface septic systems and/or wells are located down slope of the basin. The Commission may waive the 100-foot requirement if placements of wells or septic systems ~~are~~is restricted from this 100-foot area.
  - (10) The design and construction shall be as approved by the Town Engineer.

- P. The submission for the design of basins should include the following:
- (1) Plan with a scale of not less than one inch ~~equals~~ 40 feet showing proposed contours with a maximum two-foot interval.
  - (2) Profile of the base from at least 50 feet upstream of the inlet to at least 50 feet downstream of the outlet. The profile shall be drawn at a horizontal scale of one inch equals 40 feet, with the vertical scale exaggerated by a multiple of 10.
  - (3) Material and construction method specifications shall be provided.
  - (4) Details of the outlet, embankment and emergency spillway.
  - (5) Design calculations and graphs to substantiate the basin dimensions and operating characteristics.
- Q. The proposed drainage facilities shall accommodate all drainage water that flows to it from the upstream watershed, regardless of property lines. The drainage facilities shall not result in the flooding of adjacent properties unless a formal written easement to do so is obtained from the affected property owner(s) as approved by the Commission. The drainage facilities shall not lower the water level of water bodies on adjacent properties unless the affected property owner(s) provides written permission to do so. The drainage facilities shall not divert drainage flows away from downstream watercourses and water bodies on adjacent properties without written permission from affected property owner(s).
- R. A significantly increased peak flow for the purposes of these regulations is considered to be a peak after-development flow that is more than 0% greater than the before-development flow for the same storm frequency.
- S. A professional engineer shall provide a comprehensive report of the design of all proposed drainage facilities. The drainage report shall address before- and after-development conditions, particularly for the drainage flows affecting adjacent properties. The report shall include the before- and after-development drainage calculations and drainage area maps and the engineer's conclusions. These report requirements are the minimum requirements. The Commission may require additional information.

**§ 410-12.3. Cross-culverts and bridges. [Amended during codification]**

- A. Culverts and bridges shall have special design requirements due to their size and complexity of design. In all respects, these structures ~~in all respects~~ shall be designed in accordance ~~to~~with the Connecticut Department of Transportation's "Drainage Manual" and "Bridge Design Manual". Any culvert that exceeds six feet in diameter or width shall be considered a bridge for design purposes.
- B. The most current ~~version~~versions of the Connecticut Department of Transportation's "Drainage ~~and Design~~ Manual" and "Bridge Design Manual" are hereby incorporated into these regulations by reference.

**§ 410-12.4. Construction standards.**

- A. Streets, storm drainage facilities, related public improvements, common driveways and driveways with over 10% grade shall be planned and constructed in accordance with these Subdivision Regulations and the provisions of any subdivision approval.

- B. Drainage pipes shall be precast reinforced concrete pipe, Class IV or smooth-lined, high-density polyethylene pipe~~stronger~~, with a minimum inside diameter of 15 inches. The maximum length of pipe run between structures, for pipes up to 48 inches in diameter, shall be 300 feet. The length of pipe runs for pipes over 48 inches in diameter shall be as approved by the Commission. Pipes up to 48 inches in diameter shall be laid straight horizontally and vertically. Pipes over 48 inches in diameter shall be laid as approved by the Commission. The pipe barrel shall be placed on the undisturbed, firm, dug trench bottom so that it is fully supported, as approved by the Commission. The Commission may require that the pipe be placed on at least a six-inch-thick bed of crushed stone, with crushed stone backfill up to the middle of the pipe and a sand cushion at least 12 inches over the top of the pipe. The pipe bedding and backfill in the trench shall be compacted to at least 95% of the ideal density, or as approved by the Commission. No stones larger than ~~three~~-1 1/2 inches shall be placed within 12 inches of the pipe. The pipe joints on the top half of the pipe shall be sealed with mortar or asphalt or other means as approved by the Commission to prevent soil from entering the pipe. [Amended during codification]
- C. Catch basins shall be located no more than 350 feet from the high point of a road, and the spacing between catch basins shall not exceed 300 feet along the road. Catch basins shall be constructed of precast concrete sumps, walls and tops with up to two courses of solid mortared concrete block, except as approved by the Commission. All openings around pipes 12 inches and more in diameter shall be completely filled with solid mortared concrete block. All joints between prefabricated sections, blocks and pipes less than twelve-inch diameter shall be completely filled with mortar. Weep holes as approved by the Commission shall be provided on each catch basin wall. The catch basin base shall be set on undisturbed, level, firm, dry soil or on at least a six-inch-thick pad of crushed stone as approved by the Commission. The catch basin shall be backfilled with crushed stone for at least one foot out from the walls and up to the road gravel or up to the topsoil, as appropriate. Wherever practical, pipes should be flush with the inside wall of a catch basin but shall not extend ~~in~~ more than six inches from the wall.
- D. Manhole structures shall be constructed of reinforced precast concrete units. The frame and cover shall be of cast iron with a two-foot-diameter nominal opening and shall be set in a bed of mortar on a maximum of two courses of concrete block. All joints shall be completely filled with mortar. The manhole base shall be set on undisturbed, level, firm, dry soil or at least a six-inch pad of crushed stone as approved by the Town Engineer. Where possible, manholes should not be located within the paved portion of a roadway without ~~expressed~~express approval by the Commission. Manholes must be accessible by maintenance vehicles.
- E. Each drainage outlet shall, ~~as~~at a minimum, have a riprap plunge pool energy dissipater, or other appropriate energy dissipater as required by the drainage design and as approved by the Town Engineer. The minimum plunge pool dimensions shall be 20 feet long by 15 feet wide by three feet deep and shall be constructed with twelve-inch-thick modified riprap over a six-inch-thick gravel base.
- F. Underdrains shall be installed adjacent to each edge of the road pavement wherever the pavement surface is lower than the original ground surface ~~was~~ along that pavement edge. Underdrains shall also be installed wherever wet or potentially wet soil conditions occur or as directed by the Commission. The ~~under drain~~underdrain pipe shall be a perforated pipe with a minimum diameter of four inches, or larger as approved by the Town Engineer. The underdrain trench shall be lined with filter fabric. The underdrain pipe shall be placed on a minimum six-inch-thick bed of crushed stone from 1/2 inch to one inch in size, and the trench shall be backfilled with the crushed stone to the level of the travel road bed or to the topsoil as appropriate and the stone covered with filter fabric. The Commission may require that the stone be backfilled to the surface and remain exposed to catch



surface water. Where underdrains discharge into a drainage structure the underdrain pipe shall be mortared flush to the inside wall of the structure.

- G. Detention and retention basins shall be constructed in accordance with plans prepared by a professional engineer to comply with these regulations, and as approved by the Commission.

### ARTICLE XIII Utilities

#### § 410-13.1. Water supply. [Amended during codification]

Each lot must be provided with an adequate supply of clean water in accordance with the Public Health Code of the State of Connecticut and, as appropriate, in accordance with the Public Utilities ~~Commission~~ Regulatory Authority of the State of Connecticut. Water supplies on adjacent properties shall not be adversely affected. Where private wells are to be used, each required well location shall be shown with the required ~~separating~~separation distances from sewage disposal systems, footing drains, etc.

#### § 410-13.2. Sewage disposal. [Amended during codification]

- A. Each lot must be provided with an adequate method of sewage disposal in accordance with the requirements of the Public Health Code of the State of Connecticut Department of ~~Health Services~~ Public Health or as appropriate in accordance with the requirements of the State of Connecticut Department of Energy and Environmental ~~Energy and~~ Protection. Water supplies and sewage disposal systems on adjacent properties shall not be adversely affected. -
- B. As of 2024, the Town of Bolton has limited public sewer service for pollution avoidance purposes and not intended to allow for higher density residential purposes, As of 2008 the Town of Bolton has no public sewer system and most sewage is treated by private, on-site subsurface sewage disposal systems. Therefore, each proposed lot must have at least two deep test holes and a percolation test as observed by the Town Sanitarian. The Commission may require additional soil tests as recommended by the Town Sanitarian. All soil test results, including unsuitable test holes and percolation data, shall be shown on the plans. For each lot, an appropriately sized and located primary and reserve sewage leaching ~~areas~~area must be shown on the plan, with each area containing a test hole where suitable soils for sewage disposal were identified. The proposed grading shall be shown for the primary leaching area. The Commission may require other features to be shown on the plans, such as ~~proposed~~ wallswells, stock pile areas, curtain drains, footing drains, existing wells, etc. to demonstrate that the lot can be developed in accordance with the Health Code. The Commission will consider a report by the Town Sanitarian on the suitability of the conditions observed on each lot for a sewage disposal system. If the proposed development requires state approval of the sewage disposal system, the Commission will consider a report by the appropriate state agency. Any necessary reports, recommendation, approvals and such, shall be included in the application materials.

#### § 410-13.3. Utility lines.

- A. All utility facilities such as electrical lines, telephone lines, cable television lines, transformers, control panels, sewers, etc. shall be installed in accordance with the utility companies' requirements within the appropriate utilities easement areas. In addition, all new or relocated utilities shall be located underground. No such utility facilities shall interfere with the use and maintenance of public streets and drainage facilities above ground or below ground. Conduits shall be installed for all underground utility lines before any pavement is placed on the road. Utility manholes and other structures shall be placed outside of the pavement limits, where practical.

- B. Manhole structures shall be constructed of reinforced precast concrete units. The frame and cover shall be of cast iron with a two-foot-diameter nominal opening and shall be set in a bed of mortar on a maximum of two courses of concrete block. All joints shall be completely filled with mortar. The manhole base shall be set on undisturbed, level, firm, dry soil or at least a six-inch pad of crushed stone as approved by the Town Engineer. Where possible, manholes should not be located within the paved portion of a roadway without ~~expressed~~ approval by the Commission. Manholes must be accessible by maintenance vehicles.
- C. Manholes, structures, piping and similar structures shall be constructed watertight to prevent intrusion or extrusion of water and/or other fluids.
- D. At least one foot of sand or clean gravel shall be placed above the utility pipe along with the appropriate warning tape, unless the utility company requires something more restrictive.

**§ 410-13.4. Water supply for fire protection. [Amended during codification]**

A. This § 410-13.4 of the Subdivision Regulations shall apply to any application for a subdivision that results in a parcel of land being divided into three or more lots and shall be consistent with the Bolton Zoning Regulations, Chapter 450, Article III, Part 3, Water Supply for Fire Protection.

~~A. This § 410-13.4 of the Subdivision Regulations shall apply to any application for a subdivision that results in a parcel of land being divided into three or more lots.—~~

~~B. A permanent water supply for fire protection, approved by the Bolton Fire Marshal, in accordance with these regulations, shall be made available not later than the completion of the first building foundation within the subdivision.—~~

~~C. The permanent water supply for fire protection shall consist of an underground fiberglass or reinforced concrete cistern and necessary appurtenances, such as fire department connection riser, vents, etc., as necessary, and shall have a capacity of at least 30,000 gallons of water.—~~

~~D. The cistern fire department connection riser shall be located within five feet of a paved surface accessible by fire apparatus. The intervening access way between the paved surface and the riser shall be paved surface at least six feet in clear width, and shall be posted as a fire lane to protect access.—~~

~~E. The location of The cistern fire department connection riser shall be located in accordance with the following requirements:—~~

~~(1) For single-family detached dwellings, no part of a dwelling shall be more than 2,000 feet, as measured along roads and driveways, from the cistern fire department connection riser.—~~

~~(2) For dwellings other than single-family dwellings, no part of the dwelling shall be more than 1,500 feet, as measured along roads and driveways, from the cistern fire department connection riser.—~~

~~(3) For all buildings, additions and operations over 1,000 square feet other than dwellings and their accessory structures, no part of the structure shall be more than 1,000 feet, as measured along roads and driveways, from the cistern fire department connection riser and the permanent water supply shall no be located within the collapse zone of any structure.—~~

~~F. The design, siting and installation criteria for this permanent water supply shall be designed by a professional engineer, properly licensed and registered in the State of Connecticut. A set of plans, signed and stamped by the engineer and the engineer's cost estimate of the complete installation, shall be provided as part of the application for the subdivision. The permanent water supply shall be~~

~~designed as a water supply for firefighting in accordance with nationally recognized criteria such as National Fire Protection Association (NFPA) Publication #1142, the edition current as of the date of the application. The design of such a water supply must include, but not be limited to, depth of groundwater and ledge, anticipated loading requirements on top of the structure and protection against freezing.—~~

- ~~G.— An alternative permanent water supply may be substituted for the cistern if approved by the Fire Marshal. This approved alternative permanent water supply shall be a body of water and dry hydrant assembly that, based upon an engineering analysis conducted in accordance with Subsection F above, is shown to comply with the requirements of NFPA Standard #1142, the edition current as of the date of the application. This alternative permanent water supply shall comply with the distance requirements of Subsection E above. All requests for approval of a natural or man-made on-site surface water supply must be accompanied by a drainage analysis prepared by a licensed professional engineer. Such an analysis must state the minimum number of gallons available during the dry season of the year and shall indicate the source and amount of water that is supplied to the surface water supply during all weather conditions.—~~
- ~~H.— The owner(s) of land where the cistern or body of water and associated dry hydrant are located, shall grant a permanent easement to the Town of Bolton and the Bolton Fire Department, for purposes of access for firefighting, training, inspection, testing and maintenance.—~~
- ~~I.— The owner(s) of land where the water supply is located shall install, fill and operate the permanent water supply to the satisfaction of the Bolton Fire Marshal in accordance with these regulations. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall provide the Town of Bolton performance and maintenance bonds, for the satisfactory installation and operation of the permanent water supply as determined by the Bolton Fire Marshal. The bonds shall comply with the applicable portions of Article XV of these Subdivision Regulations, except as otherwise required by this § 410-13.4. To account for future cost increases and unforeseen costs, the performance bond amount shall be equal to at least 125% of the engineer's cost estimate to provide the complete installation of the permanent water supply and appurtenances. In no case shall the performance bond amount be less than \$5,000 plus \$1.50 per gallon of the required capacity of the permanent water supply. The time for the satisfactory completion of the installation and operation of the permanent water supply shall be the earliest time of the following requirements: the time stated by the Planning and Zoning Commission in a subdivision approval, the time required by Subsection B or the time required by Article XV of these Subdivision Regulations. Failure to satisfactorily install and operate the permanent water supply within the required time shall be a cause for the Town of Bolton to require immediate and full payment of the performance bond funds for use in providing a satisfactory permanent water supply. Upon the satisfactory complete installation and operation of the permanent water supply, the performance bond may be replaced by a maintenance bond equal to 20% of the performance bond, for the continued satisfactory condition and operation of the permanent water supply. The maintenance bond shall remain effective for two years after the date that the Planning and Zoning Commission determines that permanent water supply is installed and operating to the satisfaction of the Bolton Fire Marshal.—~~
- ~~J.B. The requirements in this § 410-13.4 for the actual construction of the permanent water supply may be waived by the Planning and Zoning Commission ~~o~~if the following requirements are met:~~
- ~~(1) For residential structures, all residential structures in the subdivision must be protected by automatic sprinklers installed in accordance with NFPA 13D or 13R, as appropriate, as adopted by the State of Connecticut at the time of application for a building permit. Any residential structure or structures not within the distance limits of ~~Subsection E above~~ § 450-3.32B of the Bolton Zoning Regulations may use this alternative.~~

- (2) For nonresidential structures, all nonresidential structures in the subdivision must be protected by automatic sprinklers installed in accordance with NFPA 13, as adopted by the State of Connecticut at the time of application for a building permit.
- (3) The approved subdivision plan to be endorsed by the Planning and Zoning Commission and filed in the land records in the Town Clerk's office must include a prominent note stating that all structures must be built with the required sprinklers.
- (4) The design, plans and easement for a permanent water supply are provided with the subdivision application and approved by the Bolton Fire Marshal.
- (5) A performance bond is provided to the Town that complies with the requirements of ~~Subsection~~ § 450-3.32B of the Bolton Zoning Regulations, with the following modifications for sprinklers: The performance bond amount is \$10,000 per residential dwelling and \$3 per square foot of gross building floor area, including cellar floors for nonresidential structures, or \$50,000, whichever is greater. The entire performance bond amount will be held by the Town until all the ~~structure(s)~~structures on each lot have been built with sprinklers approved by the Building Official and the Fire Marshal. Failure to properly install the required sprinklers as approved by the Building Official in any structure in the subdivision shall be a cause for the Town of Bolton to require immediate and full payment of the performance bond funds for use in providing a permanent water supply. Upon the satisfactory complete installation and operation of sprinklers in the structures on all lots in the subdivision, the performance bond may be released. No maintenance bond is required for sprinklers after the performance bond is released.

~~K. — The Bolton Fire Marshal shall act to approve, modify and approve or disapprove any plans for a permanent water supply for fire protection in accordance with these regulations and shall provide a report to the Commission describing such action within 65 days of the receipt of such plans. For any disapproval or modification of plans, the report must include the reason(s) as to why the plans were determined to not comply with these regulations. The failure of the Fire Marshal to act within this sixty-five day period shall be considered as an approval of the plans. —~~

#### ARTICLE XIV

### Erosion and Sedimentation Control Plan [Amended 12-5-2012, eff. 12-17-2012]

#### § 410-14.1. Purpose.

The purpose of an erosion and sedimentation control plan is to minimize soil erosion and sedimentation that is caused by construction activity. The intent of such a plan is that water run-off, erosion and sedimentation shall not cause problems on the developed property or on downstream properties.

#### § 410-14.2. Conditions requiring plan.

The Commission shall require an erosion and sedimentation control plan when any of the following conditions exist:

- A. Construction of a road.
- B. One or more new building lots are created.
- C. The disturbed area of the subdivision is cumulatively more than ~~one-half~~1/2 acre.
- D. Construction activities that disturb or would likely disturb soil are located within 100 feet of any wetlands or on slopes exceeding 8%.

**§ 410-14.3. Certification requirements.**

To be eligible for certification, a soil erosion and sedimentation control plan shall contain proper provisions to adequately control stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Alternative principles, methods and practices may be used with approval of the Commission.

**§ 410-14.4. Plan contents.**

The erosion and sedimentation control plan shall contain, but shall not be limited to:

**A. A narrative describing:**

- (1) The development~~;~~;
- (2) The schedule for grading and construction activities~~,~~, including:
  - (a) Start and completion dates;
  - (b) Sequence of grading and construction activities;
  - (c) Sequence for installation and/or application of soil erosion and sediment control measures;
  - (d) Sequence for final stabilization of the project site.
- (3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
- (4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
- (5) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
- (6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
- (7) Contact information of the responsible design professional.

**B. A site plan map at a sufficient scale to show:**

- (1) The location of the proposed development and adjacent properties;
- (2) The existing and proposed topography~~,~~, including soil types, wetlands, watercourses and water bodies;
- (3) The existing structures on the project site, if any;
- (4) The proposed area alterations~~,~~, including cleared, excavated, filled or graded areas and proposed ~~structures~~structures, utilities, roads and, if applicable, new property lines;
- (5) The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities;
- (6) The sequence of grading and construction activities;

- (7) The sequence for installation and/or application of soil ~~erosion~~erosion and sediment control measures;
  - (8) The sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent. For example, the Commission may require testing, such as surface water quality sampling and analysis before, during and after construction to assure protection of existing watercourses. The costs for such additional information or services shall be borne by the subdivision owner.

#### **§ 410-14.5. Standards.**

- A. The Commission may require that plans for soil erosion and sediment control be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C. The erosion and sedimentation control plan shall be prepared by a professional engineer licensed in the State of Connecticut.
- D. The Commission shall certify that the erosion and sedimentation control plan complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations. The Commission may accept the North Central Conservation District's certification of the erosion and sedimentation control plan as its own certification. The Commission's approval of the subdivision plan shall constitute the certification of the erosion and sedimentation control plan attached to it, subject to any conditions or modification required by the Commission.
- E. Nothing in these regulations shall be construed as extending time limits for the approval of any application under ~~Chapters~~Chapter 124, ~~124A~~ or 126 of the General Statutes. [Amended during codification]

#### **§ 410-14.6. Referral to other agencies.**

Prior to the Commission's approval and certification of the erosion and sedimentation control plan, the plan may be referred to the Bolton Inland Wetlands Commission, the Town Engineer, the North Central Conservation District and/or other review agency or consultant for review and comment. The erosion and sedimentation control plan, when approved by the Commission, shall be considered an integral part of the subdivision plan, and shall be filed in the Town Hall at the time the subdivision is filed.

#### **§ 410-14.7. Cost estimate; financial guarantee.**

The subdivision owner's engineer shall provide a cost estimate of the measures to control soil erosion and sedimentation for review and approval by the Commission. A separate financial guarantee to cover the proposed estimated costs of measures required to control soil erosion and sedimentation as specified in the

certified plan shall be required in a form acceptable to the Commission and the agent, ~~providing~~provided the financial guarantee is in accordance with the provisions specified under Article XV of these regulations.

**§ 410-14.8. Timing.**

- A. Site development shall not begin until:
- (1) The erosion and ~~Sediments~~sedimentation control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional; and
  - (2) The financial guarantee is in place.
- B. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

**§ 410-14.9. Maintenance of control measures and facilities.**

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the subdivision owner to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. The Commission may require that such progress reports be prepared by a professional engineer, a certified soil scientist or other qualified professional, as approved by the Commission, and at the expense of the subdivision owner.

**§ 410-14.10. Corrections to plan.**

If during development the Commission's agent determines that the erosion and sedimentation control plan is deficient, because of unforeseen site conditions, the subdivision owner shall make any corrective changes to control measures as directed by the Commission's agent.

ARTICLE XV

**Financial Guarantees**

[Amended eff. 10-16-2009; eff. 10-12-2010; 12-5-2012, eff. 12-17-2012]

**§ 410-15.1 ~~Financial guarantees.~~ Guarantee for completion of public improvements.**

- A. Before the Commission endorses the final subdivision plan, all required public improvements must be constructed as approved by the Commission and formally accepted by the Town of Bolton, or the Commission may require a financial guarantee for the completion of the public improvements as described below. The Commission shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds, including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit. The financial guarantee provided to the Town shall be in the amount equal to the actual construction cost of the public improvements as determined by the Commission upon the recommendation of the Town Engineer plus a 20% contingency amount. In estimating the amount of the financial guarantee, the subdivision owner's engineer shall include the costs of the following items:

- (1) The construction and installation of all required public improvements, including storm drainage systems, roads and pavements, sidewalks, curbs, utility lines, trees, grading, surface restoration, setting of monuments, as-built drawings.
  - (2) The inspection and testing of construction activities and materials by a qualified independent third party. The cost estimate shall describe the quantity and cost of each inspection and testing item.
- B. At the discretion of the person posting such financial guarantee, such financial guarantee may be posted at any time before all approved public improvements and utilities are completed, except that the Commission may require a financial guarantee for erosion and sediment control measures prior to the commencement of any improvements as set forth in § 410-15.3. No lot shall be transferred to a buyer before any required financial guarantee is posted or before the approved public improvements and utilities are completed to the reasonable satisfaction of the Commission or its agent. For any subdivision that is approved for development in phases, the financial guarantee provisions of this section shall apply as if each phase was approved as a separate subdivision.
- C. The financial guarantee instrument shall not expire, nor shall such instrument or cash guarantee be released by the Town prior to the effective date of acceptance of the public improvements by the Town. Except for a cash guarantee, ~~that~~the instrument shall state the date when all public improvements are to be completed to the satisfaction of the Commission. All such improvements shall be completed within five years after the Commission approves the subdivision plan or within any extension of such construction period authorized by the Commission in accordance with ~~Connecticut General Statutes~~ C.G.S. § 8-26c or with a Special Act. If the improvements are not completed and approved by the established date, the Town may call the financial guarantee to the extent required to fund such completion.
- D. If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than 65 days after receiving such request:
- (1) Release or authorize the release of any such financial guarantee or portion thereof, provided the Commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed; or
  - (2) Provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

#### **§ 410-15.2. Guarantee for maintenance of public improvements.**

- A. As a condition of the Town's acceptance of the public improvements, the subdivision owner shall provide to the Town a financial guarantee for the maintenance of public improvements to ensure that funds are available to the Town to maintain or repair the public improvements. The Commission ~~may accept surety bonds and~~ shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds, including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit. The amount of the financial guarantee for the maintenance of public improvements shall be 20% of the original amount of the financial guarantee for the completion of public improvements. If there was no financial guarantee for the completion of public improvements, the amount of the financial guarantee for the maintenance of public improvements shall be 20% of the amount calculated as for such financial guarantee. [Amended during codification]



- B. The financial guarantee for the maintenance of public improvements shall be in full force and effect for a period of one year after the date that the public improvements are determined to be complete by the Commission, or on the effective date of the acceptance of improvements by the Town, whichever is later.
- C. If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than 65 days after receiving such request:
  - (1) Release or authorize the release of any such financial guarantee or portion thereof, provided the Commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed; or
  - (2) Provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.
- D. If the Town identifies a need to maintain or repair the accepted public improvements, the subdivision owner shall complete such maintenance or repair work within 30 days of being notified by the Town. If the condition needing maintenance or repair presents a potential risk to the public or the environment, the subdivision owner shall begin such maintenance or repair work within 24 hours of being notified by the Town. The Town may approve other, longer time limits.
- E. If the needed maintenance or repair work is not completed to the satisfaction of the Commission within the above time limits, such conduct shall constitute a default of the performance guarantee for the maintenance of public improvements, and upon written notice by the Commission to the subdivision owner of such default, the Town may call the financial guarantee in order to complete such maintenance or repair work.

#### **§ 410-15.3. Erosion and sedimentation control bond.**

- A. Before any soil disturbance occurs and construction of public improvements commences, the subdivision owner shall provide a financial guarantee to ensure that erosion and sedimentation controls are adequate. The Commission shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds, including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit. ~~The Any~~ interest accrued on such an account shall belong to the subdivision owner if funds from the account are returned to the subdivision owner. [Amended during codification]
- B. This financial guarantee shall remain in effect until the completion of all public improvements as certified by the Town Engineer, and until the Town Engineer certifies that the site is stable and the erosion and sedimentation controls are no longer necessary. The amount of the financial guarantee shall be equal to the greater of 110% of the cost, as estimated by the developer's qualified engineer and acceptable to the Commission upon the recommendation of the Town Engineer. Such bond shall include erosion and sedimentation controls associated with the installation of public improvements, including, but not limited to, installation of silt fence or hay bales, temporary erosion control measures, topsoil, final grading and seeding, straw mulch and/or erosion blankets, provided that there is no duplication of such measures encompassed by the financial guarantee for the completion of public improvements.

- C. If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than 65 days after receiving such request:
- (1) Release or authorize the release of any such financial guarantee or portion thereof (with any interest, if a cash bond), provided the Commission or its agent is reasonably satisfied that the erosion control measures for which such financial guarantee or portion thereof was posted have been effective and are no longer required; or [Amended during codification]
  - (2) Provide the person posting such financial guarantee with a written explanation as to why that person has not complied with the approved erosion and sedimentation control plan, and/or why supplemental measures are needed before such financial guarantee or portion thereof may be released. Any interest accrued on any cash bond submitted shall be deemed part of the cash bond.

## ARTICLE XVI Landscaping Plan

### § 410-16.1. Purpose.

The purpose of a landscaping plan is to enhance the aesthetics, desirability, create buffers, re-establish vegetation and preserve to the greatest extent the character of Bolton.

### § 410-16.2. Plan required.

The Commission shall require a landscaping plan.

### § 410-16.3. Plan contents; requirements.

A. The plan shall contain, but not be limited to:

- (1) A narrative describing:
  - (a) The development; \_\_\_\_\_
  - (b) The schedule for grading and construction activities, including:
    - [1] Start and completion dates;
    - [2] Sequence of grading and construction activities;
    - [3] Sequence for installation and/or application of soil erosion and sediment control measures;
    - [4] Sequencing of landscape plantings,
    - [5] Sequence for final stabilization of the project site.
  - (c) The design criteria for the landscaping.
  - (d) The construction details for proposed plantings and preservation of existing vegetation.
  - (e) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

- (f) The operations and maintenance program for proposed landscaping and preservation efforts.
- (2) A site plan map at a sufficient scale to show:
  - (a) The location of the proposed development and adjacent properties;
  - (b) The existing and proposed topography, including soil types, wetlands, watercourses and water bodies;
  - (c) The existing vegetation on the project site, if any;
  - (d) The proposed area alterations, including cleared, excavated, filled or graded areas and proposed structure, utilities, roads and, if applicable, new property lines;
  - (e) The location of and design details for all proposed landscaping measures and stormwater management facilities;
  - (f) The sequence of grading and construction activities;
  - (g) The sequence for installation;
  - (h) Installation sizes, species, common names, maximum anticipated growth size and other characteristics;
  - (i) Noxious and invasive species as listed by the CT Department of Energy and Environmental Protection shall be identified and located on the plan. Removal and control methods shall be indicated. [Amended during codification]
- (3) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent. For example, the Commission may require tests, including soil sampling and analysis before, during and after construction to assure vigorous growth and sustainability. The costs for such additional information or services shall be borne by the subdivision owner.

B. Requirements: [Amended during codification]

- (1) One shade tree shall be provided for every 40 feet of frontage, or the Commission may approve an alternate plan to satisfy this requirement.
- (2) Trees and vegetation shall be preserved in side yards and rear yard setback areas to the greatest extent possible. ~~In the absence of existing trees in the rear and side yards, one shade tree per 50 linear foot of property line shall be provided.~~
- (3) Existing trees of at least four inches caliper may be used to satisfy the planting requirement. Acceptable existing trees shall include: oaks, white pine, maples, cedar, sycamore, cherry, dogwood, beech, ash, and others as approved.

**§ 410-16.4. Preparation of plan by landscape architect.**

The Commission may require that a landscape architect prepare the landscaping plans developed in accordance with these regulations.

**§ 410-16.5. Compliance with regulations required.**

The Commission shall certify that the landscaping plan complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations. The Commission's approval of the subdivision application shall constitute the certification of the landscaping plan attached to it, subject to any conditions or modification required by the Commission.

**§ 410-16.6. Filing of plan with approved subdivision.**

The landscaping plan, when approved by the Commission, shall be considered an integral part of the subdivision plan, and shall be filed in the Town Hall at the time the subdivision is filed.

**§ 410-16.7. Cost estimate; financial guarantee.**

The subdivision applicant shall provide a cost estimate for review and approval by the Commission. The approved estimated costs, as specified in the certified plan, may be covered in a separate performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Article XV of these regulations.

## ARTICLE XVII

**Construction Authorization and Inspection****§ 410-17.1. Authorization by Engineer required.**

No construction of any public improvements shall begin until the Town Engineer authorizes such work. Before beginning construction, the subdivision owner shall have all required permits and bonds as approved by the appropriate authority and shall provide copies to the Town Engineer. The subdivision owner shall contact the Town Engineer at least 10 days in advance of the proposed construction start date, to schedule a pre-construction meeting. The Town Engineer will establish the construction inspection requirements, which may vary depending on the nature of the construction and the site conditions. As directed by the Town Engineer, the subdivision owner shall have a qualified engineering testing firm provide the following tests for each 400 feet of new road, at no expense to the Town:

- A. Compaction tests for the subsoil.
- B. Compaction, gradation and thickness tests for the gravel ~~sub-base~~subbase, processed aggregate base, and the base pavement and the finish pavement. [Amended during codification]

**§ 410-17.2. Additional tests or reviews.**

Depending on the individual situations, the Town Engineer may require the subdivision owner to provide additional tests and/or reviews by technical experts at no expense to the Town.

**§ 410-17.3. Standards for materials and construction. [Amended during codification]**

All materials and construction methods shall comply with the "State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816818", or latest revision, or as otherwise required by these Bolton Subdivision Regulations. As required by the Town Engineer, the subdivision owner shall provide certificates from the suppliers certifying that the materials used in the construction of the public improvements conform to the requirements of the specification-specifications.

**§ 410-17.4. Road standards. [Amended during codification]**

Road grade stakes shall be set and maintained by the applicant for the Town Engineer to check the road grades and cross-slopes for the soil base, the gravel ~~sub-base~~subbase and the processed ~~gravel-aggregate~~ base. The gravel ~~sub-base~~subbase, processed ~~gravel-aggregate~~ base and pavement shall not be placed until authorized by the Town Engineer. No drainage pipe or structure shall be backfilled until authorized by the Town Engineer.

ARTICLE XVIII  
**Easements and Deeds**  
**[Amended eff. 10-12-2010]**

**§ 410-18.1. Location of improvements.**

Each public improvement that is required for a subdivision shall be located completely within either a separate parcel of land deeded to the Town or an appropriate easement to the Town, as approved by the Commission.

**§ 410-18.2. Warranty deeds for streets, open spaces and public lands.**

The subdivision owner shall provide a warranty deed from the record owner to the Town free and clear of all encumbrances (except required easements) for each street, open space parcel, and other public lands required in connection with the subdivision, together with all appurtenant easements as shown on the subdivision plan approved by the Commission.

**§ 410-18.3. Warranty deeds for Town roads.**

The subdivision owner shall provide a warranty deed from the record owner to the Town conveying all the rights for a public Town road for each future street and an easement for such future street extension in accordance with § 410-11.9, together with all construction and grading easements and other appurtenant easements as shown on the subdivision plan approved by the Commission. The deed descriptions of such future streets and street extensions shall state that the land is owned by the owners of the specified adjacent lot or lots until the future street is accepted by the Town, at which time ownership shall be conveyed to the Town.

**§ 410-18.4. Temporary easements for public improvements.**

The subdivision owner shall provide a deed from the record owner to the Town conveying temporary construction and grading easements which extend to the limits of all construction activity of a public improvement that lie beyond the permanent dedicated Town property, right-of-way, or easement. The temporary easement shall cease to exist upon the Town's acceptance of the public improvement.

**§ 410-18.5. Insurance for conveyances.**

The subdivision owner shall supply to the Commission a commitment from a title insurer for a title insurance policy naming the Town or the Land Trust as an insured in an amount established by the Commission and subject to the approval of the Town Attorney insuring all conveyances to the Town or Land Trusts.

**§ 410-18.6. Approval of draft easements and deeds.**

No final subdivision plan shall be approved by the Commission until draft copies of all necessary easements and deeds are approved by the Commission. The Commission shall have the right to require any changes or any other related information that may be required by the Town Attorney.

**§ 410-18.7. Executive easements and deeds required for final approval.**

The final subdivision plan shall not be endorsed by the Commission until the required executed easements and deeds are provided by the subdivision owner.

## ARTICLE XIX

**Acceptance of Public Improvements****[Amended eff. 10-12-2010; eff. 12-12-2010]****§ 410-19.1. Completion required prior to acceptance.**

Each public improvement shall be completed to the satisfaction of the Commission before the Commission considers recommending that the Town accept the public improvement. Any driveway aprons connecting to the street for an existing building must be satisfactorily paved or be bonded in accordance with the Town's driveway permit requirements before the Commission recommends acceptance of a road.

**§ 410-19.2. Certification of improvements. [Amended during codification]**

Before the Commission recommends the Town's acceptance of any public improvements, the subdivision owner's engineer and/or surveyor, as appropriate, shall complete and submit the As-built Certification Form in the appendix of these regulations,<sup>4</sup> along with the certified as-built drawings of the completed public improvements. The as-built drawings shall note and explain all substantial deviations from or modifications to the approved plans, with a separate and itemized statement of the reasons for such deviations and modifications. One digital copy in DXF, DGN or other format as approved by the Town and ~~two paper copies~~ one paper copy of the final as-built drawings shall be provided, along with one copy prepared by the same process required for the subdivision plan that is to be filed in the Town Clerk's office, as described in Article VIII of these regulations.

**§ 410-19.3. Monuments required.**

~~Also~~ In addition, prior to the Commission's action on a recommendation for the acceptance of public improvements of the subdivision, the owner's surveyor shall provide a letter stating that all property pins and rights-of-way monuments have been set as shown on the approved subdivision plan.

**§ 410-19.4. Title insurance required.**

The Commission shall not recommend to the Board of Selectmen the acceptance of any public improvements unless the Commission has received the commitment for title insurance in an amount to be set by the Commission as set forth in Article XVIII, mylars for certified as-built plan as approved by the Town Engineer, together with the filing fee, signed deeds and easements with recording fee; the Commission has approved the release of the performance bond, and recommended a maintenance bond in an amount as specified in § 410-15.2, and a commitment from a lending institution for the issuance of the

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4. Editor's Note: The referenced form is included as an attachment to this chapter.

maintenance bond has been submitted. The Commission shall not grant a conditional approval of acceptance with respect to these specific requirements.

**§ 410-19.5. Schedule of acceptance of improvements.**

The Commission may recommend that the Town accept one or more public improvements before other required public improvements if such recommended improvements can operate independent of the other improvements not recommended for acceptance and if the subdivision owner executes an indemnification agreement approved by the Town Attorney.