

SUBDIVISION  
REGULATIONS

PORTLAND, CONNECTICUT

# **SUBDIVISION REGULATIONS**

## **TOWN OF PORTLAND**

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**February 25, 2000**

**April 1, 2005**

## SUBDIVISION REGULATIONS

### Subdivision Regulation Section 1.05: Conformity to the "Regulations for Public Improvements"

All public improvements approved by the Planning and Zoning Commission under these Subdivision Regulations shall comply with the "Regulations for Public Improvements", the provisions of which are hereby incorporated. To the extent that the "Regulations for Public Improvements" conflict with the provisions of the Portland Subdivision Regulations, the "Regulations for Public Improvements" shall apply.

Renumber existing Section 1.05 to 1.06.

Effective Date: 4-1-05

REVISIONS TO THE SUBDIVISION REGULATIONS TO REQUIRE THE SUBMISSION  
OF DIGITAL DATA FOR RECORD SUBDIVISION MAPS      EFFECTIVE 2\25\00

03.06.03. Record Subdivision Map:

The Record Subdivision Map shall be prepared with an accuracy meeting or exceeding the standards for a "Class A-2 Survey as defined in the Standards for Survey and Maps in the State of Connecticut, adopted September 26, 1996, as amended, by the Connecticut Association of Land Surveyors", and as defined in the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 effective June 21, 1996. The map shall be clearly and legibly drawn and the original shall be submitted on translucent mylar or any other material approved by the Connecticut Public Records Administrator as provided in Section 7-31 of the Connecticut General Statutes, as the same may from time to time be amended, on sheets 36" x 24". The map shall be drawn to a scale of 1" = 40' (unless otherwise approved by the Planning and Zoning Commission) and shall have a horizontal datum concurrent with the Connecticut State Plane Coordinate Grid System (CSPCGS), 1927 North American Datum (NAD27). The map shall include metes and bounds of the subdivision perimeter, with CSPCGS coordinates indicated at a minimum of four (4) points distributed on the perimeter, and the proposed layout and boundaries of all lots or parts into which it is to be divided and the following additional information.

Add Section 03.06.03.14 as follows:

14) For post-approval submission of a digital file of the Record Subdivision Map, see Section 05.10.

Revise Section 05.10 as follows:

05.10. Submission of Digital Data for Record Subdivision Map

Prior to the endorsement of the mylars, the applicant shall submit a digital file of the Record Subdivision Map in a digital exchange format, as may be revised from time to time, suitable to the Commission and available at the Planning Department.

Re-number existing 05.10 to 05.11.

Re-number existing 05.11 to 05.12.

**Guidelines for Digital Data Submission for Record Subdivision Maps**  
**(Refer to Section 03.06.03)**

1. Record Subdivision Maps must be submitted in a digital format prior to endorsement of the mylars as per Section 05.10 of the Subdivision Regulations.
2. All digital mapping data must be delivered in Connecticut State Plane Coordinates with a horizontal datum of NAD27.
3. All data will be delivered in either Auto CAD dxf format, Arc/Info shape file format, or Arc/Info export format (e00).
4. If delivered as tiled CADD file sheets, the features that cross sheets must precisely match at the join line. The electronic files must also have the origin and units set to correspond to the Connecticut State Plane Coordinate System NAD27.
5. All data will be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes. Features that naturally connect such as driveways to roads must connect seamlessly.
6. Lot lines and features as outlined in 03.06.03.5, 6 and 7 must be thematically organized in the CADD or GIS data structure. For example, there must be separate CADD layers for street lines, street centerlines, watercourses, wetlands, easements, right of way, open space, etc. Having all these features in a single CADD layer or GIS file will not be accepted.
7. Documentation of the data format must be provided with a description of the CADD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
8. Attributes included in mapping files will also have a complete description of their definition as well as a definition of values used in each field.
9. The submission of the data must also include documentation on the method used to gather the data along with an estimation of the horizontal accuracy and date of data capture.

## SUBDIVISION REGULATIONS

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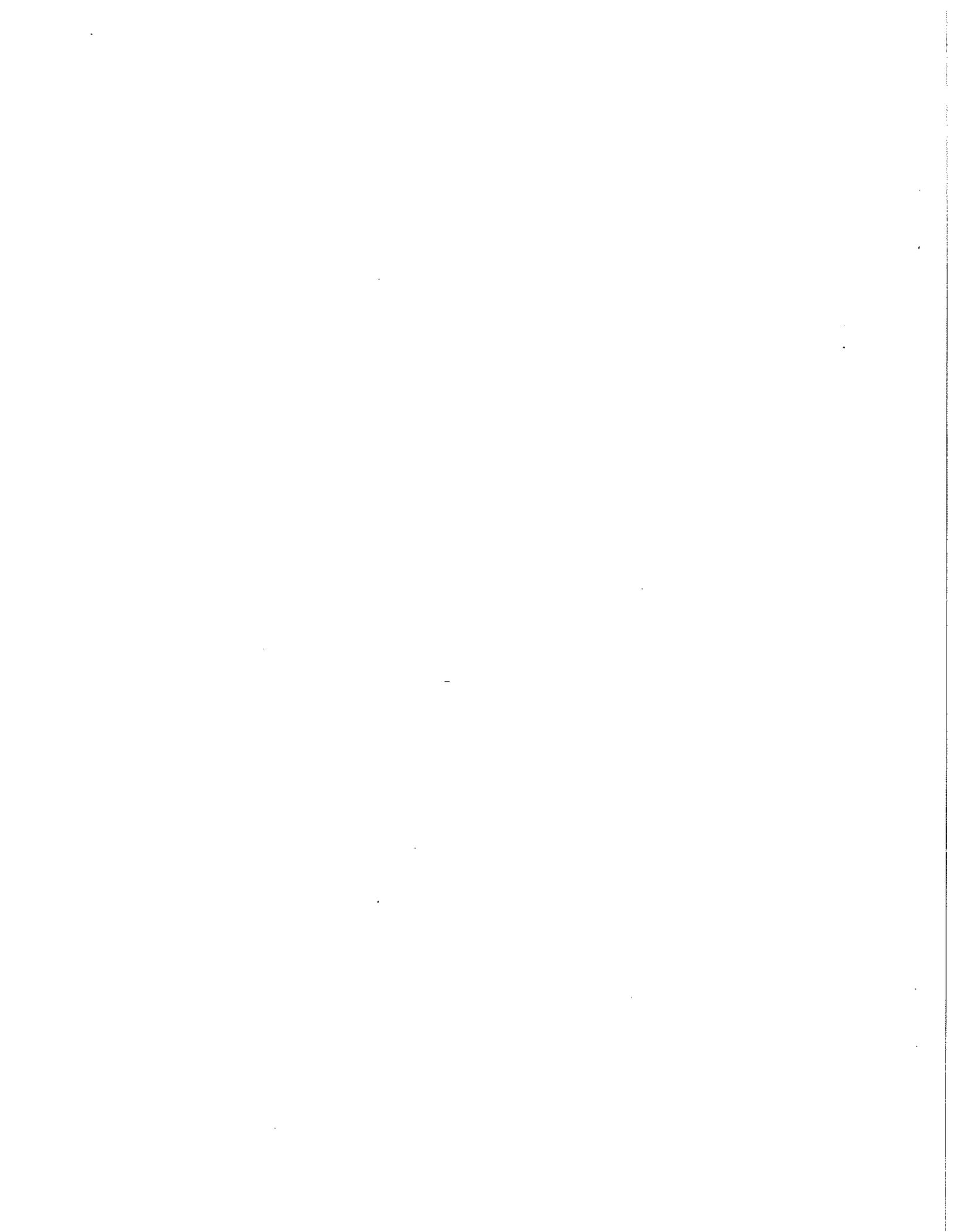
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## Section 01. GENERAL PROVISIONS

### 01.01. AUTHORITY

These Regulations are adopted pursuant to the authority conferred by Chapter 126 of the General Statutes of Connecticut, as amended.

The following Regulations governing the subdivision of land within the Town of Portland are hereby adopted and hereinafter no land within the Town of Portland shall be subdivided except in accordance herewith.

### 01.02. PURPOSE

The purpose of these Regulations is to regulate the subdivision of land within the Town of Portland. It is the policy of the Portland Planning and Zoning Commission to assure that the subdivision of land shall be in harmony with the Plan of Development, dated 1966 and as amended, and the prospective occupants of the land will be able to use and enjoy the land in a suitable living or working environment without danger and inconvenience. It is further the policy of the Commission to assure that:

- 1) The land can be used for building purposes without danger to public health or safety, or peril from fire, flooding, or other menaces;
- 2) Proper provisions are made for water supply, storm drainage, sewage disposal, and other necessary utility services;
- 3) Proper provisions are made for protective flood control measures in areas contiguous to watercourses, wetlands, or other land prone to flooding;
- 4) Proposed roads will be in harmony with existing or proposed public roads, especially in regard to safe and convenient intersections and traffic flow, and that proposed roads are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs;
- 5) Open spaces are provided that will preserve and potentially enhance natural features, or provide space for recreation or other preservation objectives;
- 6) The subdivision does not impose burden on municipal services in excess of their capacity and planned expansion;
- 7) Buildings, lots, and streets are arranged to afford adequate light and air to all occupants, to facilitate fire protection, and to provide ample access to property for emergency apparatus;

8) Proper provisions are made to control erosion caused by wind or water and to control sedimentation; and

9) Energy conservation techniques are considered for all subdivisions by designing energy efficient lot layouts and site development plans, and by using solar and other renewable forms of energy to the maximum extent possible and practical.

#### 01.03. INTERPRETATION AND APPLICABILITY

These Regulations shall supersede any earlier dated regulations or revisions of the Portland Subdivision Regulations. These Regulations do not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of other laws, ordinances, Regulations, or covenants; or with any other rules, Regulations, or permits previously adopted or issued, pursuant to law, relating to the subdivision of land. However, the provisions of these Regulations shall apply where these Regulations impose greater requirements upon land, structures, uses, or improvements than are imposed or required by such other laws, ordinances, Regulations, or covenants; or by such other previously adopted or issued rules, Regulations, or permits. The provisions of these Regulations shall be interpreted and applied as the minimum requirements to promote public health, safety, and general welfare.

HEREINAFTER THESE REGULATIONS SHALL BE KNOWN, CITED, AND REFERRED TO AS THE SUBDIVISION REGULATIONS OF THE TOWN OF PORTLAND, CONNECTICUT.

#### 01.04. CONFORMITY TO ZONING REGULATIONS

All subdivision plans shall conform to the Portland Zoning Regulations in effect at the time of receipt of the subdivision application.

#### 01.05. INDEMNIFICATION OF TOWN AND COMMISSION

Although these Regulations authorize and empower public officials and their designees to inspect premises and work in progress or completed, and to order cessation and re-execution of work where work does not conform to the provisions of these Regulations; nothing in these Regulations is intended to require any work to be performed under the supervision, direction, or control of the Town, the Commission or any of their designees; and none of them shall be responsible for any work means, methods, controls, techniques, sequences, procedures, or for construction safety. Each applicant and/or owner of land who consents to an application, as outlined in these Regulations, shall be deemed to agree, by making consenting to such application, to indemnify and hold harmless the Town, the Commission, and authorized

representatives, acting within the scope of authority vested by these Regulations, from all claims, demands, and liability for any and all personal injuries, damages, losses, and expenses, of whatever kind and nature incurred by any person arising out of or in connection with the performance, correction, re-execution, cessation, or any related delays of work that is part of the subdivision plan approved under these Regulations.

## SECTION 02. DEFINITIONS

For the purpose of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, 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. The word "shall" is always mandatory, and the words "may" and "should" are discretionary.

### 02.01. Applicant:

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

### 02.02. Application:

The formal documentation submitted to the Commission for the approval of a proposed subdivision or resubdivision of land. A formal application shall include, as a minimum:

1. A completed form as prescribed by the Commission that is signed by the record property owner and/or applicant,
2. Payment of the subdivision or resubdivision fee, and
3. Map(s) and technical data as required by these Regulations.

### 02.03. Construction Plan:

A plan and profile drawing of all proposed improvements to be constructed, maintained, and installed as part of the proposed subdivision development. Such construction plan shall include methods of conveying the required information, including supportive documentation and calculations. All construction plans shall bear the seal of a qualified professional engineer registered in the State of Connecticut.

### 02.04. Date of Receipt:

The day of the next regularly scheduled Commission meeting immediately following the day of submission of an application, request, or appeal; or 35 days from the date of submission, whichever is sooner.

02.05. Date of Submittal:

The day an application, request, or appeal, including appropriate fees and forms, is submitted to the Commission or its authorized agent.

02.06. Improvement:

Any change or alternation to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation.

As used in these Regulations, improvements include but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, sewer and water systems, buildings, earth filling or removal, seeding, and grading.

02.07. Lot:

A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory building or uses customarily incidental to such building and including such open spaces as are intended to be used in connection therewith or as required by subdivision. In the case of Commercial, Industrial, Public or Institutional buildings, a group of buildings devoted to a common interest or use and under the same ownership may be considered as occupying the same lot. Such plot or parcel of land shall meet lot frontage requirements on approved town roads as found on the most current map entitled, "Town Road, Town of Portland, Connecticut, Connecticut Department of Transportation, TRU-82 scale one (1) inch equals 1,000 feet," or roads which are to be built as part of a subdivision in accordance with these regulations.

02.08. Maintenance Bond:

A bond, furnished to the Town by the developer, that guarantees all subdivision improvements against defective workmanship or materials for the period of one year after the date of acceptance.

02.09. Open Space:

Property within a subdivision, designated to be deeded to the Town or other approved agency by the developer, to be used for passive or active recreation; sediment, erosion, or storm water control; or for the preservation of natural features and other land preservation objectives.

#### 02.10. Performance Bond:

A bond, furnished to the Town by the developer, to be used to complete subdivision improvements if the developer does not complete the improvements as promised, as required, and/or as indicated in the application.

#### 02.11. Plan of Development:

The Plan of Development is a master plan for the most desirable use of land for residential, recreational, commercial, industrial, and other purposes; and contains the Commission's recommendations for population density, streets and other public ways, municipal development, public utilities, public housing, and redevelopment; pursuant to Chapter 126 of the General Statutes of Connecticut, as amended.

#### 02.12. Resubdivision:

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

- 1) affects any street layout shown on such map;
- 2) affects any area reserved thereon for public use; or
- 3) 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.

#### 03.13. Street:

Any road, highway, avenue, lane, or other public right-of-way dedicated to the movement of motor vehicles and that is shown on a subdivision plan approved by the Commission; or that is a State or town road; but private right-of-ways and discontinued, abandoned, or impassible streets are excluded.

- 1) Arterial Street: A major through street that conducts relatively high volumes of traffic between communities, and that is not intended to have a residential environment.
- 2) Collector Street: A street that conducts traffic between major arterial streets, activity centers, and/or neighborhoods. It is a principal traffic route within residential areas and carries relatively high volumes. A collector street ties in at one or both ends with an arterial street.
- 3) Local Street: A cul-de-sac, loop street, or short street that primarily provides access to abutting lots, but may also serve as a connector to other local and minor streets.

4) Loop Road: A street that intersects another street in two places, or loops back on itself in a "dead-end loop".

5) Dead-end Street: A street with only one intersection with another public street.

6) Cul-de-sac Street: A dead-end street that terminates in a circular vehicle turning area.

7) Industrial Road: A road that conducts traffic serving Industrial Parks.

02.14. Subdivision:

The division of a tract or parcel of land into three (3) or more parts or lots, made subsequent to the adoption of subdivision regulations in May 1948; for the immediate or future purpose of sale or building development and includes resubdivision but expressly excludes the division of land for development for municipal, conservation, or agricultural purposes.

02.15. Subdivision Expiration Date:

The date which is five (5) years from the date of subdivision approval by the Commission, when the approval expires thus becoming null and void, if all work in connection with such subdivision approval has not been completed.

02.16. Use:

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

02.17. Work:

"Work" shall mean all physical improvements required by the approved plan, other than the staking out of lots, and including but not limited to the construction of roads, storm drainage facilities, and water and sewer lines; the setting aside of open space and recreation areas; the installation of telephone, electric, and cable TV service; the planting of trees or other landscaping; street lighting and the installation of retaining walls or other structures.

02.18. Zoning Regulations:

The current Town of Portland Zoning Regulations.

SECTION 03. REQUIREMENTS FOR THE SUBDIVISION OF LAND

03.01. General Requirements:

03.01.01.:

No subdivision of land shall be made and no land in a subdivision shall be sold or offered for sale until such time that a subdivision plan, prepared in accordance with the requirements of these Regulations, has been approved by the Commission and filed in the Office of the Town Clerk.

03.01.02.:

All land that is to be subdivided shall be of such character that it can be used without danger to public health and safety. Land that is incapable of supporting an on-site sewage disposal system and is not serviced by Town sewer shall not be subdivided for residential purposes.

- 1) Lot areas and lot widths, as defined in the Schedule of Height, Area and Yard Requirements of the Portland Zoning Regulations, shall be considered the MINIMUM lot requirements for new subdivision lots.
- 2) All lots in a subdivision shall be shaped so that: A) the "minimum square" for the underlying zone can fit within the boundaries of the lot and B) some portion of the square must intersect the front yard setback line. See "Table A" for the "minimum square" requirements for all zones.
- 3) All subdivisions shall be designed so as to minimize flood damage to property and associated improvements.
- 4) Each lot in a new subdivision shall have the minimum width upon an improved Town Road or on a proposed Town Road as shown on a subdivision plan that is in accordance with these Regulations and has been approved by the Commission.

03.01.03.:

Lots in a subdivision shall be capable of supplying adequate potable water and of properly disposing of sewage. New and improved streets shall be designed so as to contain all required improvements and utilities as deemed appropriate by the Commission as well as insuring the proper disposal of surface and storm water runoff.

03.01.04.:

Where water, sewers and/or electric street lighting is to be supplied to a subdivision from a public source, all necessary

mains, branch offsets to each lot, fire hydrants and street lighting equipment shall be installed without cost to the Town and in a manner as approved by the appropriate municipal department.

03.01.05.:

The Commission will not approve a subdivision in which the disposal of surface and/or storm water runoff will create an undue cost to the Town for properly disposing of the water.

03.01.06.:

Sidewalks, when required, shall be installed in accordance with the following standards:

- 1) Along the entire street frontage including the circumference of a cul-de-sac.
- 2) In commercial and industrial zones, sidewalks shall be five (5) feet in width;
- 3) In residential zones sidewalks shall be four (4) feet in width and required along all collector and arterial streets as shown on the Town's Plan of Circulation or as designated by the Commission;
- 4) On all streets that are within a one and one-half mile radius of a school or a library, sidewalks shall be four (4) feet in width;
- 5) Where an existing street with sidewalks is extended into a subdivision, the existing sidewalks shall be extended on the new street. The new sidewalk shall be compatible with the existing sidewalk width, but under no circumstances shall new sidewalks be less than four (4) feet in width;
- 6) Sidewalks shall be constructed in the street right-of-way, not less than six (6) inches nor more than twelve (12) inches from the property line. Where a transition is required in extending an existing sidewalk to conform to the above requirements, the location shall be determined by the Board of Selectmen.

03.01.07. Open Space:

Open space recreation or conservation purposes, parks and playgrounds shall be provided and reserved in each subdivision or resubdivision for residential purposes as deemed necessary and in locations deemed proper by the Commission.

1) Purpose of Open Space: To preserve desirable open space, tree cover, historic sites, recreation areas, scenic vistas, stream valleys, wetlands and water related resources, and other environmentally important and/or sensitive lands and soils.

2) Character and Access: Open space, when required, shall be of such size, location, shape, topography and general character so as to be useful in order to satisfy the needs and the purpose of open space as determined by the Commission. Proper access shall be provided to all open space areas.

3) Acreage: When open space is required by the Commission, up to fifteen (15) per cent of the total area of the subdivision or resubdivision may be so reserved. In cases where environmentally sensitive land encompasses more than fifteen (15) per cent of the total subdivision area, the Commission may require the additional acreage to be included in the open space area.

4) Ownership of Open Space: Areas designated as open space shall be dedicated in one or more of the following manners:

- 1) The open space shall be dedicated to the Town of Portland by deed; or
- 2) The open space shall be conveyed to a non-profit land conservation trust or corporation; or
- 3) The open space, with the approval of the Commission, may be owned in common by lot owners in the development providing the open space land remains undivided and that the use of the open space is limited to the property owners in the development or their guests; or
- 4) The open space, with the approval of the Commission, may be retained by the developer providing the open space land is subject to conservation and preservation restrictions - the terms and conditions of which must meet with the Commission's approval.

Land to be dedicated as open space shall be reserved for a period of at least twenty (20) years, except for an approved municipal use, and all easements, restrictions and deeds shall be drafted accordingly.

5) Use of Open Space Land: Open space land shall be preserved in its natural state and the use of such land shall be limited to appropriate conservation, open space and recreational purposes as determined by the Commission. Suitable legal agreements, including conservation and preservation easements and restrictions, approved in form and content by Town Counsel, shall be required by the Commission. With the approval of the Commission, structures and facilities for recreational purposes,

such as playground equipment, tennis courts and golf courses, may be constructed. Open space land SHALL NOT be used for the storage of equipment or deposition of debris and shall not be excavated, filled or regraded and trees shall not be removed except in accordance with a grading and cutting plan that has been approved by the Commission.

6) Waiver of Open Space: The Commission may determine that a lesser open space area is sufficient or that such a reservation of open space is not necessary providing one or more of the following situations exist:

- 1) Existing parks, playgrounds, recreational areas or open space is currently available in the neighborhood;
- 2) The minimum reservation area is less than one (1) acre; and/or;
- 3) There exists conservation or preservation restrictions on the property, other deed restrictions on the property or the general size of the lots does not warrant open space dedication (i.e. subdivisions where the average lot size exceeds over 200% of the minimum lot size requirements).

03.01.08.:

Privately owned reserve strips which control access to land dedicated to public use or for future development will not be permitted.

03.01.09.:

Any existing street giving access to lots in a subdivision shall conform to the criteria in Section 4. or the street shall be upgraded so as to be in compliance with the road standards established in Section 4. of these Regulations and said improvements shall be completed as part of the subdivision.

03.01.10.: Maximum Number of Interior Lots in a Subdivision:

The maximum number of interior lots allowed in the subdivision of land shall be in accordance with the following table:

Total Number of Lots	Interior Lots Allowed
1 - 3 lots	1 interior lot
4 - 19 lots	2 interior lots
20 - 24 lots	3 interior lots
more than 24 lots	1 additional interior lot for every 5 lots

03.02. Procedural Requirements for all Plans

03.02.01. General Information Requirements:

The following information should be included on all plans that are submitted as part of a pre-application procedure (an informal discussion), a preliminary plan or a formal subdivision application:

- 1) Name of the Development;
- 2) Name of the Applicant;
- 3) Name of the Owner of Record;
- 4) Address of the Property being Subdivided;
- 5) Date, north arrow, scale, Town, State and Zoning District;
- 6) Proposed lot lines and street lines with scaled dimensions at a minimum;
- 7) Lot numbers, proposed open space areas and street names;
- 8) Names of abutting property owners as shown on current tax assessor records;
- 9) Lot area and total acreage of the property being subdivided;
- 10) Location of Inland Wetland areas, watercourses, flood plain boundaries, and/or flood hazard area lines;
- 11) Name and certification of person responsible for the preparation of the plans;
- 12) Tax map number, lot number and block number of property.

Pre-application drawings may be based upon the Assessor's Tax Maps or a Class "D" Survey and the source of the data shall be identified on the drawing.

03.03. Certification of Plans:

Final plans submitted under these Regulations shall be prepared by a licensed Engineer and/or Land Surveyor that is registered in the State of Connecticut.

03.03.01.:

A Professional Engineer shall certify any plans or designs that are related to the following categories:

- 1) Road Designs - including both horizontal and vertical alignment;
- 2) Erosion and Sedimentation control plans;
- 3) Storm Drainage Systems - including the design and location of all pipes and structures (i.e. bridges, box culverts and deep manholes);
- 4) Sanitary Sewer Systems;
- 5) On-site Sewage Disposal Systems;
- 6) Water supply and distribution systems;
- 7) and any other engineered systems that the Commission may deem appropriate.

03.03.02.:

A registered Land Surveyor shall certify all plans and designs that are related to the following categories:

- 1) Topographic Features;
- 2) Delineation and definition of boundary lines;
- 3) Proposed lot and street Right-of-Way lines;
- 4) Easement locations;
- 5) and any other features that the Commission may deem appropriate for the plans.

03.04. Pre-Application Procedure:

The purpose of the Pre-Application Procedure is to provide for an exchange of ideas between the subdivider, the Commission and other Town Officials. Discussing subdivision designs in the formative stages will assure coordination with the goals of the Plan of Development, to assure that the subdivider is aware of all pertinent regulations and any other considerations that may be appropriate for the land being subdivided. While the Commission has established minimal detail, accuracy and information requirements for the Pre-Application Procedure, the drawings are expected to be of a good quality.

All drawing shall be drawn to a scale no smaller than one (1") inch equals 100 feet or larger than one (1") inch equals forty (40') feet. Sheet size of the drawings should be of such size that the plans can be easily read (preferable sheet size is 36" by 24"). The drawing shall show all perimeter property

boundaries of the proposed subdivision and the proposed lot layout or parts in which the property is to be divided. The following information shall also be submitted with the drawings:

- 1) Title of the proposed subdivision;
- 2) Name and address of the owner of record and the name and address of the applicant if different from the owner of record;
- 3) Date, scale, north arrow, Town, State, and Zoning District;
- 4) Lot dimensions, approximate area of each lot and total acreage of the property being subdivided;
- 5) General information as to the possible location of water supply and sewage disposal systems if public water and sewers are not available;
- 6) Location and area of all wetlands, watercourses, waterbodies, flood plain boundaries, flood hazard area lines, soils, slopes in excess of a 1:4 slope (vertical-horizontal) on a per lot basis.
- 7) Topographic contours not exceeding ten (10) foot intervals and soil characteristics as depicted by the Soil Conservation Service Middlesex County Soil Survey.

03.05. Preliminary Plan Procedure:

03.05.01. Scale Requirements:

- 1) Index sheets shall be at a scale of 1" = 100'.
- 2) The Key Map shall be at a scale of 1" = 1,000'. The Commission may require drawings of greater or lesser scale if, in its judgement, the Key Map does not adequately depict possible future development of conformity with neighboring streets, the street plan, Plan of Development or neighboring developments.
- 3) Other Plan Requirements:
  - a) Subdivision layout drawings may be at a scale no smaller than 1" = 100' and no greater than 1" = 40';
  - b) Topographic plans may be at a scale no smaller than 1" = 100' and no greater than 1" = 40';
  - c) Soils overlay map, if presented, may be at a scale no smaller than 1" = 100' or greater than 1" = 40';
  - d) All plans shall be drawn to the same scale. If legibility will not be sacrificed, the subdivision

layout, the topographic plan and the soils overlay map may be shown on the same plan.

03.05.02. Plan Requirements:

The preliminary plan for a proposed subdivision should contain the following information at a minimum:

- 1) Streets that are to be constructed or upgraded and existing streets within the subdivision with the Right-of-Way width delineated on both sides of the street;
- 2) Proposed lots with approximate dimensions and the total area computed in square feet and acreage;
- 3) Yard setbacks as required in the Schedule of Height, Area and Yard Requirements of the Portland Zoning Regulations;
- 4) Proposed water lines, storm drainage facilities, sanitary sewer lines and their connections with existing systems;
- 5) All proposed utility easements - utility lines, drainage, sidewalks, rights-of-way, or any other required easements;
- 6) All areas to be reserved for public use (open space) and notations as to the type of development proposed for the public land, if any;
- 7) Major trees or tree lines;
- 8) Topographic data including the location and area of streams, ponds, wetlands, watercourses, flood plain boundary lines, flood hazard area lines, soils and slopes in excess of a 1:4 slope (vertical)-horizontal) on a per lot basis.
- 9) Significant physical features of the land including such things as ledge outcroppings, stone walls, existing structures, ridge lines, historical sites or vistas;
- 10) A Class "A-2" survey of the proposed subdivision property with accurate distances and bearings; the number of acres in the total tract to the nearest tenth of an acre. All new subdivision proposals shall be tied to State grid coordinate reference points and USGS elevation markers, when possible;
- 11) Indication of zoning district boundaries;
- 12) All existing utility poles (properly identified), lines, pipes/culverts, structures, etc. that are on or abuts the property that is being subdivided.

03.06. Formal Application Requirements:

03.06.01. Application:

Application for approval of a subdivision or resubdivision shall be made to the Portland Planning and Zoning Commission in writing on forms prescribed by the Commission. The application shall be signed by the applicant or his/her lawful agent; if the subdivision or resubdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided or resubdivided, the application shall also be signed by the owner of record or his/her lawful agent.

03.06.02. Application Fee:

An application fee shall be submitted with each application in accordance with a fee schedule adopted by the Commission.

03.06.03. Record Subdivision Map:

The Record Subdivision Map shall be prepared with an accuracy meeting or exceeding the standards for a "Class A-2 Survey as defined in the Code of Practice for Standards of Accuracy of Surveys and Maps, adopted December 10, 1975, as amended, by the Connecticut Association of Land Surveyors". The map shall be clearly and legibly drawn and the original shall be submitted on translucent linen mylar or any other material approved by the Connecticut Public Records Administrator as provided in Section 7-31 of the Connecticut General Statutes, as the same may from time to time be amended, on sheets 36" x 24", 24" x 18" or 18" x 12". The map shall be drawn to a scale of 1" = 40'. The map shall show all perimeter property boundaries of the Subdivision Area and the proposed layout and boundaries of all lots or parts into which it is to be divided and the following additional information:

- 1) The title of the Subdivision which shall not duplicate the title of any previous subdivision in the Town of Portland;
- 2) The name and address of the owner of record of the land to be subdivided and the name and address of the applicant if different than the owner of record;
- 3) Date; graphic and word scale; north arrow with reference to true, grid, magnetic north or relationship to another map shall be noted (if magnetic north reading is used, the date of the magnetic reading shall be noted); Town; State; and Zoning District;
- 4) The name, license number and EMBOSSED SEAL or OFFICIAL STAMP of the land surveyor and/or registered engineer that is doing any work on the subdivision maps;

5) Existing and proposed property and street lines; adjoining property lines and street lines for a distance of 200'; and the names of all adjacent subdivisions and/or current property owners as indicated on the Assessor's records;

6) Existing and proposed watercourses, ponds, easements, rights-of-way including those for utility lines, sewers, water, drainage either on or off of a site, or open space that is reserved for parks, playgrounds or other common public uses;

7) The accurate layout of lots and lot numbers, dimensions of all lot lines, open spaces, total acreage in the subdivision, building setback lines, zone(s) and the location of any monuments or markers to be placed at corners or angles of all lots. Dimensions on all lines shall be to the hundredth of a foot and all bearings or deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs;

8) Accurate location and description of all monuments or markers to be installed;

9) A general location map showing the location of the proposed Subdivision Area in relation to existing Town roads to a scale not less than 1" = 2,000';

10) An insert of the proposed subdivision drawn to a scale of 1" = 800'. The insert shall show all individual lots and any existing or proposed roads;

11) An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and the delineation of areas covered by section or sheet;

12) The Subdivision plan shall contain the following statement:

"The Subdivision Regulations of the Portland Planning and Zoning Commission are a part of this plan, and approval of this plan is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Portland Planning and Zoning Commission and attached hereto."

13) A signature box containing the following words:

1) Approved by the Portland Planning and Zoning Commission

2) Conditional Approval \_\_\_\_\_  
Chairman/Secretary

Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

3) Final Approval \_\_\_\_\_  
Chairman/Secretary

Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

03.06.04. Site Development/Topography Plan:

The site development plan shall be drawn to a scale that is not smaller than one (1) inch equals 40 feet. The plan shall show existing conditions and the proposed layout of lots, streets, and improvements for the proposed subdivision and the contiguous land of the applicant that may be subdivided sometime in the future. The purpose of the site development plan is to allow the Commission to complete a general planning review of the proposed subdivision including its relationship to any future subdivision of contiguous land of the applicant. Six (6) blue line or black line prints shall be submitted. The plan shall contain, at a minimum, the following information:

- 1) Title of the subdivision, which shall not duplicate the title of any previously submitted subdivision in the Town of Portland;
- 2) Name and address of the owner of record of the land to be subdivided and the name and address of the applicant if different than that of the owner of record;
- 3) Date, north arrow, graphic and word scale, Town, State and Zoning District;
- 4) The accurate location of all boundary lines of the subdivision, existing and proposed street lines, existing and proposed property lines, and the names of all adjacent subdivisions and/or property owners of record at the date of the map submission;
- 5) Location and area of existing and proposed inland wetlands, watercourses, ponds, easements and rights of way, flood plain boundary lines, flood hazard area lines, soils and slopes in excess of a 1:4 slope (vertical-horizontal) on a per lot basis.
- 6) Proposed lots and lot numbers, existing and proposed open space for parks, playgrounds and general recreational uses;
- 7) Dimensions on all proposed property and street lines, approximate lot areas and the total acreage of the land included in the proposed subdivision;

- 8) Proposed width of all streets with boundaries located on both sides of the street, width of road pavement, street names and the width and location of all easements and rights-of-way. Road profiles, with a scale of 1" = 40" (H) and 1" = 4' (V) and cross-sections at 1" = 10', showing accurate existing and finished grades, cross sections and other detailed road construction plans, including all drainage improvements;
- 9) Location of all existing or proposed permanent monuments, merestones and iron pins;
- 10) Location of all existing wells, on-site septic systems, and other buildings or structures within 200' of the subdivision;
- 11) General location of houses and driveways for all lots;
- 12) General location of all proposed wells, on-site septic systems and appropriate arcs;
- 13) Existing contours at intervals not exceeding two (2) feet based upon a field or aerial survey and based upon USGS data and using the same bench marks for all plans submitted;
- 14) Location and data for all deep test pits and perc tests;
- 15) Existing and proposed storm drains, sanitary sewers, catch basins, manholes, ditches, headwalls, sidewalks, gutters, curbs and other subdivision improvements;
- 16) Detailed soil type designations and notes in accordance with the Soil Conservation Service Middlesex County Soil Survey or actual field testing by a certified soil scientist;
- 17) Any ledge outcroppings, stone walls and fences within the subdivision;
- 18) Location of buffer strips and screening where necessary, showing the type, size, number and species of shrub, tree or other type of planting;
- 19) Notes on passive solar energy techniques showing that they were considered in the planning layout of the subdivision;
- 20) Names and license numbers of the engineers, architect, land planner or land surveyor used in preparing the site plan;
- 21) Location and type of existing or proposed exterior lighting including provisions for shading such lighting;
- 22) Erosion and Sediment control plans/notes which meet the minimum requirements as set forth in the Connecticut Guidelines for Erosion and Sediment Control, published by the Council on

Soil and Water Conservation, January 1985, as amended (See Section 9.9 of the Portland Zoning Regulations for the requirements of a soil erosion and sediment control plan.);

23) The statement, contained in Section 03.06.03.12., shall be on the site plan;

24) A signature box for the Commission's approval, as outlined in Section 03.06.03.13., shall be on the site plan;

25) Other supporting documentation that the Commission may require:

- a) Grading Plans (Section 03.06.05.)
- b) Stormwater Runoff Control Plans (Section 03.06.06.)
- c) Construction Plans (Section 03.06.07.)
- d) As-built Plans (Section 03.06.08.)
- e) Sanitary Waste Disposal Plans (Section 03.06.09.)
- f) Health Certificates (Section 03.06.10.)
- g) Other Permits (Sections 03.06.11. and 03.06.12.)

The Commission, upon formal written request of the applicant, may allow the applicant to combine more than one plan on a given map as long as clarity and legibility are not sacrificed.

#### 03.06.05. Grading Plan:

The Commission, at its option, may require the applicant to submit a Grading Plan with his/her subdivision application. The intent of a Grading Plan is to show preservation of site features, especially existing vegetation, thus discouraging massive movements of earth and the removal of vegetative cover and topsoil.

The area shown on the Grading Plan may be limited to the portion of the subdivision affected by the proposed major regrading cuts, fills, or soil or rock removal. The Grading Plan shall be drawn on the same type of medium provided for in Section 05.05.03 and to a scale of 1" = 40'. Contours and elevations shall be based upon the same bench marks as provided for in the Site Development/Topography Plans. Six (6) blue line or black line prints shall be submitted as part of the subdivision application. The Grading Plan shall show at least the following information:

- 1) Title of the subdivision;

- 2) Name and address of the owner of record of the land to be subdivided and the name and address of the applicant if different than the owner of record;
- 3) Date, scale, north arrow, Town, State and Zoning District;
- 4) Layout of existing and proposed lot lines and street lines;
- 5) Existing and proposed contours at intervals not exceeding two (2) feet based upon field or aerial survey and tied to USGS datum;
- 6) Existing and proposed drainage, inland wetlands and watercourses;
- 7) Existing and proposed buildings and structures;
- 8) Location of all test holes, test pits or borings;
- 9) Computations on all cut and fill areas;
- 10) Hydraulic computations for all culverts and bridges;
- 11) In order to assure that conformity with driveway standards is possible, the Commission may require a grading plan for the lot and/or driveway plan based on an on-site survey with topographic features.

In addition to the above grading plans, the Commission may request the submission of cross section drawings that cover the proposed excavation area.

#### 03.06.06. Stormwater Runoff Control Plan:

The developer shall furnish projections of the increase in stormwater runoff created by the proposed development. Should the Commission conclude that adjoining lands or streets will receive an increased flow or that downstream watercourses are incapable of accommodating such flow increase, a stormwater runoff control plan shall be required.

When required, the facilities shall be planned and located so as to minimize the danger to the life and property of area residents and for the ease of maintenance. All storm drainage controls shall be designed by a registered professional engineer. Measures for the retention and/or detention and controlled release of stormwater runoff from the development shall meet the following standards:

- 1) Peak discharges from the 2-year, 10-year, 25-year, 50-year and 100-year frequency, 24-hour duration, type III distribution storms shall be analyzed. No increases in peak flow from these

storms shall be allowed. This may be accomplished by detention basins, rooftop storage, parking lot coverage, underground tanks or other effective methods.

2) The overall drainage system shall be designed such that the runoff rate outside of the subdivision during or after the development does not exceed the rate that existed prior to the development. This may be accomplished by retention basins, infiltration basins or other acceptable means as determined by the Town Engineer.

3) Maximum infiltration to the ground water is encouraged. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rocklined channels in lieu of storm sewers.

4) For drainage areas of less than ten (10) acres, runoff may be calculated using the retinal method. In all other cases, runoff shall be computed in accordance with Technical Release #55 Urban Hydrology, Engineering Division, Soil Conservation Service, USDA, January, 1975, as amended or other recognized method as approved by the Town Engineer.

5) Runoff management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire runoff management system are completed and approved. Final discharge points shall be approved by the Commission.

6) All runoff control structures located on private property whether dedicated to the Town or not shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, improved access easements shall be provided.

7) Runoff management systems must be visually compatible with the surrounding landscape - existing or proposed.

8) Permits for runoff management systems may also be required from the Inland Wetlands Commission where such systems may have an impact on inland wetlands and from the Connecticut Department of Environmental Protection where a dam is to be constructed or water diverted. See Sections 22a-365 et seq. and 22a-409 of the Connecticut General Statutes.

9) Appropriate safety features and devices shall be installed to protect humans and animals.

#### 03.06.07 Construction Plans:

Construction Plans shall be submitted for all proposed roads, storm drainage systems, water systems, sewer systems, and other related subdivision improvements. Plan and profile drawings shall be submitted for all proposed streets, storm drainage pipes, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, sanitary sewers, sediment and erosion control structures, gutters, curbs and other improvements deemed necessary by the Commission.

- 1) Construction plans shall be drawn on standard plan-profile paper at a horizontal scale of one inch equals forty feet (1" = 40') and vertical scale of one inch equals four feet (1" = 4');
- 2) Profile drawings and elevations shall be based upon USGS datum; or other permanent bench marks as approved by the Commission. The datum used shall be noted on the plan and at least one bench mark shall be shown on each plan;
- 3) Plan-profiles may be generally based on aerial data, but centerline data must be verified in the field;
- 4) Intersection detail drawings may be required to insure adequate pavement grading in order to control runoff. The plan shall be at a scale of one inch equals ten feet (1" = 10') and have a contour interval of one-half (1/2') foot. The plan shall show a minimum of 75 feet of each leg of the intersection as measured from the point of intersection, and all catch basins or other surface water collection devices and top of frame elevations.
- 5) Other information to be included on construction plans are:
  - a) The existing grades at the centerline and both street lines of proposed streets, including spot elevations and grades. The cross-section and/or profile of the proposed street, including the centerline stationing, at 50 foot intervals, stations and elevations of all vertical control points, stations and elevations of all vertical high and low points, length of vertical curves, the grade of tangent sections, elevations at 50 foot stations on tangent sections and 25 foot stations on vertical curve sections;
  - b) The complete proposed storm drainage system and sanitary sewer system, including pipes, structures, outlets, and existing features which are to be incorporated into the designed system;
  - c) The centerline profile and spot grades of any existing street to which the proposed subdivision street

connects, for a distance of 300 feet beyond the proposed road;

- d) All appropriate details and dimensions necessary to clearly explain the proposed construction, including type of construction, materials, top of frame elevation, site, pitch, invert elevations, and stream cross-sections and profiles, etc.;
- e) Appropriate sediment and erosion control measures indicating the location and width of said measures;
- f) Sidewalks, curbs, and gutters.

#### 03.06.08 As-Built Plans:

Upon the completion of all subdivision improvements, mylar "as-built" maps shall be filed with the Town Engineer within thirty (30) days of installation. "As-built" plans and profiles shall be submitted by a registered land surveyor and found by the Town Engineer to be equal to or better than the approved designs.

The Commission is under no obligation to approve any variations to the approved application's construction plans. The Commission may indeed refuse any such variations and require that all improvements failing to conform to the construction plans, these regulations, or the subdivision approval be reconstructed or installed, at a cost absorbed by the developer, to the original specifications as approved by the Commission prior to the release of any bonds, further issuance of any building or zoning permits, and/or the issuance of any certificates-of-occupancy.

#### 03.06.09 Sanitary Waste Disposal Plan:

Where individual on-site sewage disposal systems are proposed, the subdivision plan shall be accompanied by a Sanitary Report prepared by a professional engineer. The report shall demonstrate the feasibility of the ground for supporting the subsurface disposal of septic tank waste. Four copies of the report must be submitted to the Commission.

The Commission will distribute one copy of the report to the Town Sanitarian and the Town Engineer for their review. The report should deal with the entire subdivision parcel discussing the following points:

- a) General nature and development of surrounding area shown on map with explanation text.
- b) Topography and natural drainage patterns of the site.

- c) Sub-surface conditions as shown by sub-surface investigation, including soil absorption characteristics, ground water level conditions, ledge, and general nature of soil.
  - d) General description of type of development contemplated, noting type of dwelling units and structures, number of families per structure, and the number of bedrooms anticipated per dwelling unit.
  - e) Detailed description of proposed sewage disposal facilities, indicated sizes for various ground conditions, materials to be used, and general layout pattern to be used.
  - f) Special precautions that may be necessary to provide for the proper functioning of the proposed sewage disposal systems.
  - g) Flood heights of any nearby streams, brooks, rivers or other wetland areas.
  - h) The location of adjacent wells and sanitary systems.
- 1) The plan shall contain test results and engineering evaluation of test results based on an extensive sub-surface investigation. The first step is to determine whether the soil is suitable for the absorption of septic tank effluent and, if so, how much area is required. The soil must have an acceptable percolation rate, without interference from ground water or impervious strata below the level of the absorption system.
- 2) Sub-surface explorations are necessary for determining sub-surface formations in the area. Observation pits give the best method of viewing the general soil structure. Percolation or permeability tests determine the absorption characteristics of the soil of the site and the design of the sub-surface disposal system. The length of the time required for percolation tests will vary in different types of soil. Percolation tests should be conducted in strict accordance with Public Health Code requirements and technical standards.
- 3) A report shall be submitted to the Commission and shall contain a statement by the engineer that, in his professional opinion, the area is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in his report. Any reservations or special precautions that are deemed to be necessary by the engineer shall be repeated in this portion of his report.

4) The sanitary report shall be a well written, comprehensive and informative study, meeting all of the above requirements. If, in the opinion of the Health Officer, the sanitary report is incomplete as to the required information, he will require additional documentation that will be sufficient to correct the deficiencies found in the report.

5) No subdivision plan will be approved by the Commission until said plan has been approved for proposed water supply and sewage disposal facilities by the proper authority. Should a lot require an engineered septic system, the Commission may:

- a) not approve said lot as a building lot; or
- b) approve the lot as a buildable lot with certain conditions having to be met prior to the issuance of a zoning permit and/or the sale of said lot(s). (Example: issuance of a health certificate after fill has been placed for an engineered septic system and approved by the proper authority.)

03.06.10. Health Certificates:

When the subdivision is not to be served by sanitary sewers and/or public water supply, a Health Certificate from the Town Director of Health or authorized representative shall be obtained and submitted by the applicant certifying that the land to be subdivided and the subdivision plan are satisfactory for private sewage disposal and/or water supply systems.

Before officially submitting the subdivision application to the Commission, the applicant should obtain a written report from the local Health Director or authorized representative referencing the feasibility and adequacy of the proposed sanitary waste disposal system and water supply. The applicant should request the Health Director report and related tests and inspections well in advance of submitting a formal subdivision application. In addition, the applicant is responsible for submitting to the local Health Director any materials, fees or other information deemed necessary so that the Health Director can determine the feasibility of the proposed system and submit a report to the Commission at an early date.

03.06.11. Connecticut Department of Transportation:

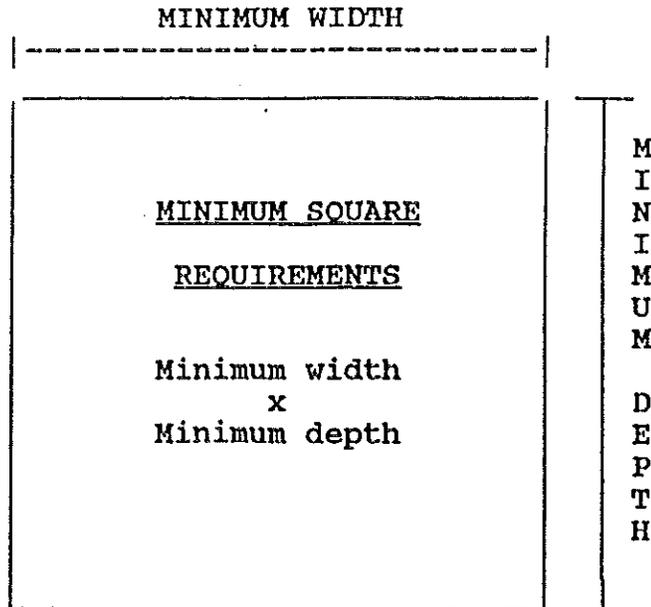
Where a proposed road or storm drain joins with a State Highway, the applicant shall obtain a permit for such connection from the Connecticut Department of Transportation and shall present a copy of such permit to the Commission. Should the applicant be unable to obtain said permit prior to the decision on a subdivision application, the Commission may grant a conditional approval with the stipulation that said permit is obtained from the

Connecticut Department of Transportation and made part of the subdivision application record prior to the commencement of subdivision improvement construction.

03.06.12. Additional Evidence:

The Commission may require the submission of additional evidence to establish to the satisfaction of the Commission that the land to be subdivided is of such character that it can be used for building purposes without danger to health of the public safety; that proper provision will be made for water, drainage, and sewerage; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers or other bodies of water subject to periodical flooding; that open space for parks and playgrounds will be established in places deemed proper by the Commission; and if the Commission shall have adopted a Plan of Development affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing thoroughfares shown on said Plan, especially in regard to safe intersections with such thoroughfares.

DIMENSIONS FOR MINIMUM SQUARE (TABLE A)



ZONE: RR

MINIMUM SQUARE: 150' X 200'  
FRONT YARD SETBACK: 50'  
MINIMUM LOT AREA: 1 ACRE

ZONE: R-25

MINIMUM SQUARE: 125' X 150'  
FRONT YARD SETBACK: 40'  
MINIMUM LOT AREA: 25,000 SQ. FT.

ZONE: R-15

MINIMUM SQUARE: 100' X 125'  
FRONT YARD SETBACK: 30'  
MIN. LOT AREA: 15,000 SQ.FT.

ZONE: R-10

MINIMUM SQUARE: 75' X 110'  
FRONT YARD SETBACK: 25'  
MINIMUM LOT AREA: 10,000 SQ. FT.

ZONE: RMD

MIN. SQUARE: see Article IV  
Section 8  
FRONT YARD SETBACK: 50'  
MINIMUM LOT AREA: 2 ACRES

ZONE: B1

MINIMUM SQUARE: 150' X 200'  
FRONT YARD SETBACK: 25'  
MINIMUM LOT AREA: 1 ACRE

ZONE: B2

MINIMUM SQUARE: 150' X 200'  
FRONT YARD SETBACK: 25'  
MINIMUM LOT AREA: 1 ACRE

ZONE B3

MINIMUM SQUARE: 100' X 100'  
FRONT YARD SETBACK: 25'  
MINIMUM LOT AREA: 20,000 SQ. FT.

ZONE: I

MINIMUM SQUARE: 100' X 100'  
FRONT YARD SETBACK: 25'  
MIN. LOT AREA: 20,00 SQ.FT.

ZONE: ISM

MINIMUM SQUARE: 100' X 100'  
FRONT YARD SETBACK: 25'  
MINIMUM LOT AREA: 4 ACRES

ZONE: IP

MINIMUM SQUARE: 500' X 200'  
FRONT YARD SETBACK: 50'  
MINIMUM LOT AREA: 20 ACRES (ZONE)

## SECTION 04. SUBDIVISION DESIGN REQUIREMENTS

### 04.01. General Planning and Design:

#### 04.01.01. Character of Subdivision Land:

1) Proposed building lots shall be of such shape, size, location, topography, and character that buildings can be constructed reasonably, occupied and used for building purposes without danger to the health and safety of the occupants and the public. Proposed building lots shall be designed and arranged to make best use of the natural terrain, to avoid unnecessary regrading, to protect the natural environment, and to preserve natural features such as waterbodies, watercourses and vegetation.

2) Land unsuitable for building purposes in its present state due to conditions such as difficult drainage, difficult configuration, inaccessibility, temporary flooding, erosion, steeply sloping topography, swamps, or high ground water levels; or because of potential danger to health or public safety, or peril from fire or floods shall not be platted for residential or other uses that may increase danger to health, life, or property; or aggravate the flood hazard until appropriate corrective measures have been taken by the subdivider to eliminate such hazards in accordance with the appropriate specifications declared as part of these Regulations.

3) Except for playlots or other open space specifically approved by the Commission, no lot that is rendered useless for building purposes due to easements, watercourses, topography, or failure to meet the public health code requirements for on-site sewage disposal or water supply shall be shown as a building lot on any subdivision plan. It is recommended that such land be included as part of the adjoining lot(s).

#### 04.01.02. Reserve Strips:

No privately owned reserve strips of land, which shows an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use, shall be permitted except where the control of the land comprising such strip is placed within the jurisdiction of the Town of Portland and under conditions approved by the Commission.

#### 04.01.03. Street Layout:

The Commission shall ensure that proposed streets are in harmony with existing or proposed thoroughfares shown in the Plan of Development or established through its own deliberations, especially in regard to safe intersections with such thoroughfares, and that the proposed streets are so arranged and

of such width as to provide an adequate and convenient system for both present and prospective traffic needs.

The Commission shall further ensure that the location, number, and routing of proposed streets will result in an orderly flow of traffic by providing alternative principal and local streets to better distribute vehicle flow to and from residences. The Commission may also prescribe the extent and manner in which the streets shall be graded and improved.

04.01.04.:

Land shall not be subdivided in such a manner as to prejudice the possibility of further subdivision of the land or of the convenient subdivision of adjoining lands. There shall be access provided by street-width reserve parcels and slope rights to allow for the further subdivision of the land and to provide an access into adjoining lands if such connection would promote safe, efficient, and convenient traffic movement, utility service, or storm drainage. The location of the access reserve parcels shall be determined by the Commission and any such reserve parcel shall be designated as a future street on all subdivision plans. The Commission may require the developer to deed to the Town of Portland said reserve parcels.

04.01.05. Preservation of Natural Features:

The general layout and design of the subdivision shall avoid, to the maximum extent possible, large scale changes in topography and watercourse locations. The applicant shall demonstrate a conscious effort to preserve and enhance natural features such as vegetation, natural watercourses, paths, scenic points, and other natural assets of the site. Particular attention shall be given to preserving selected trees and shrubs.

04.01.06. Landscaping:

The natural features of the site shall be preserved to the fullest extent and the felling of trees held to a minimum. The developer shall leave not less than two (2) naturally growing shade trees having a 2 1/2 inch or larger caliper in the front yard of each lot, or in the event that the trees do not presently exist the developer shall plant two such shade trees of similar caliper ten (10) feet from the front property line. The above shall be shown on the site development plan or landscape site plan.

04.01.07. Open Space:

Upon consideration of the type of development proposed and the determination of the need created by such a development, the Commission may require the reservation of land for parks,

playgrounds, open space or other public purposes. The Commission may require up to fifteen (15) per cent of the total area of the subdivision to be so reserved, except in the case of conservation easements to the Town where a greater percentage of area may be required.

04.01.07.01. Open Space Objectives:

The following objectives should be used as a general guide in the layout of a proposed subdivision that will include public or private open space:

- 1) Open space, conservation areas, and recreation areas shown on the Plan of Development should be incorporated into the subdivision layout;
- 2) Natural features and vegetation, including areas along roads, rivers, streams, lakes, aquifers and ridge tops should be conserved and enhanced to provide visual barriers between areas within the development and between adjacent developments;
- 3) Areas of land for active recreational use should be provided, especially in areas of population concentration;
- 4) The preservation of prime agricultural soils;
- 5) Fish and wildlife refuge areas and nature observation areas should be retained;
- 6) Natural drainage ways, flood water retention areas and the quality of water bodies should be protected;
- 7) Through public acquisition of land or other suitable agreements, adequate controls should be provided to assure the permanence of open space uses in areas designated as open space.

04.01.07.02. Standards for Open Space:

- 1) Open Space Areas shall abut a public street or have direct access to a public street through a right-of-way dedicated to public use. The area of such right-of-way shall not be included in the required open space area. The right-of-way shall be at least twenty (20) feet wide, but not greater than fifty (50) feet wide; and at the discretion of the Commission it shall be leveled off in a manner suitable for foot traffic and vehicular traffic and shall have a maximum grade of ten (10) per cent.
- 2) When a property line of a subdivision abuts an existing playground, park, or other open space area the Commission may require the new open space lines to be a continuation of the existing open space area so as to form a single, large unified area.

3) Any land dedicated to the Town for a public playground or park and that is improved for recreational purposes shall be graded to properly dispose of surface water and landscaped in a manner that is consistent with the intended use. All brush and debris shall be removed and the land left in a condition suitable for the purposes intended.

5) All improvements on a parcel to be deeded to the Town shall be included in the total amount to be bonded to the Town for subdivision improvements.

#### 04.02. Lot Design:

Building lots should be arranged and located to create and preserve unique characteristics for the actual building sites; to utilize the existing topography to a maximum degree; to maximize the environmental privacy of each building site; to provide each building site with safe and convenient vehicular access; and to avoid the use of land unsuitable for building sites.

#### 04.02.01. Minimum Lot Design:

Lot frontage, area, front yard, rear yard, and side yard shall conform to the current standards of the Town of Portland Zoning Regulations. Unless otherwise specifically stated and allowed by the Commission, a lot shall have its minimum frontage at the street line. However, regardless of the zoning requirements, each lot shall have sufficient area and suitable dimensions to provide ample space for a private water supply system where public water supply is not available and for the proper layout, installation and future extension of a private sewage disposal system where public sewer systems are not available.

#### 04.02.02. Lot Shape:

1) All lots in a subdivision shall be shaped such that a "minimum square" can fit within the boundaries of the lot and some portion of the square must intersect the front yard setback line.

2) The "minimum square" for all zones is defined in the diagrams found in the appendix.

#### 04.02.03. Lot Numbers:

All lots shall be numbered beginning with the numeral "1" and shall continue consecutively throughout the entire subdivision with no omissions or duplications. No fractions or letters shall be used, even in the case of resubdivisions, in which case numbers of a higher order such as "101" or "1001" should be used.

Adjoining subdivisions and sections of a subdivision having the same title shall not duplicate numbers but shall continue the sequence of numbers previously used for the adjoining land. All of the lot numbers shall be conspicuous and noted on the map in the approximate center of the lots.

04.02.04. Energy Efficiency and Solar Access:

The street design and lot layout should be designed in an energy efficient pattern, particularly in the areas of transportation so as to encourage pedestrian and transit modes, solar energy utilization and access, and general energy conservation.

1) Where feasible, an east-west street layout is generally preferred to provide the optimum building orientation for solar access which is more critical in zoning districts permitting relatively small lot sizes. East-west street layouts that produce undesirable gradients or excessive disruption of the natural topography are not preferred development practices.

2) The site design techniques should include but not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development.

04.02.05 Street Access:

All lots shall front on an existing Town Road or State Highway as found on the current map entitled "Town Roads, Portland, Connecticut. Connecticut Department of Transportation, TR-TRU 112, Scale 1" = 1,000 feet" or on a street proposed for public acceptance in the subdivision plan. In addition to the minimum frontage requirements of the Zoning Regulations, frontage width shall be sufficient to provide for safe driveway access and highway connection.

Double-frontage lots should be avoided except where employed to prevent vehicular access to arterial or collector streets.

04.03. Subdivisions Fronting on Existing Streets:

When a proposed subdivision abuts or has access on an existing Town road or state highway, the road shall meet the minimum requirements as set forth by the Town of Portland.

04.03.01. Minimum Requirements:

Any street that abuts a proposed subdivision shall meet the following requirements:

- 1) The street right-of way, both sides of the street, shall have been legally established by statutory authority and shall have at least one intersection with another Town road or state highway.
- 2) The street right-of-way shall have a minimum width of fifty (50) feet.
- 3) The street shall be one that is not under consideration for discontinuance or major realignment by the authority having such jurisdiction.
- 4) The street alignment and grades shall be in harmony with existing and proposed streets and the Plan of Development of the Town of Portland; and shall conform substantially to these Regulations and appropriate street specifications.
- 5) Street construction (sub-base and base courses) shall be sufficient to safely and adequately carry potential future traffic, which shall be determined on the basis of land areas to be served and population density based upon the current zoning requirements.
- 6) Storm drainage disposal shall be adequate for the present use as well as the additional storm runoff generated by the new subdivision and shall not increase the Town's obligation for additional storm drainage disposal on existing Town roads.

04.03.02. Right-of-Way Width:

- 1) When existing right-of-way widths, as established by old maps, filed deeds, or as established by utility pole and/or wall locations in the field, exceed the minimum required right-of-way for the street designation, the right-of way width shall not be reduced in width.
- 2) Where there is no evidence of a right-of way width, the width shall be established in accordance with the requirements of the Department of Public Works.
- 3) When existing right-of way widths, as previously established, do not meet the requirements of the Department of Public Works, the developer shall give the Town a Quit Claim Deed for the land between the newly established right-of-way line and the old line.

04.03.03. State Highway:

When a subdivision abuts a state highway, road improvements shall be provided in accordance with these Regulations and any requirements by the Connecticut Department of Transportation.

04.03.04. Required Road Improvements:

1) Pavement Width: In all cases, the minimum pavement width shall be thirty (30) feet except for existing improved roads where the pavement width is deemed adequate by the Department of Public Works. Wider pavements may be required depending upon expected traffic volumes.

2) Pavement Type: Any street that abuts a proposed subdivision and is used for access to proposed lots shall be paved with bituminous concrete.

3) Curbing: All streets shall have curbing except where it is deemed unnecessary by the Commission.

- a) All street curbing shall be constructed of bituminous concrete or at the discretion of the Commission, granite or Portland cement concrete.
- \*b) Where curbing exists on an existing street but is not up to Town Standards due to material, material deficiencies, alignment, or other conditions which do not conform with the Standard Details then the existing curb shall be removed and new curbing shall be furnished and placed to conform with the Town's requirements.

4) Sidewalks: Sidewalks shall be designed and installed in accordance with Town specifications. Sidewalks, when required, shall be installed on both sides of the street.

5) Storm Drainage: Storm drainage collection systems shall be installed along the frontage of the lots or parcels as necessary to collect the street runoff and to protect adjacent properties. The systems shall be installed in accordance with Town standards. Runoff may be collected by a surface system, which must be approved by the Town Engineer when deemed appropriate by the Director of Public Works.

- a) The installation of an underdrain system may be required if warranted by field conditions. The system shall be installed in accordance with all Town standards.
- b) Before construction commences, sediment basins shall be constructed to protect against the sedimentation of down stream watercourses. During construction, other erosion control measures such as hay bales or filter fabric fence shall be installed and maintained to prevent soil loss. All erosion and sediment control measures shall be based on the "Connecticut Guidelines for Soil Erosion and Sediment Control" dated January 1985 and prepared by the Connecticut Council on Soil

and Water Conservation, as amended. All sediment basin designs shall be as approved by the Town Engineer.

- c) The construction of detention basins and seepage basins wells may be required by the Commission as part of the storm drainage system if hydraulic calculations indicate that downstream drainage systems do not have the capacity for increased volume and/or velocity. The design of all detention basins shall be as approved by the Town Engineer.

#### 04.04. Street Design:

The purpose of this section is to assure that all proposed building lots front on or have access to an existing or a proposed Town Road or State Highway which is of sufficient width, grade, condition and design so as to provide an adequate, safe, functional and convenient system for present and prospective traffic and related needs, and to prevent the flooding and icing of streets through proper drainage, and to afford ample access to buildings for firefighting and other emergency vehicles.

##### 04.04.01. New Street Construction as Part of Subdivision Approval

Each lot in a new subdivision shall be on a public street or a proposed street as shown on the Record Subdivision Map. When a new street is proposed for a subdivision, the following information shall be supplied:

1) Plan-Profile drawings prepared on 24" x 36" plan-profile sheets to a scale of 1" = 40' horizontal and 1" = 4' vertical showing:

- a) The location and dimensions of existing and proposed street rights-of way, edges of pavement, curbs, sidewalks, piping, catch basins, manholes, endwalls, bridges, utilities and utility easements, tops and toes of all slopes, all data required for accurate layout of roadway center lines and rights-of-way, including stationing, bearings, tangent lengths, arc lengths, radii and central angles of all curves; location of property lines intersecting the street right-of-way lines and the names of owners of such adjacent property; cross-sections of each street at intervals of 50' for design purposes, showing proposed dimensions, materials of construction, and locations of drainage piping and other underground facilities, location and description of survey bench marks.
- b) Profiles of existing ground surface on the center line and at each right-of-way line.

- c) Profile of the proposed center line, showing proposed grades, vertical curve data and stations at grade changes, intersections at intervals of fifty (50) feet.
- d) Profiles of all existing and proposed drainage facilities, bridges and other proposed improvements showing locations, sizes, grades, invert elevations and top of frame elevations.

2) A drainage report including a drainage analysis map (basis of design), detailed design computations and analysis of the effect of proposed road and drainage facility construction and land development associated with existing downstream drainage facilities and adjacent properties. Said detailed design computations shall show the design criteria, parameters and methods used in selecting the location, configuration, type and size of all proposed drainage facilities. Such computations shall include tabulated summaries of pertinent design computations.

3) Detailed drawings of all bridges, box culverts, retaining wall and other special drainage structures.

04.04.02. Existing Street Reconstruction/Improvement as Part of Subdivision Approval:\*

In the event that a proposed subdivision contains lots for building development purposes which front on or have the required access to an accepted Town road, whether improved or unimproved, and said road does not contain a roadway in good repair, paved with bituminous concrete and/or does not meet the drainage and other requirements of these Regulations, then the roadway and/or drainage facilities and other related public improvements for said Town road shall be improved in accordance with these Regulations by the subdivider at his/her expense, prior to the final approval of the aforesaid lots for building development purposes. Conditional approvals may be granted by the Commission in accordance with these Regulations.

When a new subdivision generates the need for improving an existing roadway and/or its related facilities, the applicant shall address as a minimum:

- 1) Roadway construction;
- 2) Curbing;
- 3) Side slopes;
- 4) Storm drainage;
- 5) Sidewalks (if required);

- 6) Erosion and sediment control plans;
- 7) Construction plans;
- 8) Bonding;
- 9) Easements;
- 10) Inspections;
- 11) and any other measures deemed appropriate by the Department of Public Works.

04.04.03. Street Classification:

The Commission shall determine the classification of all streets which are proposed to be constructed in the development of a new subdivision.

1) **Minor Street:** A short cul-de-sac or loop street that serves only as an access to abutting lots which shall number no more than ten (10). Minor streets do not serve as through streets to any other street.

2) **Local Streets:** A cul-de-sac, loop street or short street that primarily provides access to abutting lots, but may also serve as a connector to other local streets and minor streets. Local streets shall be laid out such that their use for through traffic will be discouraged. Particular attention should be given to discouraging possible by-passes around traffic signals and major intersections. Local streets serving commercial or industrial developments shall be designed to collector street standards.

3) **Subcollector:** A street that provides access to abutting lots and conducts traffic from local and minor streets to a higher classification street or to an activity center. A subcollector may be a loop street connecting one collector or arterial street in two places, or a through street connecting collector and/or arterial streets.

4) **Collector:** A street that conducts traffic between major arterial streets and/or activity centers. It is a principal traffic route within residential areas and carries relatively high volumes of traffic. Collector streets tie in at one or both ends with an arterial street.

Direct access to abutting lots from collector streets should be discouraged, especially when the projected average daily trips is in a high volume range. All commercial and industrial

subdivision roads shall be designed to collector street standards.

5) Arterial: A major through street with high average daily trip volumes and not intended to be a residential street. The usual average daily trip volumes associated with an arterial street are in excess of 3000 trips. Direct access to abutting lots may be prohibited due to traffic safety reasons.

#### 04.04.04 Intersections:

1) Number of Streets: No more than two (2) streets shall intersect or meet at any one point to form a 4-way intersection. The centerline of all streets entering the intersection shall pass through a single point.

2) Spacing of Intersections: Intersections of subcollector, local and minor roads shall be spaced a minimum of 200 feet apart as measured from the points of intersection of the centerlines. Intersections of arterial and collector streets, including commercial and industrial roads shall be spaced a minimum of 500 feet apart as measured from the points of intersection of the centerlines. Streets intersecting on opposite sides of a street shall intersect opposite one another or shall have the minimum spacing required above.

3) Angle of Intersection: Wherever possible roads shall intersect at a 90 degree angle or as close thereto as is practical. In no event, however, shall an intersection be allowed where the angle of intersection is less than 75 degrees within 100 feet of the intersection.

4) Radii of Intersecting Streets: The radii, at the right-of-way line, of intersecting minor and/or local streets shall be a minimum of 25 feet. The radii of intersecting minor, local or subcollector streets with arterial, collector and subcollector streets shall be a minimum radius of 25 feet. Other intersections shall have a minimum radius of 30 feet at the right-of-way line. The Commission may require greater radii where the angle of intersection is less than 90 degrees.

5) Block Lengths: Road block lengths shall generally not exceed 1,200 feet nor be less than 600 feet. Minimum block widths shall be related to the zoning district requirements for yards and generally shall provide for two tiers of lots.

#### 04.04.05. Cul-de-Sacs:

Cul-de-sacs are intended to provide residential areas with adequate vehicular access while maintaining privacy and minimizing traffic flow. Cul-de-sacs shall also be known as

dead-end streets. The maximum number of lots that can be serviced by a cul-de-sac shall be 20 lots.

1) Cul-de-sacs shall not exceed 1,200 feet in length unless a greater length is authorized by the Commission because of adverse topographical conditions, difficult site configuration, future road construction or other legitimate condition. All cul-de-sacs shall have a turn-around circle at the end of the street.

2) If the cul-de-sac is intended to be extended at a future date, the turn-around circle shall be constructed with a street right-of-way width stub extension, and there shall be a notation on the plan stating that all segments of the turn-around outside of the normal road right-of-way shall be returned to the record owners of adjacent properties at such time as the turn-around is eliminated. Such notation shall also be entered on the deeds for the lots affected. If a development includes land reverting back to abutting owners, the surplus pavement shall be removed and the area regraded and seeded at the developer's expense.

3) Cul-de-sacs may not be approved if there is sufficient land and suitable terrain to allow the street to be extended to connect with another street in the subdivision.

4) No more than three (3) lots shall have any frontage on the arc of the turn-around right-of-way.

5) The arc of the turn-around right-of-way is defined in the diagrams found in the appendix.

#### 04.04.06 Driveways:

Subdivision lots shall be laid out so as to provide safe access from the street to the garage, carport or parking place. Except where special conditions exist making other access impossible or unsafe, no driveway shall be permitted within 50 feet of the intersection of two (2) or more existing or proposed streets. The maximum grade for any driveway shall not exceed fifteen (15) per cent. Driveways that have a grade in excess of ten (10) per cent shall require bituminous paving.

Access strips serving interior lots shall be surfaced with an all weather material, such as processed stone, when the grade is ten (10) per cent or less. All access driveways exceeding a ten (10) per cent grade shall be paved.

#### 04.04.07 Street Names:

There shall be no duplication of existing street names nor shall there be a phonetic resemblance to the names of existing streets within the Town. Long, difficult or complicated names may be denied.

04.04.08 Street Numbers:

The applicant shall develop a street numbering plan and shall submit evidence that the plan has been submitted to the Board of Selectmen for comments and/or approval.

04.04.09. Street Signs:

1) Street Name Signs: On at least one corner of all intersections of the subdivision there shall be at least one permanent four-way street sign. Lettering shall be clearly legible and at least three (3) inches high and of a style approved by the Commission. Such signs shall be erected before any new residential structure on either street in the subdivision is occupied.

2) Traffic Control Signs: Traffic control signs shall be erected at the developer's expense as required by the Director of Public Works.

04.04.10. Street Monuments:

1) Street monuments shall be placed at all block corners, angle points, points of tangency and curvature, and any other points as directed by the Commission. All monuments shall be furnished by the developer and installed where indicated on the Final Subdivision Plan.

2) The developer shall protect all monuments and lot pins installed prior to the completion of house construction. A land surveyor shall certify the locations of the monuments and lot pins as shown on the approved plan prior to the issuance of a zoning permit on any lot.

04.04.11. Landscaping:

1) Street Trees: The felling of trees shall be held to a minimum. The developer shall leave not less than two (2) naturally growing trees in the front yard of each lot or shall plant one, two or more trees in the front yard of each lot, depending upon lot frontage.

2) Unless otherwise instructed by the Commission, street trees shall be planted approximately 50 feet apart and on both sides of the street, subject to adjustment for driveways, utility lines, etc.; and shall be located ten (10) feet into the lots from the front lot line. Trees shall be a minimum 2 1/2 inch caliper and shall have a height of twelve (12) feet.

3) A permanent continuous landscaped buffer strip shall be provided on the interior lot at least twenty (20) feet setback

from any lot line shared by a front lot and an interior lot. At least 50% of the required plantings shall consist of evergreen species at least six (6) feet in height and 1.5 inches in caliper. Suitable existing trees and shrubs may be preserved or augmented by planting to provide the required buffer. Said buffer strip shall be recorded on the deed as a restrictive covenant and shall be maintained by the property owner. Said deed shall be filed in the land records of the Town Clerk prior to endorsement of any record map.

4) The above requirements pertaining to landscape planting may be waived by the Commission if a suitable vegetative cover exists or to enhance solar access.

5) The access strip to an interior lot shall be maintained in a suitable fashion so as to provide safe access to said interior lot and prevent degradation to abutting properties. Driveway design shall be in accordance with the Town of Portland driveway ordinance, as amended.

#### 04.04.12. Private Roads:

1) Private roads shall be constructed to the same standards as public roads except that the Commission may allow the width of the road to be reduced to twenty-four (24) feet.

2) An acceptable maintenance agreement shall be provided.

3) Proposed construction shall be bonded in the same manner as a road to be accepted by the Town.

4) If a private road is subsequently offered to the Town as a public road, the owner(s) shall be responsible for a final inspection in accordance with Town standards and the required improvements are to be certified by a professional engineer. In addition, the Commission may require further tests to be conducted by the Town Engineer or a private engineering firm of its choosing and the cost of such tests shall be borne by the owner.

#### 04.04.13. Sidewalks:

Sidewalks may be required within the street right-of-way adjacent to arterial and collector streets; adjacent to subcollector and local streets within 1 1/2 miles of a school, library, or recreational facility; and in other locations when deemed necessary by the Commission for public convenience and safety.

#### 04.05. Storm Drainage:

##### 04.05.01. General Requirements:

1) The overall drainage system shall be designed such that the runoff rate outside of the subdivision during or after the development does not exceed the rate that existed prior to the development. This may be accomplished by retention basins, infiltration basins or other acceptable means as determined by the Town Engineer.

2) When storm water discharges into areas designated as Inland Wetland and Watercourse Areas, plans shall be submitted to the Inland Wetlands Commission for comments and approval.

3) Where the subdivision storm drainage system is proposed to discharge into a Town storm drainage system, the developer shall make provisions to accommodate the anticipated additional discharge in the event that the Town system is inadequate. Necessary improvements to the Town storm drainage system to accommodate new subdivision storm water discharge may be required at the expense of the developer.

#### 04.05.02 Storm Drainage System Intersections:

Where the development streets join existing Town streets, the developer must provide drainage at the intersection as directed by the Town Engineer.

#### 04.05.03. Easements and Right-to-Drain:

1) Easements: Drainage easements shall be required for any part of the storm drainage system located outside of the street right-of-way, excluding building drains and private drains. All drainage easements shall conform to the requirements of Section 04.08. of these Regulations.

2) Right-to-drain: The developer shall obtain drainage rights for flows across adjacent properties in writing. The rights shall include the right for the Town to enter and maintain existing or proposed facilities if the system is to be accepted by the Town. In situations where drainage will flow across lots in the proposed subdivision, the developer shall establish rights-to-drain on those properties and the deeds of said lots shall be so encumbered.

#### 04.05.04. Private Drains:

1) The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Director of Public Works, Town Engineer and the Board of Selectmen. A waiver must be filed by the developer with the Commission to indemnify the Town in the event of any failure of the private storm drainage system. This waiver must be transferred with the deed of the property to any prospective buyer.

2) Rear yard drains and cellar or foundation drains that are upgradient from the road shall be connected to the storm drainage system must be shown on the final "as-built" plan of the drainage system.

3) Private storm drains shall be connected to the Town system at a drainage structure such as a catch basin.

4) When storm sewer construction precedes house construction, the piping shall be installed to a point within the lot.

#### 04.05.05. Storm Drainage Design:

1) Design: All storm drainage systems shall be designed in accordance with the design standards of the Department of Public Works.

2) Design Formula: All design formula shall adhere to acceptable engineering practices, and the calculations and their method of derivation shall be shown in the material submitted as part of the final application. Drainage computations showing the following shall be submitted:

a) Plans showing the watershed area for the development.

b) Calculations showing the area, time of concentration, intensity, coefficient, flow, velocity, pipe size and the slope of each pipe segment.

3) Design Storm Criteria: All storm drainage facilities shall be designed based upon Department of Public Works standards.

4) Rainfall Intensity: Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau "Rainfall Intensity - Duration Frequency Curves" for the Hartford Rain Gauge.

#### 04.05.06 Retention/Detention Systems:

Measures for the retention and/or detention and controlled release of stormwater runoff from the subdivision shall:

1) Not exceed the rate of runoff for the same site in its undeveloped state.

2) Have the ability to retain and maximize groundwater recharge. Design of the stormwater runoff control system shall give consideration to providing groundwater recharge.

3) Require that all on-site facilities be properly maintained by the owner so that they do not become nuisances. All runoff

control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided.

4) In the case where the Town accepts the responsibility of maintaining runoff control structures, the developer may be required to post a permanent maintenance bond to help off-set some of the costs related to system maintenance.

5) The requirements for the design of a stormwater detention facility shall be calculated on the basis of the rate of flow from a 50-year frequency rainfall, as published by the National Weather Service. The required detention facility shall be designed so as to accommodate the rate of flow of runoff from a 50-year frequency rainfall, for any storm duration period, for the proposed development less the increased rate of flow discharged during the same storm duration for the undeveloped site. The Commission may require that the stormwater detention measures be designed to accommodate a lower frequency event where site conditions and/or surrounding land uses warrant such design (ie. a 100-year storm event).

6) In all cases for the purpose of designing a retention and/or detention system, runoff shall be computed in accordance with "Technical Release No. 55, Urban Hydrology," Engineering Division Soil Conservation Service, U.S.D.A., January 1975, as amended; unless another method is approved by the Town Engineer.

#### 04.06. Utilities:

The lots in a subdivision shall be capable of supplying adequate potable water and of properly disposing of sewage. New streets shall have all improvements and required utilities installed.

#### 04.06.01. Cost of Installation:

In the case of subdivisions to which water, sewers, and/or electric street lighting are to be furnished from a public source, all necessary mains, branch offsets to each lot, fire hydrants, dry hydrants, and street lighting equipment shall be installed as approved by the public utility having jurisdiction with no cost to the Town except as approved by the Town.

#### 04.06.02. Private Water Supply and Sewage Disposal:

Private water supply systems and private sewage disposal systems shall be designed and installed in accordance with good engineering practice, and the applicable requirements of the Connecticut State Department of Health, the State Department of Environmental Protection, and the Director of Health for the Town of Portland.

The primary concern of considering whether a particular soil is capable of supporting an on-site septic system is whether or not the soil can support the septic system on a long-term basis. Even though considerable costs may be associated with the development of a specific site, it is the soil's long-term suitability that should determine its classification.

04.06.03. Public Sewer Systems:

- 1) The Commission shall require sanitary sewers if any of the following conditions apply to the areas that would be affected by on-site sewage disposal systems.
  - a) The area or a portion of the area has topographic or geologic conditions which may cause septic tank effluent to be laterally transmitted to the ground surface, such as ledge, shale, or rock outcrops, or slopes exceeding ten (10) per cent as determined by the Town Engineer.
  - b) The area or a portion of the area is a wetland as designated by the official Town Inland Wetlands Map.
  - c) The area or a portion of the area is associated with flooding as per relevant studies made by Federal, State or Town agencies (based on the 100-year flood event).
  - d) The area or a portion of the area is within a streambelt as delineated by the Soil Conservation Service.
  - e) The area or a portion of the area is within an aquifer area that has a potential value for water supply or for groundwater recharge, or drains into water bodies having recreational potential.
  - f) The proposed development is located within 1000 feet of an existing sewer line unless waived by the Health Officer.
- 2) If a developer constructs a subdivision with sanitary sewers and constructs buildings for occupancy prior to the availability of a public sewer service, the developer shall obtain approval from the Sewer Authority to seal the subdivision sanitary sewer system in order to render the system unusable until connected to the public sewer system. A sewer so sealed shall be termed a "capped sewer".
- 3) A subdivision which contains capped sewers shall contain soils with absorptive values suitable for the disposal of septic tank effluent from private sanitary sewage disposal systems and

it shall comply with all the applicable state and local regulations governing the use of on-site septic systems, except that a reserve system area may not be required if the sanitary sewer system will be available within five (5) years.

4) The use of all private sanitary sewage disposal systems shall be discontinued within one (1) year from the date when the capped sewer is unsealed and becomes active by reason of connection to the public sewer system.

5) The sewage generated from structures provided with a capped sewer system may be disposed of by means of a collective or communal system of treatment and disposal providing such system is approved by the State Health Department or other agency that may have jurisdiction. A community sewage treatment plant shall be considered a temporary installation and shall not be used longer than 90 days after the Sewer Authority reports that the related trunk system is usable.

6) When sanitary sewers are constructed prior to building construction, the sanitary sewer line for each lot in the subdivision shall be installed to a point not less than six (6) feet into the lot. The location of these laterals shall be shown on the as-built plans.

#### 04.06.04. Public Water Supply:

1) The Commission may require public water supply connections and/or extensions to be made available to each lot in a subdivision which is either:

- a) located within an area currently served by an existing public water supply system; or
- b) located within such a reasonable distance of an existing public water supply system as to make the extension of such system feasible.

2) All lots within a residential subdivision served by public water shall be served with lateral water lines, which lateral water line shall be installed after the main water line has been disinfected. The lateral water line shall be installed to a point not less than six (6) feet into the lot.

3) The lateral water line shall enter the lot at a point which is approximately at the center of the lot frontage, unless the lot is shaped such that the house foundation would require the lateral service at a different point on the lot frontage.

#### 04.06.05. Other Utilities:

1) The Commission may require the developer to provide adequate electric, gas, cable, and/or other utility services to and/or in the proposed subdivision when appropriate.

2) All utility systems and facilities shall be designed and constructed in accordance with the accepted and pertinent specifications of the State or Town Codes, State Public Utility Commission Regulations, and local utility companies.

04.06.06. Underground Utilities:

1) The Commission may require the underground installation of all or part of any telephone, electric, power or other utility system intended to serve any proposed subdivision if it is deemed desirable in the judgment of the Commission and if such installation is determined to be feasible.

2) House Hookups: The house hookups or laterals for underground utilities to each lot shall be installed to a point outside the street right-of-way prior to the installation of street or sidewalk pavement such that the pavement will not be disturbed in order to connect the utility.

04.06.07. Utility Locations:

All of the following utilities shall be located within the street right-of-way:

1) Water mains shall be placed 15 feet from the North and West right-of-way lines and shall have a minimum cover of 4 1/2 feet.

2) Hydrants shall be 7 feet from the right-of-way line.

3) Underground telephone cables shall be 3 feet from the North and West right-of-way lines at a minimum depth of 30 inches below sidewalk finished grade. Above ground appurtenances for these cables shall be 7 feet from the right-of-way lines.

4) Underground power cables shall be 3 feet from the South and East right-of-way lines at a minimum depth of 30 inches below sidewalk finished grade. Above ground appurtenances for these cables shall be 7 feet from the right-of-way lines.

5) Gas mains shall be placed 15 feet from the South and East right-of-way lines and shall have a minimum cover of 3 feet.

6) House service gates, both water and gas, shall be 7 feet from the right-of-way lines.

04.06.08. Fire Ponds:

The Commission may require the developer to construct ponds and appurtenant structures, such as dry hydrants, on natural watercourses in any residential subdivision containing 15 or more lots or in any commercial or industrial subdivision not having access to the public water supply for the purpose of fire protection. The plans for construction of the fire pond shall be submitted to the Chief of the Fire District in which the subdivision is located, to the Inland Wetlands Commission, and to the Middlesex Soil and Water Conservation District for review and comment.

#### 04.07. Erosion and Sediment Control:

In order to control erosion and pollution from excess sedimentation within the subdivision, the subdivider shall adhere to the standards and practices as set forth in the "Connecticut Guidelines for Soil Erosion and Sediment Control" dated January 1985, as amended, and Section 9.9 of the Portland Zoning Regulations. In order to help prevent similar problems outside the bounds of the subdivision, runoff beyond the subdivision boundary shall not be increased either during or after development.

1) The Commission reserves the right to have the Middlesex County Soil and Water Conservation District, or other agency or person review the subdivision plans for technical assistance on the erosion and sedimentation control measures.

2) Performance Bond: A performance bond and/or maintenance bond may be required for all erosion and sediment control measures and general site stabilization work. The bond shall be in a form and amount that is determined by the Commission or its designated agent.

#### 04.08. Easements and Rights-of-Way:

##### 04.08.01. Required Easements and Rights-of-Way:

Permanent easements that run with the land and burden the premises in perpetuity, or right-of-way shall be granted or obtained for access to and use of all land associated with subdivision improvements located outside the street right-of-way. Subdivision improvements that require easements or rights-of-way include but are not limited to the following types:

1) Construction and Maintenance: All bridges, culverts, permanent sediment and erosion control measures, storm water retention structures, and recreational facilities shall be located within an easement or right-of-way granted to the Town in order to allow for necessary repairs and maintenance. The easement or right-of-way shall be large enough to accommodate the entire structure or facility and appurtenances, and to allow

reasonable room for appropriate repair equipment to be maneuvered.

2) Access: Bridges, culverts, permanent erosion and sediment control measures, storm water retention structures and recreational facilities shall have access easements for construction and maintenance equipment. Access easements shall be a minimum of thirty (30) feet wide, graded, and cleared suitably for use by the appropriate equipment.

3) Utilities: Water mains, sanitary sewers, all other utilities and all related appurtenances located outside of the street right-of-way shall be subject to utility easements for use and access. The easements shall be a minimum of twenty (20) feet wide, be substantially centered on the utility, and be centered on or parallel to property lines whenever possible.

4) Slopes: Slope easements for grading, maintaining and repairing roadway slopes shall be required for substantial cut or fill areas that are situated outside of the street right-of-way. Slope easements shall also be required for areas adjacent to future road extensions that will require extensive regrading and slope work.

5) Sight Lines: Sight line easements across corners of lots at intersections shall be required to assure safe lines of sight for motorists. Bushes, hedges, fences, walls, etc. over 2 1/2 feet in height and trees with branches hanging less than six (6) feet high shall be prohibited. The size of the easement shall be based upon the required sight distances and general site characteristics.

6) Pedestrian Walkways: Pedestrian walkway easements or rights-of-way shall be required for walkways entering parks, playgrounds, school sites, and other public or semi-public places where the road system does not conform to a convenient pattern for pedestrian circulation and to open space and recreation areas within subdivisions. Pedestrian easements and rights-of-way shall be a minimum of twenty (20) feet wide, suitably graded and located so as to promote pedestrian usage.

7) Storm Drainage: Drainage easements shall be provided for all parts of the storm drainage system that is located outside of the street right-of-way.

- a) Where it is necessary to drain a public street across lands included in the subdivision, the plans shall provide an easement for the discharge of water in favor of the Town of Portland. Said easements shall be recorded on the land records prior to the conveyance of the lots affected by such easement. The location of

such easements must meet with the approval of the Commission.

b) Where necessary to discharge water from a public right-of-way across private lands not included in the subdivision, the developer shall obtain an agreement from the owners of said private land that grants a right to permanently discharge water across said lands to the Town of Portland. The agreement shall be submitted to the Commission in writing and be filed on the land records. The developer shall submit copies of said drainage easement to the Commission at the time of application for Final Subdivision Approval.

c) Drainage easements shall be a minimum of twenty (20) feet wide and centered on the pipe or drainage system. Easements for outlet pipes shall extend to a suitable existing storm drain or an adequate natural watercourse or suitable inland wetland area. Where possible, easements shall be centered on property lines.

8) All easements and rights-of-way shall be shown on the Record Subdivision Map with adequate survey information to accurately locate the easement or right-of-way in the field. All easements and rights-of-way shall be filed on the land records prior to the endorsement of the final subdivision approval.

#### 04.09. Inland Wetlands and Watercourses and Flood Hazard Areas:

All land and bodies of water protected under the Inland Wetlands and Watercourses Act, the Federal Special Flood Hazard Areas of the Portland Zoning Regulations and related Town Ordinances and Regulations shall be delineated on the Record Subdivision Map. The Subdivision application shall be submitted to the Portland Conservation/Inland Wetlands Commission as specified in Section 03.02.07 of these Regulations no later than the same day the application is filed with the Portland Planning and Zoning Commission.

#### 04.10. Monuments:

1) All monuments shall be furnished by the developer and installed where indicated on the final subdivision map.

2) Property markers shall be set at all property corners that are not identified by street monuments.

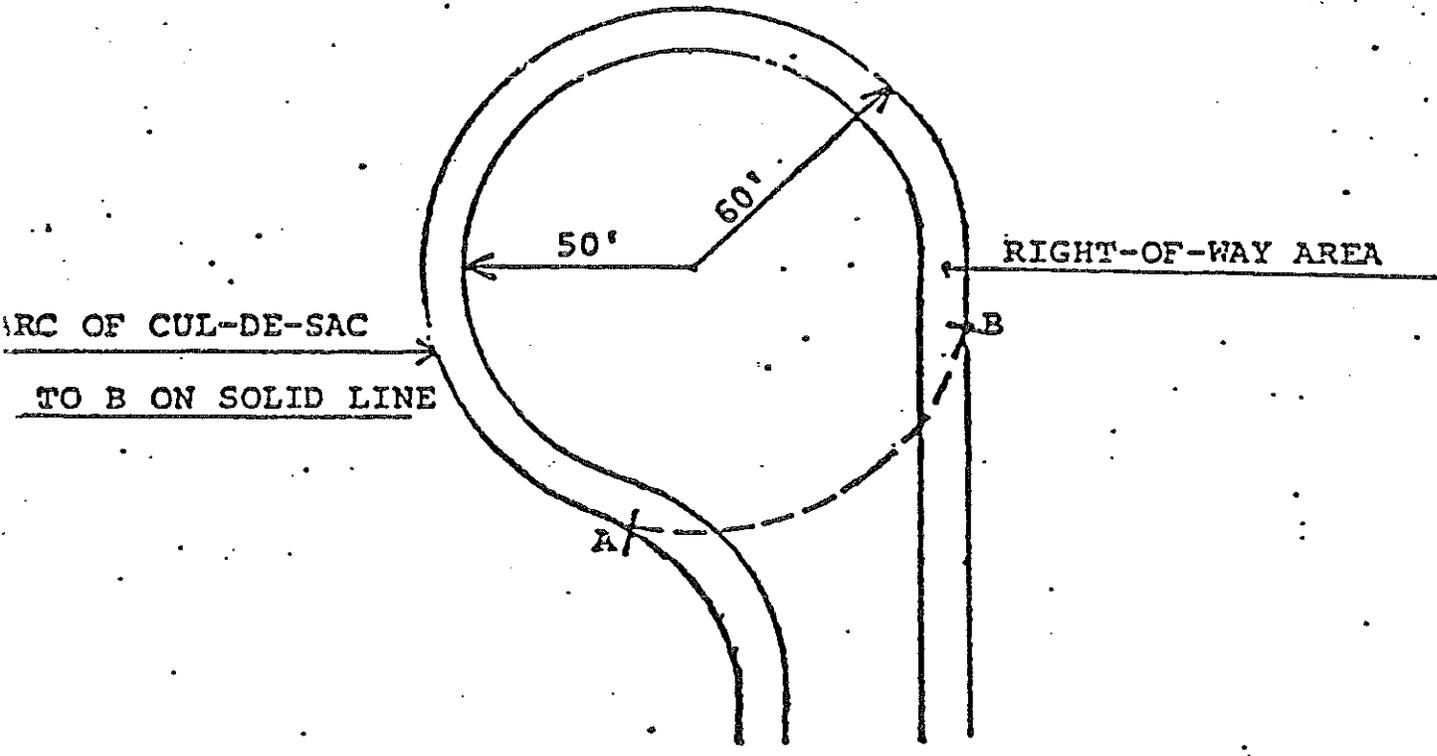
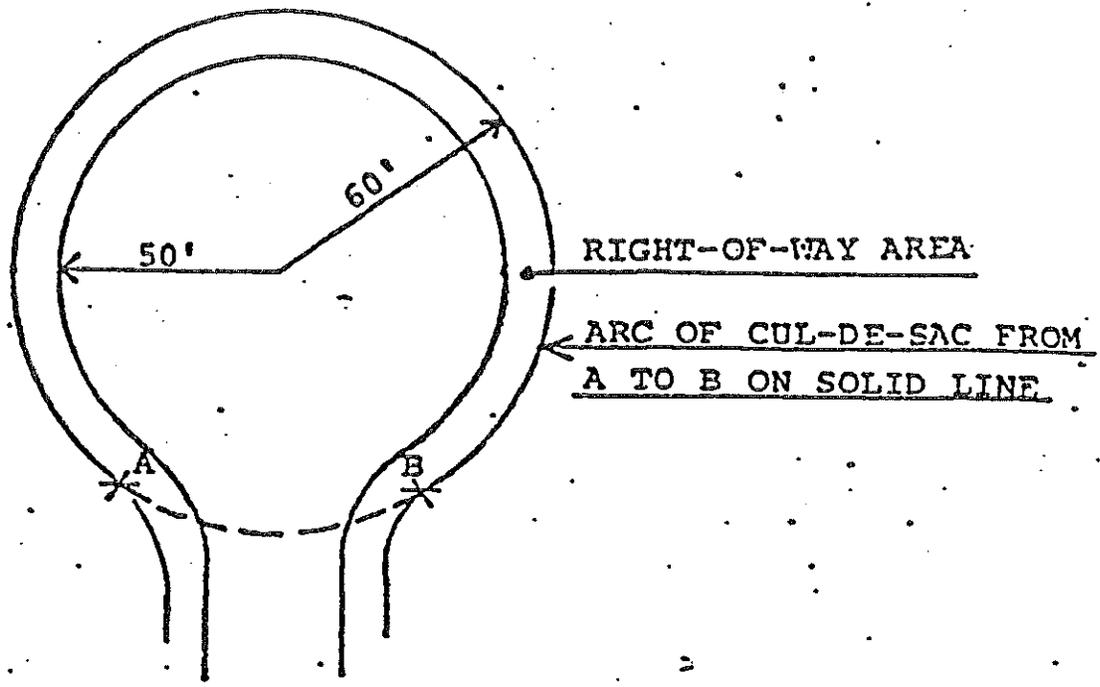
3) Monument Specifications:

a) Property markers consist of iron pipes or iron or steel bars at least thirty-six (36) inches long and not less than three-quarters (3/4) of an inch in diameter.

b) Street monuments shall consist of precast reinforced concrete units conforming to the standards of the Department of Public Works.

4) Monuments shall be included in the bonding process of a subdivision.

CUL-DE-SAC DESIGN (TABLE B)



## SECTION 05. APPLICATION REVIEW PROCEDURE

### 05.01. General

Before preparing an application for subdivision, the subdivider shall be familiar with the provisions of these Regulations, the Town of Portland Plan of Development, the Zoning Map and Regulations, the specifications and requirements for street layout and construction, the roads in the area in which the proposed subdivision is to be located, and the approved plans of adjacent subdivisions, if any.

#### 05.01.01. Who May Apply:

An application for approval of a subdivision plan may be made by:

- a) The owner or all the owners of the land to be subdivided, or their duly authorized agent; or
- b) The purchaser or all the purchasers under a written contract to purchase the land to be subdivided provided that the written consent of the owner or all the owners of said premises accompany the filing of such application.

#### 05.01.02. Development in Stages:

An applicant may elect to apply for subdivision approval for a portion of a parcel of land. Such election shall be made by filing a written statement with the application describing the proposed stages of development in detail and by clearly and distinctively showing the areas to be included in each stage of development on the Record Subdivision Plan.

#### 05.02. Procedural Overview:

- 1) "Submission of Application" shall be in accordance with these regulations and must be received by the Commission prior to a scheduled regular meeting.
- 2) "Receipt" of the Application will be the day of the next regularly scheduled meeting immediately following the day of submission of an application or 35 days after the submission of the application, whichever occurs first.
- 3) The Commission may call for a public hearing on a subdivision application, but shall call public hearing on a resubdivision application. The public hearing must begin within 65 days of the "Date of Receipt" of the application and must be concluded within 30 days of its start.

4) At the conclusion of the public hearing, the Commission has 65 days to vote on the application. If no public hearing is held, the Commission has 65 days after the "Date of Receipt" of the application to vote on the application.

5) A notice concerning final action shall be published in a newspaper having substantial circulation in the Town within fifteen (15) days of the decision.

6) Any person aggrieved may appeal to the Court of Common Pleas within fifteen (15) days of publication of the notice.

7) Approved modifications or stipulations on the plan must be completed within the time frame granted by the Commission.

8) The approved plan must be filed with the Town Clerk within 90 days of the Commission's signing.

#### 05.03. Amendment of Application:

Prior to a decision on an application by the Commission an applicant may amend his plan of subdivision at any time within 35 days after submission of his application, provided that he shall file with the Commission, in the form and manner prescribed under these Regulations for original applications, such revised documents as may be necessary to reflect such amendment together with a written consent to an extension of 65 days to the period within which the Commission is required to act upon the application under Chapter 126 of the General Statutes of Connecticut, as amended. In the case of an application for approval of a plan of resubdivision for which the hearing has not yet been held, the applicant shall file such consent to an extension of 65 days to the period of the time in which such public hearing is required to be held.

#### 05.04. Public Hearing:

Upon receipt of an application and all required accompanying material, the Commission may call a public hearing on the application. The Commission shall hold a public hearing on any application for a resubdivision.

1) The Commission shall submit notices for publication at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, prior to the hearing and the last not less than two (2) days prior to the date of such hearing. Notices shall be published in a newspaper having general circulation in the Town of Portland and a copy of such notice will be sent by certified mail to the applicant.

2) The Commission or its authorized agent shall file copies of the Subdivision Plan and supporting plans, with the Town Clerk

and/or the Planning Department of public inspection prior to the hearing.

3) At the public hearing, the Commission will give an opportunity to any interested persons to examine and comment upon the subdivision plan and supporting documentation.

4) The public hearing shall commence within 65 days after receipt of the application and shall be completed within 30 days after such hearing commences.

5) The applicant may consent to an extension of time for the public hearing to commence or be completed provided that such extension shall not be for longer than double the normal period specified, or the applicant may withdraw the application with the approval of the Commission.

05.05. Referral to Other Agencies:

1) Regional Planning Agency: The Commission shall submit a copy of the plans for any subdivision abutting or including land in a neighboring municipality to the appropriate Regional Planning Agency. The Agency shall, within 30 days, report its findings on the intermunicipal aspects of the proposed subdivision to the Commission and the applicant. Such report shall be purely advisory. If the Agency fails to report within 30 days, it shall be presumed that the Agency does not disapprove of the proposed subdivision. The Commission shall not render a decision on the application until such 30 days has expired.

2) Inland Wetland Agency: A copy of the subdivision application and supporting data shall be filed by the applicant with the Inland Wetland Agency when the proposed subdivision property contains any wetlands and/or watercourses. If such application is not filed with the Inland Wetlands Agency as prescribed, the application shall be considered incomplete and the Commission shall not proceed with further proceedings until such copy of the application is received by the Inland Wetlands Agency for review and comment.

3) Department of Public Works.

4) Any additional agency that the Commission deems appropriate for review and comment on the subdivision application.

05.06. Decision on an Application:

Within 65 days after the date of receipt of the application, or in the event of a public hearing, within 65 days of the date that said hearing is completed; the Commission will approve, modify and approve, or deny the subdivision application by a resolution which will set forth, in detail, any conditions to which the

approval is subject and state the expiration date, or the reasons for denial. Failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission upon demand. The 65 day period for action may be extended with the written consent of the applicant.

1) The Commission shall approve the plans as submitted.

2) Modifications: The Commission may modify any element of a subdivision plan to conform with the standards and requirements of these Regulations and approve such plan as so modified. Such modification may involve, for example, the alteration of the size, shape, location, and boundaries of lots or the elimination of such lots for use as building sites in which case the Record Subdivision Map shall be appropriately marked with a conspicuous notation of such elimination. Whenever the Commission shall modify and approve the plan of subdivision, it shall be the responsibility of the applicant to prepare and file revisions of all documents as deemed necessary to reflect such modification with the Commission. No Record Subdivision Map shall be endorsed or delivered to the applicant until all such revisions have been received by the Commission. The Commission shall require whatever layout changes it feels are necessary to eliminate or improve any problems relating to health, fire safety, traffic safety, storm drainage, and the provision of future streets in accordance with these Regulations. Such requirements may include, though not be limited to:

- a) Traffic signs, control facilities, and area lighting;
- b) Improvement of sight distances;
- c) Conformance to Plan of Development street plan;
- d) Reduction of number of driveways on streets designated as arterial by the Plan of Development or as arterial or collector streets in these Regulations;
- e) Widening, repaving, or otherwise improving existing streets if the subdivision is to substantially increase traffic flow;
- f) Additional storm drainage structures;
- g) Hydrants, standpipes, water storage; or
- h) Sidewalks.

3) Application Denial

In the event a subdivision application is denied, no work on said proposed subdivision may be undertaken, nor improvements made or

constructed, nor contract for sale of or an offer to sell any lots in such subdivision negotiated, nor any permit for the erection of any structure issued or granted, until such time as a new subdivision application concerning said proposed subdivision has been submitted to the Commission, reviewed and approved in accordance with these Regulations and the enabling statutes. Applications may be denied by the Commission for reasons such as:

- a) The application failed to conform to the purposes and requirements of these Regulations;
- b) The application materials or fees received by the Commission were incomplete, insufficient, inaccurate, or altogether absent;
- c) The application failed to conform to the requirements of the Zoning Regulations;
- d) The required reports of the Town Engineer, Town Sanitarian, Public Works Department, Fire Marshall, etc. indicate serious problems relative to the suitability of the proposed subdivision for building development; or
- e) The application failed to conform to the purposes and requirements of the enabling statutes.

05.07. Notice of Action:

Notice of all official actions or decisions, not limited to those relating to approval or denial of subdivision plans, shall be published in a newspaper having a substantial circulation in the Town within fifteen (15) days after such action or decision. Notice of such action shall also be sent to the applicant by certified mail within fifteen (15) days of the Commission's action.

05.08. Modification of Plans:

In accordance with Section 05.06.02. the applicant shall have the Subdivision Plan and supporting plans revised to conform to any modification called for in the Commission's resolution. If such modifications are not completed within 90 days of the Commission's approval action, approval will be considered expired and the subdivision will be null and void and of no legal standing. Notice of such action shall be sent to the applicant by certified mail within seven (7) days.

05.09. POST-APPROVAL REQUIREMENTS

No approved subdivision plan shall be endorsed by the Commission until the applicant has completed all improvements in connection

with the approved subdivision plan, until the applicant has posted performance bond guaranteeing the completion of all required improvements, or unless the Commission has granted conditional approval. Specific requirements for bonds are detailed below.

#### 05.09.01. Conditional Approval:

The Commission may endorse a map after placing a notation on the Record Subdivision Map that no part of the property shown on the Record Subdivision Map may be conveyed and no zoning permit be issued for any lot shown on said map until a performance bond has been posted and approved by the Commission in accordance with Subsection 1, above, or until all work required by the subdivision approval has been completed to the satisfaction of the Commission.

Prior to the removal of conditions prohibiting the transfer of any of the property shown on the Record Subdivision Map and the issuance of a zoning permit for any lot shown on said plan, the applicant shall submit as-built plans and supporting documentation to the Commission providing a cash performance bond is not being posted.

All easements, street right-of-ways, and open space to be deeded to the Town shall have a written geometric description prepared based on survey data. In addition, a maintenance bond covering all work that was required by the subdivision approval shall be posted. A separate cash performance bond may be required for all sediment and erosion control measures.

#### 05.09.02. Bonds

##### 05.09.02.01. Performance Bond:

1) To assure that a proposed development, excluding buildings, conforms to an approved site development plan and other required documents, a performance bond may be required by the Planning and Zoning Commission. When a performance bond is required, it shall be posted prior to the endorsement of the record subdivision map and site plan and the issuance of any zoning permits. No construction work shall be started prior to final approval of said site plan. For purposes of these regulations, date of approval shall be the meeting date the Commission approves an application.

2) A performance bond shall be posted in one or more of the following methods and in a form that is acceptable to the Town Attorney:

- a) A cash bond;
- b) A savings bank deposit book;

- c) An irrevocable letter of credit; or
- d) Any other form of surety that the Commission deems acceptable

3) The amount of the performance bond shall be established by the Commission. Applicants shall furnish the Commission with a listing of the estimated quantities of materials needed to complete the improvements. The bond shall cover the full cost of the improvements as if let-to-bid by the Town without advantages of on-site building materials or the sale of removed earth material. In addition, the bond shall include an amount to cover the escalation of all improvement costs over a two year period.

4) The amount of the performance bond shall be sufficient to cover the cost of any proposed or required site improvement such as street grading; roadway paving and street planting; the installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts; erosion and sediment control measures; site stabilization measures; and all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of said improvements. All improvements shall be designed in accordance with established standards, rules and regulations applicable in the Town of Portland. The Commission may require a separate cash performance bond be posted for all erosion and sediment control and site stabilization measures.

5) Upon completion of the required improvements, the applicant may be required to submit to the Commission:

- a) As-built plans of the improvements (supplied by licensed engineer or land surveyor);
- b) Certification of accurate monument location (supplied by land surveyor);
- c) Easements in a form satisfactory to the Town Attorney including a written geometric description of all such easements; and
- d) Proof of fulfillment of any other requirements or conditions.

6) The bond shall be released upon Board of Selectmen certification that all required improvements have been completed to the satisfaction of the Commission and other appropriate Town Departments. In addition, a maintenance bond covering all site improvements completed for the development may be required prior to the release of any performance bond.

If the improvements are not installed as required, the Commission is under no obligation to accept the work. The Commission may recommend to the Board of Selectmen that the bond be declared defaulted and take the necessary action to call the bond.

05.09.02.02. Maintenance Bonds:

To assure proper maintenance of all site improvements and structures, a maintenance bond in the amount of 10% of the cost of the site improvements shall be submitted to the Town and approved by the Board of Selectmen. The maintenance bond shall be in effect for a maximum period of one year from the date the improvements are accepted by the Town. The bond shall be posted prior to the issuance of any Certificates of Zoning Compliance.

During such period, the applicant shall, when notified by the Town, promptly and at his own expense, repair all failures and defects, including but not limited to the construction of roads, drainage, structures, appurtenances, bridges, and other improvements as may occur during such maintenance period. He shall similarly repair all defects, settlements, and irregularities of the structures and appurtenances of drains, pipes, mains, conduits, curbs, gutters, sidewalks, road surfacing, landscaping or other defective improvements detected during the maintenance period.

If the applicant fails to remedy any such defects within a reasonable time, the Town may without prejudice to any other remedy cause the required repairs to be made and paid for with the proceeds of the maintenance bond.

05.09.03. Completion of Improvements:

If the applicant does not intend to post a cash bond or receive conditional approval to assure the construction of improvements shown on the approved subdivision plan, the applicant may opt to construct all improvements. In this case, the Commission may endorse the Record Subdivision Plan only after the applicant has submitted as-built plans and supporting documentation verifying the completion of the subdivision improvements. All required improvements shall be completed to the satisfaction of the Commission prior to endorsement of the Record Subdivision Map.

All easements, street right-of-ways, and open space to be deeded to the Town shall have a written geometric description prepared, based on survey data. In addition, a maintenance bond covering all work that was required under the subdivision approval shall be posted. A separate cash performance bond shall be posted for all sediment and erosion control measures.

05.10. Endorsement of Plans:

1) A mylar copy and four (4) paper prints of the approved Subdivision Plan and all supporting plans shall be submitted to the Chairman of the Commission, who shall determine whether they comply with the Commission's resolution approving the Subdivision Plan, and the Chairman or Commission Secretary shall sign all copies. The signed mylar copy is to be filed in the Town Clerk's Office and one signed paper print is to be returned to:

- a) Department of Public Works
- b) Planning and Zoning Office (Town Planner)
- c) Building Official
- d) ZEO

Commission endorsement of final plans shall not be deemed as acceptance by the Town of any street or other land shown as offered for dedication to public use.

2) The following procedure shall be followed in filing the Record Subdivision Map with the Town of Portland.

- a) In accordance with State Law, the signed originals of the Subdivision Plan shall be filed by the applicant with the Town Clerk within 90 days of the date such plan is delivered to the applicant. The approval of any plan not so filed shall expire 90 days from the date of such action. The Commission may grant, upon request of the applicant, a maximum of two (2) 90 day extensions.
- b) Changes, erasures, modifications, or revisions shall not be made on any Subdivision Plan after the Commission has approved and endorsed the Subdivision Plan. In the event that any Subdivision Plan contains any changes when recorded, the Plan shall be null and void and of no legal standing. The applicant may file a corrected Plan as approved, noting the reason for such filing. Any erasures made on a Plan prior to its signing shall be initialed and dated by the Chairman of the Commission, or other authorized person, at the time of signing.

05.11. Expiration of Approval:

The Commission shall file notice of such expiration on the land records of the Town and shall state such expiration on the subdivision plan on file in the Office of the Town Clerk. No further lots shall be conveyed in the subdivision except with approval of a new application for subdivision of the subject land by the Commission.

If lots have been conveyed during such five (5) year period, the municipality shall call the bond on said subdivision to the extent necessary to complete the work required to serve those lots.

## 06. ADMINISTRATIVE

### 06.01. WAIVERS

#### 06.01.01. Conditions for Considering Waivers:

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

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

#### 06.01.02. Requests for Waivers:

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

#### 06.01.03. Approval of Waiver:

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

AMENDMENT

EFFECTIVE  
DATE

SECTION

PAGE

#### 06.02. VALIDITY

If any section, subsection, sentence, or phrase of these Subdivision Regulations is ruled invalid or unconstitutional, for any reason, by a decree or decision of any court of competent jurisdiction; such decree or decision shall not affect or impair the validity of any other section or remaining portions of these Regulations.

#### 06.03. ENFORCEMENT:

The Commission may designate an individual to serve as the Enforcement Officer to enforce the provisions of these Regulations. The Enforcement Officer may cause any place, premises, or work to be inspected or examined; order the cessation of any work when any condition is found to violate these Regulations; and order the remedy of any such condition. The Commission may institute an action or proceeding to prevent or restrain any such work, or to correct or abate any such condition. In addition to any civil or criminal penalties or other remedies as may be provided by law, a violation of these Regulations may be enforced by mandatory or other injunctive relief.

#### 06.04. PENALTIES

Subdivision, resubdivision of land, or any sale or offering of such property shall not be made until an appropriate plan, prepared in accordance with the requirements of these Regulations, has been approved by the Planning Commission, and a mylar copy signed by the Commission has been filed in the Office of the Town Clerk.

Any person, firm, or corporation making any subdivision of land without the approval of the Commission may be fined not more than \$500 for each lot sold, offered for sale, or so subdivided. Notices will be filed on the land record of each such lot and will be removed only upon approval of a final subdivision plan pursuant to these Regulations.

#### 06.05. APPEALS

Any person aggrieved by an official action or decision of the Commission may appeal, within fifteen (15) days from the date when notice of such action or decision was published, to the Superior Court for the judicial district where the Town is located.

In those situations where the approval of the Commission must be inferred because of the failure of the Commission to act on an application within the time period prescribed by law, the appeal period shall be 20 days after the expiration of the time period.

#### 06.06. EFFECTIVE DATES

Subdivision regulations for the Town of Portland were adopted May 1948. The current Regulations became effective on 1985. Subsequent amendments are listed in Section 06.02.

#### 06.07. AMENDMENTS

These Regulations may be amended by the Commission at a meeting called for that purpose. However, no such amendment shall become effective until after a public hearing has been held in accordance with the General Statutes of Connecticut, as amended. Subdivision or resubdivision plans that have been approved by the Commission prior to the effective date of any amendments to these Regulations, providing the required maps have been filed or recorded with the Town Clerk in accordance with the General State Statutes, shall not be required to conform to said amendments. Failure on the developers part to complete all required improvements within the prescribed amount of time could render the original application approval null and void and thereby require the filing of a new subdivision/resubdivision application which would be subject to the amended Regulations.

