

**SUBDIVISION REGULATIONS
TOWN OF PORTLAND, CONNECTICUT**

DRAFT OF DECEMBER 15, 2016

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CHAPTER 1. GENERAL PROVISIONS

Section 1.1 Authority

These Subdivision Regulations have been adopted by the Planning and Zoning Commission of the Town of Portland in accordance with the authority conferred by Chapter 126 of the Connecticut General Statutes.

Section 1.2 Purpose

These Regulations are intended to achieve the following purposes:

- a. that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety;
- b. that proper provision shall be made for water, sewerage and drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for flooding;
- c. in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures;
- d. that any streets within a proposed subdivision are in harmony with existing or proposed principal thoroughfares shown in the current Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs;
- e. that open spaces, parks and playgrounds are provided when, and in places, deemed proper by the Commission.
- f. that the subdivision does not impose burden on municipal services in excess of their capacity and planned expansion;
- g. That 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;

- h. that proper provisions are made to control erosion caused by wind or water and to control sedimentation;
- i. that 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;
- j. that the layout and infrastructure of the proposed subdivision will be consistent with the policies set forth in the current Plan of Conservation and Development;
- k. that the proposed subdivision will comply with all applicable Zoning Regulations;
- l. that the proposed subdivision would not have, or be reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural or historic resources of the Town or the State; and
- m. that the proposed subdivision would not unreasonably harm or destroy significant natural features of the landscape.

Section 1.3 Applicability

These Regulations shall apply to any subdivision of land (including any resubdivision of land) within the town of Portland.

Section 1.4 Approval of Subdivision Plans Required

No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, until a subdivision plan, prepared in accordance with the requirements of these Regulations, has been approved by the Commission, signed by the Chairman or other authorized agent to indicate such approval, and filed or recorded in the office of the Town Clerk within the time period specified in Section 8-25 of the Connecticut General Statutes. Subdivision plans that have been recorded without meeting the foregoing requirements may be deemed null and void.

Section 1.5 Modification of Subdivision Plans

No modifications may be made to a subdivision plan approved by the Commission unless an application for such modifications has been reviewed and approved by the Commission. The requirements of this section shall apply to all plan modifications,

regardless of whether they would constitute a resubdivision, as defined in Section 8-18 of the Connecticut General Statutes. If such modifications would constitute a resubdivision, the Commission must hold a public hearing on the application. If such modifications would not constitute a resubdivision, the Commission shall have the full discretion to determine whether the application should receive a public hearing.

Section 1.6 Responsibility for Subdivision Construction

The approval of a subdivision plan by the Commission entitles, but does not require, the landowner or its agents to construct the roads, drainage facilities, and other improvements shown on, or otherwise incorporated into, the approved subdivision plan, provided such construction also complies with all other provisions of these Regulations, as well as all other applicable provisions of Town, state and federal law. The approval of a subdivision plan by the Commission does not relieve the applicant of any obligations it may have under any such requirements. In addition, although these Regulations may 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 shall be deemed to place any obligation on the Commission or the Town of Portland, or on any of their employees, officials, or agents to monitor or inspect any work on the subdivision, nor shall they be responsible for any means, methods, controls, techniques, sequences, procedures, or safety measures that the subdivider or its employees, agents or contractors may use in connection with such work.

Section 1.7 Consistency with State and Federal Law

These Regulations are intended to comply with all applicable provisions of state and federal law. In particular, many of the procedural requirements set forth in these Regulations are based solely on state requirements that were in effect at the time of adoption. In the event that state or federal law is later modified or is determined by a court to be inconsistent with any provisions of these Regulations, it is the intention of the Commission that the relevant provisions shall be deemed superseded by the applicable requirements of state or federal law and that those requirements shall be applied as though they were expressly incorporated herein.

CHAPTER 2. INTERPRETATION OF THE REGULATIONS

Section 2.1 General Provisions

For the purposes of these Regulations, the terms listed in Section 2.3 shall have the meanings given in that section, unless the context of a regulation in which such a term appears clearly requires a different interpretation, or unless the definition is controlled by a state or federal law that is currently different (see Section 2.2). When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in any gender (including neutral gender) include any other gender, and words in the singular include the plural. The words “shall” and “must” are mandatory, and the words “may” and “should” are discretionary. References to specific statutes or regulations shall be deemed to refer to those statutes or regulations as most recently amended or recodified unless the context clearly requires reference to an earlier version of the statute or regulation.

Section 2.2 Words and Terms Defined by State Law

State or federal law controls the definitions of some terms listed in Section 2.3. In such instances, the definitions provided in Section 2.3 are intended to be consistent with such controlling law or laws. If any definitions in the controlling laws have changed since the adoption of the definitions in Section 2.3, the earlier definitions will be deemed to be superseded by the current state or federal definitions.

Section 2.3 Specific Terms

Applicant: Any person who applies to the Commission for approval of a subdivision of such land. If the applicant is not the record owner of the relevant premises, the applicant must provide evidence to the Commission that at least one record owner has consented to the filing of the application.

Application: The application form, maps, texts, reports, and supporting data required by these Regulations for approval of a subdivision or resubdivision. A formal application shall include, at 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.

Arterial street: See definition under “Street.”

CGS: The Connecticut General Statutes.

Collector street: See definition under “Street.”

Commission: The Planning and Zoning Commission of the Town of Portland.

Conservation Subdivision: A subdivision in which lots are concentrated on a particular portion of the parent parcel so that at least one-third of the parcel remains as open space.

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.

Cul-de-sac: See definition under “Street.”

Date of receipt: This term has the meaning set forth in CGS Sec. 8-7d(c). The “date of receipt” of a subdivision application is the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or thirty-five days after such submission, whichever is sooner. Compare “Date of Submission.”

Date of submission: The day an application, request, or appeal, including appropriate fees and forms, is submitted to the Commission or its authorized agent. Compare “Date of Receipt.”

Dead-end street: See definition under “Street.”

Dead-end Street System: See definition under “Street.”

Developer: Any person who initiates, continues or completes the process of dividing or developing land, or installing streets, utilities or other improvements, in order to create a subdivision.

Improvement: Any change or alteration to the existing physical 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 streets, curbs, gutters, sidewalks, utilities (such as water, sewer, and telecommunications facilities), street signs, monuments, shade trees and other proposed or required landscaping, drainage facilities, earth-moving activities (such as filling, removal, seeding, and grading), and the installation of retaining walls or other required structures.

Infrastructure: All physical systems and improvements needed to support the development of a home or business on each lot in a subdivision. Infrastructure includes, but is not limited to, streets, sidewalks, communications facilities, electric and gas transmission facilities, drainage facilities, and water-supply and sewage disposal facilities.

Intersection of Origin: See definition under “Street” and “Dead-end Street System.”

Land Records: The official Land Records of the Town of Portland.

Local street: See definition under “Street.”

Loop street: See definition under “Street.”

Lot: A parcel of land that (a) is described as a single tract or parcel of land on a deed or similar document recorded in the Land Records, or shown as a separate tract or parcel of land on a subdivision map approved by the Commission and filed in the Land Records, and (b) may lawfully be used for one or more residential or business purposes in accordance with the Zoning Regulations.

Maintenance Bond: A bond or other surety, furnished to the Town by the developer, that guarantees all subdivision improvements against defective workmanship or materials for a required period after the date of acceptance. Unless otherwise specified in connection with a specific approval, the required period shall be deemed to be one year.

Of Record: When used in reference to a lot or parcel of land, the term means that the lot or parcel has been described, by deed or similar legal instrument, as a separate tract of land in the Land Records. When used in the phrase “owner of record” regarding the parcel to be subdivided, the term means a person who is the current owner of the parcel as may be determined by review of the Land Records. When used in the phrase “owner of record” regarding other land, such as land abutting the parcel to be subdivided, the

term means a person who is the current owner of the land as may be determined by review of the records of the Assessor of the Town of Portland.

Open Space: Property within a subdivision, designated to be deeded to the Town or other approved agency by the landowner, or to be set aside in another legal manner acceptable to the Commission, and to be used for passive or active recreation; for the control of sediment, erosion, or storm water; or for the preservation of natural features or other land preservation objectives.

Parent parcel: The entire lot or parcel of record from which a subdivision would be created. The term “parent parcel” includes any land within an existing lot or parcel of record that may be designated as “remainder land,” or given a similar designation, on the proposed subdivision plan, indicating that such portion of the lot or parcel of record is not being proposed for division at that time.

Passive solar energy techniques: Site design techniques that maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season. Such site design techniques may include, but are not 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 a subdivision.

Performance Bond: A bond or other surety, 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, or as indicated in the approved application.

Permittee: A person who owns land for which a subdivision plan has been approved by the Commission, or any person legally authorized by such owner to implement the property divisions or physical work authorized by the approved plan.

Person: A natural person or group of persons, or any other legally recognized entity, including, but not limited to, a corporation, partnership, limited liability company, limited liability partnership, association, or governmental agency.

Plan of Conservation and Development: The document required by CGS Sec. 8-23 of the Connecticut General Statutes. 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.

Private right-of-way: An easement or similar interest in land, the boundaries of which are located entirely within a lot of record, or entirely within two or more adjacent lots of record, and which is intended to allow travel by foot or motor vehicles solely within the single lot or adjacent group of lots.

Private street: See definition under “Street.”

Record Subdivision Plan: The map, plan, or set of maps and plans of an approved subdivision that are required to be recorded on the Land Records by CGS Sec. 8-25.

Regulations for Public Improvements: The Town of Portland’s Regulations for Public Improvements, adopted by the Commission with an effective date of April 1, 2005, as they may be thereafter amended.

Resubdivision: This term has the meaning set forth in CGS Sec. 8-18. A “resubdivision” is a change in a map of an approved or recorded subdivision or resubdivision if such change affects any street layout shown on such map, affects any area reserved thereon for public use, or 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.

Road: This term has the same meaning as “street.”

Street: Any road, highway, avenue, lane, or other right-of-way used or intended primarily for the movement of motor vehicles. Private rights-of-way and public or formerly public streets that have been discontinued or abandoned or have become impassible are excluded from the definition of “street.”

- 1) Arterial Street: A through street that is designed or used as a principal thoroughfare between municipalities.
- 2) Collector Street: A street that is designed or used as a principal thoroughfare between arterial streets, activity centers, or neighborhoods.
- 3) Cul-de-sac: A circular vehicle turning area at the terminus of a dead-end street.
- 4) Dead-end Street: A street, or segment of a street, that (a) has only one point of ingress and egress from an intersecting street, and (b) terminates at a point beyond which (i) further travel by motor vehicles has been permanently prohibited, or (ii) the street is no longer maintained for motor vehicle travel.

- 5) **Dead-end Street System:** A connected group of streets that, collectively, require ingress and egress through a single point of intersection with a different connecting street (i.e., every motor vehicle would have to pass through the same point of intersection in order to gain access to or from the connected group of streets). The single intersection through which the group of streets must pass is referred to elsewhere in these Regulations as the “intersection of origin.”
- 6) **Industrial Street:** A street that is designed or used primarily to provide access to or through an industrial park or other concentrated industrial development.
- 7) **Local Street:** A street that is designed or used primarily to provide access to a group of abutting lots, but that may also serve as a connector to other local streets.
- 8) **Loop Street:** A street that intersects another street in two places, or loops back on itself at its terminus.
- 9) **Private Street:** Any street other than a public street.
- 10) **Public Street:** A street either (1) accepted for public travel by the State of Connecticut or the Town of Portland; or (2) shown as a street on a subdivision plan, and proposed by the developer and approved by the Commission for dedication to the Town or State. A public street that has been abandoned or discontinued shall no longer be deemed to be a public street, but may be deemed a private street to the extent required by state law (e.g., CGS Section 13a-55).
- 11) **Through Street:** A street that intersects another street (i.e., that has an outlet onto another street) at each end.

Subdivider: This term has the same meaning as “developer.”

Subdivision: This term has the meaning set forth in CGS Sec. 8-18. A “subdivision” is the division of a tract or parcel of land into three (3) or more parts or lots, made subsequent to the date of adoption of these Regulations in May 1948, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes. The term “subdivision” includes “resubdivision;” therefore, every resubdivision is also a subdivision, but not every subdivision is a resubdivision.

Through street: See definition under “Street.”

Use: The purpose or activity for which a lot or parcel of land or any building or structure thereon is designed, arranged, or intended.

Utility: Facilities for the transmission of water, sewer service, electricity, gas, or telecommunications services, or any similar services offered to individual lots by a common provider.

Work: All improvements shown on a proposed subdivision plan, or authorized or required by an approved subdivision plan, other than the staking out of lots. The term does not include internal lot improvements (i.e., improvements that are necessary solely for the development of individual lots, such as individual driveways, buildings or other structures or the extension of utilities into individual lots), except as such improvements may also be necessary for the development of one or more additional lots. For example, if a utility or driveway must extend through Lot A in order to serve Lot B, that portion of the utility or driveway that is common to Lot A and Lot B shall be included in the term “work.”

Zoning Regulations: The current Town of Portland Zoning Regulations.

CHAPTER 3. DESIGN REQUIREMENTS FOR THE SUBDIVISION OF LAND

Section 3.1 Character of Land to be Subdivided

A. General Requirements. All land that is to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, in compliance with all applicable laws and regulations, and without unreasonable risk of polluting, impairing or destroying the public trust in the air, water or other natural resources or historic resources of the state.

B. Compliance with Zoning Regulations. The Zoning Regulations establish certain minimum dimensional and physical requirements for the lawful use of lots. Applicants for the approval of subdivision plans must show that each proposed lot, together with all proposed utilities and infrastructure, will satisfy, at a minimum, the applicable Zoning Regulations for the use of lots in the relevant zoning districts. The Commission may require, however, that the size of proposed lots be increased or that the shape of lots be modified if it finds that the requirements of these Subdivision Regulations cannot otherwise be satisfied.

C. Water Supply. Each lot that would not be served by a public water supply system must be capable of supporting an individual, on-site water supply system consistent with good engineering practice, the applicable requirements of the Public Health Code (including, but not limited to, Sections 19-13-B51a through 19-13-B51m of the Regulations of Connecticut State Agencies) and any other applicable governmental regulations

D. Sewage Disposal. Each lot that would not be served by a public sanitary sewerage system must have sufficient area and suitable dimensions to readily accommodate the proper layout and installation of an on-site sewage disposal system and required reserve area in accordance with good engineering practice, the applicable requirements of the Public Health Code, and any other applicable governmental laws and regulations.

E. Flood and Erosion Protection. All subdivisions shall be designed so as to minimize exposure of property and improvements to damage by flooding and erosion.

Section 3.2 Subdivision Land Design

In addition to the other standards and criteria set forth in these Regulations, the following provisions and requirements shall apply to all applications for approval of a subdivision plan.

A. Energy Efficiency and Solar Access.

1. Energy Efficiency. Energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation are encouraged. The site design techniques should include but not be limited to: (a) house orientation; (b) street and lot layout; (c) vegetation; (d) natural and man-made topographical features; and (e) protection of solar access within the development.
2. Solar Access. In accordance with CGS Section 8-25(b), each applicant must demonstrate that such person, in developing the proposed subdivision plan, has considered using passive solar energy techniques that would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions.

B. 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. The felling of trees should be 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.

C. Lot Design.

1. General Layout. 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.

2. Zoning Conformance. Each lot must be capable of being used in accordance with the applicable dimensional standards (e.g., lot frontage, area, front yard, rear yard, and side yard) of the Town of Portland Zoning Regulations. Each lot shall have its minimum frontage at the street line except to the extent interior lots are allowed in accordance with these Regulations.
 3. Street Access.
 - a. Usable Frontage Requirement. All lots must have usable frontage on an accepted Town or State road or on a street proposed for public acceptance in the subdivision plan. For purposes of this subsection, the term “usable frontage” means frontage from which the applicant can demonstrate the availability of safe, legal and technically feasible vehicular access. For purposes of this subsection, vehicular access will be deemed technically feasible if the applicant demonstrates that a paved driveway could reasonably be installed, in accordance with subsection b, below, from the lot’s frontage to an interior location at which a home or other principal building could properly be constructed. If vehicular access from any lot’s road frontage would require crossing a wetland or watercourse, the applicant must obtain a permit for such crossing from the Town of Portland Inland Wetlands and Watercourses Agency in order to demonstrate that the access is usable.
 - b. Driveway Location. In order to comply with subsection a, above, the potential driveway location used to demonstrate that the lot frontage is usable must comply with the applicable provisions of the Regulations for Public Improvements. In addition, no such driveway shall be located within 50 feet of the intersection of two (2) or more existing or proposed streets, and the maximum grade for any such driveway shall not exceed fifteen (15) per cent.
- D. Water Supply and Sewage Disposal. Each lot must 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. See also Section 3.3 of these Regulations.

E. Lot Shape. Lots with generally square or rectangular shapes are preferred. Lots with unusual shapes should be avoided where feasible. For purposes of this subsection, the term “lots with unusual shapes” includes, but is not limited to, lots that are generally non-rectangular, lots having boundaries with more than six internal angles, narrow lots (e.g., lots having one dimension (e.g., length) more than three times the perpendicular dimension (e.g. width). The Commission may require subdivision plans to be modified to eliminate or reduce the number of unusual lot shapes if it finds that such shapes are not necessary to allow a reasonable use of the land to be subdivided. However, nothing in this section shall prohibit the Commission from approving one or more lots with unusual shapes or irregular lot lines if the Commission finds that such shapes or lot lines will best fulfill the purposes set forth in Section 1.2 or these Regulations (for example, if the Commission finds that such shapes or lot lines will help protect or define desirable open space or conservation areas).

F. 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.

G. Open Space. In approving, or modifying and approving, any subdivision plan, the Commission may require the provision of open spaces, parks and playgrounds in locations deemed proper by the Commission. The following standards, criteria and procedures shall apply to each subdivision application:

1. Purpose of Open Space. A set-aside of open space may be necessary or desirable to achieve a variety of objectives, including the preservation of significant natural resources, including wetlands and water-related resources, as well as other environmentally important or sensitive lands and soils; the protection of scenic vistas and of historically and culturally significant sites and features; and the provision of additional opportunities for passive or active recreation.

2. Need for Open Space. Subdivisions may create the need for additional open spaces, parks and playgrounds both by increasing the population density in local areas, thereby generating additional demand for such resources; and by producing additional environmental impacts through the alteration, removal and destruction of natural, cultural or historic resources and the establishment of additional sources of potential pollution, thereby requiring the amelioration of local impacts through the preservation and protection of certain portions of the land. In determining the proper location, amount and type of open space to be provided in any subdivision, the Commission shall consider the nature and scope of the impacts the subdivision is likely to generate.

3. Amount of Open Space to be Reserved. The Commission has determined that, on average, a set-aside of up to twenty percent of the land area of a subdivision represents a fair balance between the burdens to be created by the additional development, as described in subsection 3.4.C.2, and the land to be required for open spaces, parks or playgrounds to compensate for or ameliorate those burdens. Therefore, except as may otherwise provided in these Regulations, a subdivision applicant must propose an open-space set aside of up to twenty percent of the area of the subdivision. Set-asides of less than twenty percent may be most appropriate when the land to be dedicated would otherwise be suitable for building purposes, as opposed to land that is subject to natural development restrictions, such as, but not limited to, wetlands or watercourses, steep slopes, rocky soils, or other factors that make such land inherently more suited to conservation or passive uses. The Commission shall not be bound by the applicant's proposal, either as to the amount or location of the suggested open space area, if it finds that the specific physical conditions and circumstances of the subdivision require a greater or different area to be set aside.

4. Factors for Determining the Location of the Open Space Set-Aside. In determining whether to accept or modify any proposed location for an open-space set-aside, the Commission shall consider:
 - a. the physical character and quality of the proposed open space in terms of its value for active or passive recreation, including the ability to provide reasonable access to such areas;

- b. the existence of, and need to protect, any significant natural, cultural or historic resources on the site;
 - c. the special significance of any of the land in the subdivision to scenic or historic vistas worthy of preservation;
 - d. the existence, location and function of any open space areas on abutting parcels and the opportunity to connect the new open spaces to such areas;
 - e. recommendations in the Plan of Conservation and Development; and
 - f. the opportunity to preserve or protect significant natural resources;
 - g. accessibility of the open space;
 - h. any other relevant factors that may be brought to its attention by any person during the course of the Commission's proceedings on the subdivision application.
5. Percentage of Subdivision Area to be Set Aside. Each subdivision plan submitted for approval by the Commission must indicate a proposed open-space area having a percentage based on the criteria stated in subsection 3.2.G.3, above, unless one or more of the following circumstances exist:
- a. Fee-in-Lieu of Open Space. The minimum set-aside may be reduced or eliminated if the applicant proposes a fee-in-lieu of open space in accordance with CGS Section 8-25.
 - b. Transfer of Other Land. The minimum set-aside may be reduced or eliminated if the applicant proposes to transfer other land to the Town of Portland, in accordance with CGS section 8-25, in lieu of providing open space within the subdivision itself.
 - c. Potential for Substantial Resubdivision. The minimum set-aside may be reduced or eliminated if the subdivision as proposed would create fewer than fifty percent of the number of lots that could reasonably and practically be created in accordance with the lot densities allowed under the Zoning Regulations and the physical conditions of the land; i.e., if one or more future resubdivisions could reasonably be expected

to result in more than two times the number of lots presently proposed. In such circumstances, the Commission may reduce the set-aside requirement on a proportional or roughly proportional basis. For example, if the applicant is proposing to create only thirty percent of the number of lots that could reasonably be created from the parcel to be subdivided, the Commission may accept a proposal to dedicate only three to six percent of the total area as open space for the current application. However, in order to avoid piecemeal dedication of small, less valuable open-space areas, the proposed subdivision plan must still designate a single area of up to twenty percent of the parcel to accommodate both the presently proposed open space set-aside and any future open-space areas that could ultimately be set aside upon resubdivision.

- d. Existing Open Space Restrictions. The minimum set-aside may be reduced or eliminated if the property is already subject to conservation or preservation restrictions that serve a purpose similar in nature to those described in subsection 3.4.B.1 and that would not be subject to termination or revocation by any one or more property owners in the subdivision or by lapse of time.
- e. Parcels Smaller than Ten Acres. The minimum set-aside may be reduced or eliminated if the parent parcel is smaller than ten acres.
- f. Lack of benefit. The minimum set-aside may be reduced or eliminated if the Commission finds that a set-aside would not reasonably serve any of the purposes listed in subsection 3.4.B.1, whether because of the character of the land to be subdivided, the uses of the surrounding area, or other reasons. The Commission shall not reduce or eliminate the minimum set-aside under this subsection 3.4.B.5.f unless it states on the record its reasons for finding that such dedication would not serve any of the purposes listed in Section 3.4.B.1.
- g. Commission Discretion. Nothing in subsections 3.4.B.5.a through 3.4.B.5.c shall be deemed to require the Commission to accept any specific proposal to dedicate less than ten percent of the land in a proposed subdivision for open-space purposes. The Commission may approve, modify and approve, or deny any such proposal in accordance with its findings as to the manner and extent to which the

proposed dedication would meet or conflict with the standards and criteria of this Section 3.4.B.

6. Manner of Dedicating Open Space. Areas designated as open space shall generally be proposed for dedication to the Town of Portland. However, the Commission may accept a dedication in any one or more of the following manners if it finds that such alternate form of dedication would accomplish the purposes of this Section 3.4.B, and further provided that the legal status of the dedicated area as open space cannot be terminated without the express written consent of the Town of Portland:
 - 1) The open space may be dedicated to the Town of Portland by deed;
 - 2) The open space may be made subject to a conservation easement or similar form of protection, such easement or protection to be in favor of the Town of Portland as grantee or beneficiary;
 - 3) The open space may be conveyed to a non-profit land conservation trust or corporation;
 - 4) The open space may be owned in common by lot owners in the development, provided any restrictions on access to the open space are found to be consistent with the purposes of this Section 3.4.B.

Suitable legal agreements for any acceptable manner of dedication must be approved in form and content by the Commission and its legal counsel.

7. Use of Open Space Land. Open space land shall be preserved in its natural state except as the Commission may otherwise approve to accommodate designated conservation or recreational purposes. With the approval of the Commission, structures and facilities for recreational purposes, such as graded trails, signage, and parking areas, may be constructed. Except as the Commission may expressly approve in accordance with specific plans, 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 and shrubs shall not be removed.
8. Access to Designated Open Space. Any dedication of open space shall include a lawful route of access to such area consistent with the purposes of the dedication. The Commission may require an applicant to provide a

right-of-way for public access to open space areas that do not abut a public street. 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. The Commission may require that such right-of-way be leveled off and surfaced in a manner suitable for foot traffic or vehicular traffic.

H. Interior Lots. The maximum number of interior lots allowed in an initial subdivision of land shall be in accordance with the following table:

1. Number of Interior Lots Permitted.

<u>Total Number of Lots</u>	<u>Interior Lots Allowed</u>
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

Whenever a resubdivision involves a parent parcel from which one or more interior lots were previously created, the foregoing table shall be applied to the total number of lots that have cumulatively been created from such parent parcel. For example, if a parent parcel that was subdivided into four lots included two interior lots, and the landowner of the remaining area proposed to resubdivide it to create four more lots, no additional interior lots would be permitted because the cumulative number of lots created from the parent parcel would be only six.

2. Landscaping of Interior Lots. A permanent continuous landscaped buffer strip shall be provided on the interior lot, set back at least twenty (20) feet 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, unless existing trees and shrubs, possibly augmented by additional plantings, would provide an equivalent amount of privacy. The initial buffer strip landscaping shall be provided by the developer prior to the sale of any interior lot created by subdivision. The landscaping shall thereafter be maintained by the owner of the interior lot, and a restrictive covenant noting the obligation shall be recorded on any deed of conveyance of such lot. A notice of such restrictive covenant shall also be filed in the Land Records of the Town prior to endorsement of any record subdivision map.

3. Zoning Requirements. The Zoning Regulations of the Town of Portland may contain other requirements for the use of interior lots. Any such requirements must also be met in order for an interior lot to be approved in a proposed subdivision.

I. Conservation Subdivisions. To the extent authorized by the Zoning regulations, the Commission may approve a conservation subdivision, subject to the following standards and criteria:

1. The parcel to be subdivided must be no less than five acres in area.
2. A minimum of 30% of the property to be subdivided must be set aside as open space.
3. The following land characteristics shall be given preference for preservation:
 - a. Land occupied by a farming operation including pasture land.
 - b. Inland wetlands or watercourses as defined by the Inland Wetlands and Watercourses Regulations for the Town of Portland.
 - c. Structures or landscapes having historic or cultural value including archaeological sites.
 - d. Land along ridge lines, defined as areas lying in the upper half of the area above the mean elevation of the subregional watershed where the subject property is located. The subregional watersheds are defined on maps prepared by the Natural Resources Division of the Connecticut Department of Environmental Protection.
 - e. Land containing areas proposed as open space or recreational areas as shown in the Plan of Conservation and Development.
 - f. Land containing areas of special concern as identified by the Connecticut Natural Diversity Data Base as prepared by the Connecticut Department of Energy and Environmental Protection. Habitats of species that are endangered, threatened, or considered by State or Federal agencies to be significant at the state level; and other ecologically unique or special areas.
 - g. Land containing one or more specimen trees, defined as trees having a diameter at breast height of 36 inches or more.

4. The location, configuration and manner of dedication of the open space areas shall be subject to the approval of the Commission in accordance with Section 3.4.b of these Regulations.

J. Impact on Future Development. Land shall not be subdivided in such a manner as to prejudice the convenient subdivision of adjoining lands. Sufficient street-width reserve parcels and slope rights shall be provided to allow reasonable access into adjoining lands and to promote safe, efficient, and convenient traffic movement, utility service, storm drainage, or other appropriate connections. The location of the access reserve parcels may be established or modified by the Commission, which may also require such reserve parcel to be designated as a future street on all subdivision plans. The Commission may require the developer to deed any reserve parcels to the Town of Portland if the Commission determines that such parcels would be necessary to continue a public street to adjoining property upon future development of that property.

Section 3.3 Design of Subdivision Improvements

A. Regulations for Public Improvements. In addition to all other provisions of these Subdivision Regulations, the Commission hereby adopts, and incorporates by reference herein, the Regulations for Public Improvements, as those regulations may pertain or be relevant to any activities proposed in a subdivision plan, including, without limitation, streets, drainage, landscaping, and sediment and erosion control measures.

B. Water Supply.

1. General Requirements. The proposed subdivision design must be proved capable of accommodating all infrastructure needed to supply potable water to each lot. Each lot to which a public water supply is not available must be designed to accommodate an on-site potable water supply. If historic, geologic, or other available information or data indicate that on-site water supplies may not be readily available due to pollution or other subsurface conditions, the Commission may require the applicant to install a test well or wells in order prove that a suitable water supply can be obtained. The applicant must also prove that sufficient water supplies (e.g., hydrants, fire ponds) are available to provide timely and adequate fire-fighting capacity within the subdivision.
2. Public Water Supplies. The Commission may require public water supply connections or extensions to be made available to each undeveloped lot in a subdivision if any portion of the parcel to be subdivided is located

within 1,000 feet of an existing, legally available public water supply system. The developer shall be required to install a lateral water line to a point not less than six (6) feet into each undeveloped lot in such subdivision. 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.

C. Sewage Disposal.

1. General Requirements. The proposed subdivision design must be proved capable of accommodating all infrastructure needed to safely and lawfully dispose of sewerage. Each lot to which a public sewerage system is not available must be designed to accommodate an on-site sewage disposal system and required reserve area in accordance with good engineering practice, the applicable requirements of the Public Health Code, and any other applicable governmental laws and regulations. Proof of such design by properly licensed or otherwise qualified experts must be submitted.
2. Public Sewer Systems. The Commission shall not approve a subdivision plan proposing a connection to a public sewer line unless the applicant provides evidence that such connection has been or will be approved by the Town of Portland Department of Public Works. For each lot that would be connected to the public sewer system, the applicant shall be required to install the sanitary sewer line to a point not less than six (6) feet into the lot.

D. Drainage Facilities. The proposed subdivision design must be proved to provide for adequate surface-water and subsurface drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to the proposed subdivision, would become undersized and create the potential for flooding on any public street. In areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, proper provision must be made for protective flood control measures.

E. Existing Streets. Whenever any subdivision abuts an existing public street having a right-of-way less than fifty feet wide, a strip of land abutting the existing right-of-way must be deeded to the Town to increase the width of the street right-of-way. The minimum width of the strip of land to be deeded to the Town for these purposes shall be

one-half the difference between the existing width of the street right-of-way and the road width required by Section 70B of the Regulations for Public Improvements.

F. New Streets. In addition to the applicable requirements of the Regulations for Public Improvements, the following criteria and standards shall be applied to new streets or extensions of existing streets in a proposed subdivision:

1. General Design Principles. Proposed streets must be in harmony with existing or proposed thoroughfares shown in the Plan of Conservation and Development or otherwise established or determined by the Commission, especially in regard to safe intersections with such thoroughfares. Proposed streets must be so arranged and of such width as to provide an adequate and convenient system for both present and prospective traffic needs.

2. Solar Access. Where new or extended streets are proposed, an east-west street layout, if feasible, is generally preferred to provide the optimum building orientation for solar access, especially for smaller lot sizes. However, east-west street layouts may be reasonably avoided if they would produce undesirable gradients or excessive disruption of the natural topography.

3. Intersections. See Section 70G of the Regulations for Public Improvements. Also, road block lengths shall generally not exceed 1,200 feet nor be less than 600 feet.

4. Dead-End Streets. In addition to the requirements set forth in the Regulations for Public Improvements, the following criteria shall apply to proposed dead-end streets:

a. Dead-end streets shall not exceed 1,200 feet in length, as measured along the center line from the right-of-way of the intersecting street to the center point of the turnaround, unless the Commission finds, based on evidence in the record, that the street is likely to be extended through an adjoining parcel to a second intersecting street upon future development of the adjoining parcel.

b. Dead-end street systems shall not be constructed in a manner that would require a motor vehicle to travel more than 3,600 feet from the intersection of origin to the most remote point of the street system.

b. If the Commission finds that a proposed dead-end street should be, or is likely to be, extended to adjoining property in the future, the required turnaround 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 turnaround outside of the normal road right-of-way shall revert to the record owners of adjacent properties at such time as the turnaround 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.

c. Dead-end streets shall not be approved if there is sufficient land and suitable terrain to allow the street to have two connections with another existing or proposed street.

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

5. Street Trees. Street trees shall be provided in accordance with Section 120B.2 of the Regulations for Public Improvements unless the Commission finds that the applicant has the ability, and has proposed, to preserve a roughly equivalent number and quality of trees within the street right-of-way.

6. Private Streets. All new streets and extensions of existing streets in any proposed subdivision shall be required to meet the construction standards for public streets, as set forth in these Regulations. All new streets or extensions of streets proposed in a plan of subdivision shall be deemed to be proposed as public streets unless the applicant requests, in writing, that the streets be approved as private streets. The Commission shall consider the Plan of Conservation and Development and the potential need for public streets in determining whether to approve or deny requests for the approval of private streets.

G. Reserve Strips. Privately owned reserve strips will not be permitted if such reserve strips would control access to land dedicated or to be dedicated to public use or for future development.

H. Storm Drainage.

1. General Design Principles. Storm drainage collection systems shall be installed along the frontage of the lots or parcels to collect all street runoff, to prevent flooding of roads and other properties, to minimize the possibility of road icing, and to prevent erosion and sedimentation off the site. Provisions must be made for the upgrading of any downstream ditch, culvert or other drainage

structures which, through the introduction of additional drainage due to such subdivision, would become undersized and create the potential for flooding.

2. Construction Controls. Before construction commences, sediment basins shall be constructed as needed to protect against off-site erosion and sedimentation. The Commission may also require additional erosion-control measures, such as hay bales or filter fabric fence, to prevent soil loss

3. Drainage Construction Standards. See Subsection 3.3.A.

I. Sidewalks. Sidewalks shall be provided along all new streets or extensions of streets in a subdivision unless the Commission waives the requirement by a three-quarters vote of all of the members of the Commission. No such waiver may be granted unless the Commission finds (a) that, on existing streets that would be extended into the subdivision, there are no existing sidewalks to which the new sidewalks would be connected, and that the future construction of sidewalks on the existing portion of the street would be unlikely or undesirable; and (b) that an average of no more than two lots would be created for each additional 200 feet of new or extended street(s) to be constructed, and that the proposed lots could not later be further subdivided to exceed such average.

When required, sidewalks shall be installed in accordance with the following standards:

1. Sidewalks shall be installed along the entire new or extended street frontage, including the circumference of any 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;

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 width of the new sidewalk shall be the greater of (a) the width of the sidewalk on the existing street, or (b) four (4) feet;

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,

except that, if a transition would be required to extend an existing sidewalk to conform to the above requirements, the Commission may choose either (a) to require the extended portion to conform to the location of the existing portion of the sidewalk, or (b) to specify an alternative sidewalk geometry to accommodate the transition over a reasonable distance.

J. Utilities. Except as otherwise provided in these regulations, the following provisions apply to all sewer, water, telephone, cable, electric, gas, and other utilities needed to serve the lots and parcels in a proposed subdivision:

1. Underground Installation Requirement. Except as provided below, electric and telecommunications utilities shall be installed in the ground unless the Commission finds that the physical conditions on the property would cause the installation to be substantially more costly than would otherwise be typical for such installation.
2. Underground Utility Locations. Underground utilities shall be located within the street right-of-way, as follows:
 - a. Water mains shall be placed 15 feet from north and west right-of-way lines and shall have a minimum cover of 4.5 feet.
 - b. Hydrants shall be 7 feet from the right-of-way line.
 - c. Underground telecommunication cables shall be 3 feet from north and west right-of-way lines, at a minimum depth of 30 inches below finished grade. Necessary above-ground appurtenances for these cables shall be 7 feet from the right-of-way lines.
 - d. Underground power cables shall be 3 feet from south and east right-of-way lines at a minimum depth of 30 inches below sidewalk finished grade. Necessary above-ground appurtenances for these cables shall be 7 feet from the right-of-way lines.
 - e. Gas mains shall be placed 15 feet from south and east right-of-way lines and shall have a minimum cover of 3 feet.
 - f. House service gates, both water and gas, shall be 7 feet from the right-of-way lines.

3. Fire Ponds. Unless the Commission finds that the proposed subdivision would be adequately served by existing, nearby fire suppression and control facilities already available to the subdivision, the applicant shall include, as part of the subdivision plans, the construction of fire ponds and appurtenant structures, such as dry hydrants, on natural watercourses in any subdivision containing 15 or more lots or in any commercial or industrial zoning district not having access to the public water supply for the purpose of fire protection. On or before the day on which the applicant submits the relevant subdivision application to the Commission, the applicant shall submit a copy of the plans for construction of the fire suppression facilities to the Chief of the Fire District in which the subdivision is located, and to the Inland Wetlands Commission for review and comment.

K. Easements and Rights-of-Way. Permanent easements shall be granted or obtained for access to and use of all land associated with subdivision improvements located outside the street right-of-way. All such easements 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. 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 granted to the Town in order to allow for necessary repairs and maintenance. The easement 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, stormwater retention structures and public 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, and other obstructions over 2.5 feet in height, as well as tree branches hanging less than six (6) feet high, are prohibited. The size of the easement shall be based upon the required sight distances and general site characteristics.

6. Pedestrian Walkways. Pedestrian walkway easements 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 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 are located outside of the street right-of-way. 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. Such easements shall be recorded on the Land Records prior to the conveyance of the lots affected by such easement. Where necessary to discharge water from a public right-of-way across private lands not included in the subdivision, the developer must obtain any necessary legal rights for the Town of Portland to initiate and permanently maintain such discharge from the relevant landowners. See also Section 90A.8 of the Regulations for Public Improvements.

L. Monuments.

1. General Requirements. Monuments shall be placed along new streets or extensions of existing streets in accordance with Section 70N of the Regulations for Public Improvements. The Commission may require additional

monumentation or property markers to delineate easements provided to the Town pursuant to these Regulations. Property markers shall be set at all property corners that are not identified by street monuments.

2. Monument and Property Marker Specifications.

a. Property markers shall 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.

Section 3.4 Modifications of Subdivision Design

The Commission may require the modification of any element of subdivision design if it finds that such modification(s) would better satisfy the purposes set forth in section 1.2 of these Regulations or the criteria established by any other applicable provisions of these Regulations.

CHAPTER 4. REQUIREMENTS FOR APPLICATIONS FOR APPROVAL OF SUBDIVISION PLANS

Section 4.1 Requirement of Approved Subdivision Plan

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.

Section 4.2 Pre-Application Review

Before filing a formal subdivision application, a prospective applicant may request that the Commission conduct an informal, pre-application review of preliminary plans for the subdivision. The purpose of a pre-application review is to provide for an exchange of ideas between the applicant, the Commission and, potentially, other Town officials. Discussing subdivision designs in the formative stages helps to assure coordination with the goals of the Plan of Conservation and Development and to assure that the applicant is aware of all pertinent regulations and any other considerations that may be appropriate for the land being subdivided. There are no specific requirements for the level of detail that must be provided during a pre-application review, but a greater amount of detail will enable the Commission to provide more specific feedback to the potential applicant. The Commission will not vote on any pre-application submission. In accordance with CGS § 7-159b, any comments or feedback given by Commission members or staff in response to a pre-application submission shall be for purposes of discussion only and shall not be deemed binding in any manner on the Commission if an application is later submitted, regardless of whether such application is consistent with all pre-application submissions.

Section 4.3 Formal Subdivision Applications

A. Application Forms. Formal applications for approval of subdivision plans shall be made to the Commission in writing on such forms as may be prescribed by the Commission. The application shall be signed by the applicant or a person lawfully authorized to act on the applicant's behalf. If the applicant is not an owner of the land to be subdivided, the application shall also be signed by at least one owner of record or a person lawfully authorized to act on behalf of at least one owner of record.

B. Application Fees. An application fee shall be submitted with each application in accordance with a fee schedule adopted by the Commission or by Town

ordinance, whichever may apply. Certain additional fees may be required to be paid after the submission of the application.

C. Record Subdivision Plan. An application for subdivision approval must include a proposed record subdivision plan, which shall consist of one or more maps or plans prepared with an accuracy meeting or exceeding the standards set forth in subtitle 20-300b ("Minimum Standards of Accuracy, Content and Certification for Surveys and Maps") of the Regulations of Connecticut State Agencies. The maps and plans shall be clearly and legibly drawn and the original shall be submitted on translucent linen, mylar, or any other material approved for filing by the Connecticut Public Records Administrator as provided in CGS Sec. 7-31. The maps and plans shall be drawn on 24-inch x 36-inch sheets at a scale of one (1) inch = 40 feet and shall contain, at a minimum, the following:

- 1) Name of the subdivision development, which shall not duplicate the name of any previous subdivision development in the Town of Portland;
- 2) Name(s) of all applicant(s);
- 3) Name(s) of all owner(s) of record;
- 4) Street address (with number, if available) of the property to be subdivided;
- 5) Assessor's reference numbers (map, block and lot) of the parcel to be subdivided;
- 6) Date; graphic and word scale; north arrow;
- 7) The name(s), license number(s) and embossed seal(s) or official stamp(s) of the professional land surveyor and/or registered engineer responsible for preparation of the relevant maps or plans;
- 8) The zoning districts of all land within the parcel to be subdivided and all abutting parcels.
- 9) Existing and proposed property and street lines; adjoining property lines and street lines for a distance of 200 feet; the names of the owner(s) of record of all abutting parcels of land as shown on the current records of the tax assessor; and the names of any abutting subdivisions;

- 10) Location of any existing inland wetland areas, watercourses, floodplain boundaries, and flood hazard area lines on the parcel to be subdivided;
- 11) Location and dimensions of any existing or proposed easements and rights-of-way, including those for utility lines, sewers, water, drainage either onto or off of the subdivision area,
- 12) Location and dimensions of any proposed open spaces, parks, playgrounds or other common or public use areas;
- 13) Location and dimensions of all perimeter boundaries and of all proposed lots or parts to be created by the subdivision, with lot numbers;
- 14) Location and dimensions of building lines within each proposed lot;
- 15) Location and description of all monuments or markers to be installed;
- 16) Location and dimensions of all proposed new streets or sections of streets, together with proposed names of any new streets;
- 17) A general location map, drawn at a scale of not less than one (1) inch = 2,000 feet, showing the proposed subdivision area in relation to existing Town roads;
- 18) An insert on the general location map of the proposed subdivision, drawn at a scale of one (1) inch = 800 feet, showing all proposed individual lots and any existing or proposed roads;
- 19) If the proposed subdivision is divided into sections or phases, or is of such size that more than one sheet is required to show all lots at a scale of one (1) inch = 40 feet, an index map shall be provided, showing the entire subdivision with lots, lot numbers, streets, street names and the delineation of areas covered by each section or sheet;
- 20) The following statement: "The approval of this subdivision plan is contingent upon completion of all of the applicable requirements of the Subdivision Regulations of the Town of Portland."

21) A signature box containing the following words:

Approved by the Portland Planning and Zoning Commission

Conditional approval _____
Chairman/Secretary

Date:

Expiration Date: _____

Final Approval _____
Chairman/Secretary

Date: _____

Expiration Date: _____

Whenever the word “dimensions” is used above, it shall be deemed to mean the lengths and/or areas of the relevant features, to the nearest hundredth of a foot or square foot, as may be applicable, as well as the bearings and deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs. Lot dimensions shall be provided in both square feet and acres.

D. Site Development Plans. In addition to the materials required for a Record Subdivision Plan, as set forth in Section 4.3.C, above, an applicant must submit site development plans with each formal application for subdivision approval. The plans shall be drawn to a scale that is not smaller than one (1) inch equals 40 feet, and on a medium approved for filing by the Connecticut Public Records Administrator as provided in CGS Sec. 7-31. The plan shall show existing conditions and the proposed layout of lots, streets, and improvements for the proposed subdivision. If the applicant owns subdividable land contiguous to the property proposed to be subdivided, the plans shall show a potential plan for such future subdivision in order to allow the Commission to assess the relationship and potential impact of the proposed subdivision on future development. Six (6) blue line or black line prints of the site development plans shall be submitted. In addition to the information required by Section 4.3.C, above, the plans shall contain, at a minimum, the following information:

1) 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 horizontal scale of one (1) inch = 40 feet and a vertical scale of one (1) inch = 4 feet and cross-sections at one (1) inch = 10 feet, showing accurate existing and finished grades, cross

sections and other detailed road construction plans, including all drainage improvements;

2) Location of all existing or proposed permanent monuments, monuments and iron pins;

3) Location of all existing wells, on-site septic systems, and other buildings or structures within 200 feet of the subdivision;

4) Yard setbacks as required in the Schedule of Height, Area and Yard Requirements of the Portland Zoning Regulations, and feasible locations of houses and driveways for all lots;

5) Feasible locations of wells and on-site septic systems for all lots, with appropriate arcs;

6) 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;

7) Location and data for all deep test pits and perc tests;

8) Existing and proposed storm drains, sanitary sewers, catch basins, manholes, ditches, headwalls, sidewalks, gutters, curbs and other subdivision improvements;

9) All proposed utility easements - utility lines, drainage, sidewalks, rights-of-way, or any other required easements;

10) 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;

11) Major trees or tree lines;

12) Topographic contours not exceeding ten (10) foot intervals, and the location and area of streams, ponds, wetlands, watercourses, floodplain boundary lines, flood hazard area lines, soils and slopes in excess of a 1:4 slope (vertical-horizontal) on a per-lot basis.

13) Significant physical features of the land including such things as ledge outcroppings, stone walls, existing structures, ridge lines, historical sites or vistas;

14) Detailed soil type designations and notes in accordance with the most current U.S.D.A. Middlesex County Soil Survey, or based on actual field testing by a certified soil scientist, with resulting designations consistent with those currently used by the U.S.D.A. Natural Resources Conservation Service;

15) Location of buffer strips and screening where necessary, showing the type, size, number and species of shrub, tree or other type of planting;

16) Notes on passive solar energy techniques showing that they were considered in the planning layout of the subdivision;

17) Names and license numbers of any engineers, architects, land planners and land surveyors used in preparing the site development plans;

18) Location and type of existing or proposed exterior lighting for streets or other public or common areas, including provisions for shading such lighting;

19) Soil erosion and sediment control plans in accordance with Section 8.5 of the Portland Zoning Regulations;

20) The following statement: "The approval of these subdivision site development plans is contingent upon completion of all of the applicable requirements of the Subdivision Regulations of the Town of Portland."

21) A signature box containing the following words:

Approved by the Portland Planning and Zoning Commission

Conditional approval _____

Chairman/Secretary

Date:

Expiration Date: _____

Final Approval _____

Chairman/Secretary

Date: _____

Expiration Date: _____

E. Construction Plans. Construction plans shall be submitted for all proposed roads, storm drainage facilities and systems, water facilities and systems, sewer facilities and systems, sidewalks, and other related subdivision improvements in accordance with Section 40 of the Regulations for Public Improvements.

F. 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 subsurface sewage disposal on each proposed lot and shall contain a statement by the engineer that, in his or her professional opinion, the area is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in the report. Any reservations or special precautions that are deemed to be necessary by the engineer shall be repeated in this portion of the report. Five copies of the report must be submitted to the Commission. The Commission will distribute one copy of the report to the Town Sanitarian and one copy to the Town Engineer for their review. The report should deal with the entire subdivision parcel discussing the following points:

- 1) General nature and development of surrounding area shown on map with explanation text;
- 2) Topography and natural drainage patterns of the site;
- 3) Subsurface conditions as shown by subsurface investigation, including soil absorption characteristics, groundwater level conditions, ledge, and general nature of soil;
- 4) 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;
- 5) Detailed description of proposed sewage disposal facilities, indicated sizes for various ground conditions, materials to be used, and general layout pattern to be used;
- 6) Special precautions that may be necessary to provide for the proper functioning of the proposed sewage disposal systems;

- 7) Flood heights of any nearby streams, brooks, rivers or other wetland areas;
- 8) The location of adjacent wells and sanitary systems;
- 9) Test results and engineering evaluation of test results based on an extensive subsurface investigation.

The Commission will not approve any application for a subdivision requiring on-site sewage disposal unless the Town Director of Health or other authorized official finds that the proposed disposal methods would meet the applicable requirements of the Public Health Code.

G. On-Site Potable Water Supply Plans. The Commission will not approve any application for a subdivision requiring on-site potable water-supply wells unless the Town Director of Health or other authorized official finds that the proposed well locations would meet the applicable requirements of the Public Health Code.

H. Connecticut Department of Transportation Permits. If a proposed road or drainage facility would require a connection to a State highway or drainage facility, 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 such a 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.

I. Additional Plans and Documentation. An applicant for formal approval of a subdivision plan shall submit the following additional plans and documentation unless, upon a formal written request for a waiver of one or more such requirements, the Commission makes a finding that, due to the specific nature, intensity, layout and other physical characteristics of the proposed subdivision, such requirements would not be of substantial assistance to the Commission in evaluating the compliance of the proposed subdivision plans with the requirements of these Regulations. Upon formal written request of the applicant, the Commission may allow the applicant to combine more than one plan on a given map as long as clarity and legibility are not sacrificed.

1. Grading Plan. The purpose 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 to a scale of one (1) inch = 40 feet, and on a medium approved for filing by the Connecticut Public Records Administrator as provided in CGS Sec. 7-31. Contours and elevations shall be based upon the same bench marks as provided for site development 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:

- a) Name of the subdivision development;
- b) Name(s) of all applicant(s) and of all owner(s) of record;
- c) Street address (with number, if available) of the property to be subdivided;
- d) Assessor's reference numbers (map, block and lot) of the parcel to be subdivided;
- e) Date; graphic and word scale; north arrow;
- f) Layout of existing and proposed lot lines and street lines;
- g) Existing and proposed contours at intervals not exceeding two (2) feet based upon field or aerial survey and tied to USGS datum;
- h) Existing and proposed drainage, inland wetlands and watercourses;
- i) Existing and proposed buildings and structures, together with feasible locations of a principal building (e.g., a home or a commercial building) on each proposed lot;
- j) Location of all test holes, test pits or borings;
- k) Computations on all cut and fill areas;
- l) Hydraulic computations for all culverts and bridges;
- m) 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.
- n) In addition to the above grading plans, the Commission may request the submission of cross section drawings that cover the proposed excavation area.

2. Stormwater Runoff Control Plan. The developer shall furnish projections of the increase in stormwater runoff created by the proposed development. If the Commission finds that adjoining lands or streets may receive an increased flow, 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:

a) All drainage design measures must be in accordance with Section 90 of the Town of Portland's Regulations for Public Improvements.

b) 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. That result may be accomplished by retention basins, infiltration basins or other acceptable means as determined by the Town Engineer.

c) 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 rock-lined channels in lieu of storm sewers.

d) 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.

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

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

3. 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 that any proposed street shown on the subdivision plan is in harmony with existing thoroughfares shown on the Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares.

Section 4.4 Certification of Plans Submitted with a Subdivision Application

Subdivision plans submitted with a formal subdivision application must be prepared by a licensed engineer and/or land surveyor registered in the State of Connecticut, as follows:

A. Engineer's Certification. A professional engineer must certify any plans or designs that are related, at a minimum, 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 (e.g., bridges, box culverts and deep manholes);
- 4) Sanitary sewer systems;
- 5) On-site sewage disposal systems; and
- 6) Water supply and distribution systems.

The Commission may require a professional engineer to certify other aspects of a proposed subdivision plan if it determines that such certification is reasonably required to assess or assure the adequacy, safety, or reliability of any component of the plan.

B. Land Surveyor's Certification. A registered land surveyor must certify any plans or designs that are related, at a minimum, to the following categories:

- 1) Topography and topographic features;
- 2) Delineation and definition of boundary lines;
- 3) Proposed lot and street right-of-way lines; and
- 4) Easement locations.

The Commission may require a registered land surveyor to certify other aspects of a proposed subdivision plan if it determines that such certification is reasonably required to assess or assure the adequacy, safety, or reliability of any component of the plan.

CHAPTER 5. PROCEDURAL REQUIREMENTS FOR APPROVAL OF SUBDIVISION PLANS

Section 5.1 Standing to Submit a Subdivision Application

An application for approval of a subdivision plan may be made by one or more owners of the land to be subdivided, or by a duly authorized agent or other legal representative of an owner. In addition, a person having a written contract to purchase the land to be subdivided may submit a subdivision application, provided that the applicant files a copy of the contract with the application and that the application has been signed by at least one owner of the premises or an agent or other legal representative of an owner.

Section 5.2 Procedures for Rendering a Decision on a Subdivision Application

A. Application of State Law. The timetables and procedures for making a decision on a formal subdivision application shall be in accordance with the applicable requirements of state law, including but not limited to, CGS Sections 8-7d, 8-25 and 8-26.

B. Current State Procedural Requirements. The following statutory requirements existed as of the date of the most recent amendment of these Regulations. They are set forth herein solely for notice and advisory purposes and are not intended to create, nor should they be deemed to represent, separate or additional requirements of the Commission or of these Regulations. If any statute on which the following requirements are based is amended or repealed, the requirements set forth below shall be likewise deemed to be amended or repealed.

1. Hearings. The Commission must call a public hearing on any application for resubdivision. The Commission may, but is not obliged to, call a public hearing on an application for any subdivision that is not a resubdivision. If a public hearing is held on any subdivision application, the hearing must begin within 65 days of the date of receipt of the application and must be concluded within 35 days after its start.

2. Decisions. If a public hearing is held on a subdivision application, the Commission shall render a decision within 65 days after the conclusion of the hearing. If no public hearing is held, the Commission shall render a decision within 65 days after the date of receipt of the application. The Commission shall approve, modify and approve, or disapprove any subdivision or resubdivision application or maps and plans submitted therewith. If the Commission fails to act on an application within the time allowed (including any extensions of time permitted under subsection 3, below, or other applicable provisions of law), the application shall be deemed to be approved.

3. Extensions of Time.

a. By Consent. The applicant may consent to one or more extensions of any period specified in subsections 1 and 2, provided the total extension of all such periods shall not be for longer than 65 days.

b. Applications Involving Inland Wetlands or Watercourses. If an application involves land regulated as an inland wetland or watercourse under the provisions of CGS Chapter 440, or any activity regulated under that chapter, the applicant shall submit an application to the Inland Wetlands Agency of the Town of Portland no later than the day the application is filed for the subdivision. The Commission shall not render a decision until the Inland Wetlands Agency has submitted a report with its final decision to the Commission. If the time period for making a decision on the subdivision application (not including any extensions consented to by the applicant) would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency.

4. Withdrawals. The applicant may withdraw the application at any time before the Commission renders a decision.

5. Legal Notices Regarding Subdivision Applications.

a. Notice of Public Hearings. Notice of a public hearing on a subdivision application shall be published in a newspaper having a general circulation in the Town of Portland at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. See also Section 5.2.C.1 of these Regulations for additional notice requirements established by the Commission.

b. Notice to Adjoining Towns. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any site in which: (1) Any portion of the property proposed for subdivision is within 500 feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project would use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site would flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site would impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

c. Notice to Councils of Governments. Whenever a subdivision application is filed for a parcel of land that abuts or includes land in an adjoining municipality, the Commission shall, before deciding on the application, give written notice of the subdivision plan to the regional council of governments for the region or regions in which Portland and the other municipality are located. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by the regional council of governments on the council's Internet web site for receipt of such notice, not later than 30 days before any public hearing to be held in relation thereto or, if no public hearing is to be held, no later than 30 days before rendering a decision on the application. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from a regional council of governments confirming receipt of such notice, then not later than 25 days before the public hearing or before rendering any decision, the Commission shall also send such notice by certified mail, return receipt requested, to such council. A regional council of governments receiving such notice shall, at or before the hearing report to each such planning commission and to the applicant on its findings on the intermunicipal aspects of the proposed subdivision, including street layout, storm drainage, sewer and water service and such other matters as it considers appropriate. If such report of a regional council of governments is not submitted, at or before the hearing, it shall be presumed that such council does not disapprove of the proposed subdivision. A regional council of governments may designate its regional planning commission to act for it under this section. The report of such regional council of governments shall be purely advisory.

d. Notices of Decisions. A notice concerning final action on a subdivision application shall be published in a newspaper having substantial circulation in the Town within fifteen (15) days of the decision. Notice of such action shall also be sent to the applicant by certified mail within fifteen (15) days of the decision.

C. Additional Procedures and Requirements. The following procedures and requirements are in addition to those mandated by state law.

1. Signs for Public Hearings. When the Commission schedules a public hearing on a subdivision application, the applicant shall place a sign or signs on the affected property giving notice of the public hearing. At least one sign shall be placed along each road along which the property has frontage, and, if the lot line of the property along any street exceeds 200 feet, at least one sign shall be placed along such street for each increment of 200 feet or part thereof. For example, if a parcel has a boundary of 450 feet along one street and 50 feet along another street, three signs must be placed along the 450-foot street boundary and one sign must be placed along the 50-foot street boundary. When more than one sign is required along any street, the signs shall be spaced

approximately 200 feet apart. The signs, which will be provided by the Planning department, shall be installed no less than ten days before the date of the public hearing and shall be maintained continually until the day after the hearing is concluded. The applicant shall provide an affidavit on or before the date of the public hearing certifying that the sign was installed.

2. Modification of Subdivision Applications by Applicant. The subdivision application as originally submitted to the Commission, including all plans provided at the time of submission, shall be the application on which the Commission renders its decision. If the applicant wishes to amend or modify the application or plans after the date of receipt of the application, it may choose either (i) to withdraw the pending application and submit a new application with the proposed revisions; or (ii) submit the proposed modified plans to the Commission as part of the pending application, in which case the Commission will treat such submission as a proposal to modify and approve the original application in accordance with Section 5.2.B.2 of these Regulations. The purpose of this provision is to assure that the Commission has an adequate amount of time to consider any proposed revisions. If the Commission finds that any proposed revisions would modify the application in a substantial way, and that such revisions were proposed too late in the application process for the Commission to give them adequate consideration, the Commission may refuse to consider such revisions and may deny the application as originally submitted.

3. Consideration of Subdivision Application by Commission. The Commission may approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith, including existing subdivisions made in violation of these Regulations or of state law. The Commission's decision shall be based upon its findings of the extent to which the proposed subdivision plans satisfy the applicable provisions of these Regulations. The Commission's decision shall be based solely upon the information provided during the administrative proceedings (including any public hearing) on the application. In rendering their decision, Commission members may use any information within their particular individual knowledge, provided such information is disclosed on the administrative record prior to rendering the decision and the applicant is given an opportunity to respond. If a public hearing is held, such information should be disclosed before the hearing is closed.

4. Modification of Subdivision Application by Commission. The Commission may modify any element of a subdivision plan to conform to the standards and requirements of these Regulations and may approve such plan as so modified. Such modifications 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 revised. Whenever the Commission shall modify and approve a 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:

- a. Traffic signs, control facilities, and area lighting;
- b. Improvement of sight distances;
- c. Conformance to Plan of Conservation and Development street plan;
- d. Reduction of number of driveways on streets designated as arterial by the Plan of Conservation and Development or as arterial or collector streets in these Regulations;
- e. Additional storm drainage structures;
- f. Hydrants, standpipes, water storage;
- g. Sidewalks; and
- h. Any other improvements the Commission may deem necessary to promote public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of the subdivision infrastructure.

5. Performance Security.

a. General Requirements. To assure that the physical fulfillment of an approved subdivision will conform to the approved plans and other required documents, a performance bond or other financial guarantee may be required by the Commission. When performance security is required, it shall be posted prior to the endorsement of the record subdivision map and site development plans and the issuance of any zoning permits. No construction work shall be started prior to the final approval of the site development plans.

b. Form of Security. The Commission shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and that the financial institution or other entity issuing any letter of credit is acceptable to the Commission.

c. Amount of Security. The amount of the performance security shall be established by the Commission. Applicants shall furnish the Commission with a listing of the estimated quantities of materials needed to complete all required improvements. The security 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 security shall include an amount to cover the escalation of all improvement costs over a two-year period.

d. Items Included by Security. The amount of the performance security 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. 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.

6. Conditional Approval. In lieu of either the completion of any subdivision work or the furnishing of performance security as provided in Section 5.2.C.3 of these Regulations, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission, or (2) the provision of performance security as provided in Section 5.2.C.3. Upon the occurrence of either of such events, the Commission shall cause a final approval to be endorsed on the approved plans in the manner provided by Section 5.3.A of these Regulations. Any such conditional approval shall lapse five years from the date it is granted, provided the applicant may apply for and the Commission may, in its discretion, grant a renewal of such conditional approval for an additional period of five years at the end of any five-year period.

Section 5.3 Procedures After Approval of a Subdivision Application

A. Subdivisions Requiring No or Minimal Improvements. If the applicant does not intend to post financial security and has not obtained a conditional approval to assure the construction of improvements shown on the approved subdivision plan, the

applicant may opt to construct all improvements. In such instances, the Commission may endorse the Record Subdivision Plan only after the applicant has submitted as-built plans and supporting documentation in accordance with Section 5.3.D, verifying the completion of the subdivision improvements. All required improvements must be completed to the satisfaction of the Commission prior to endorsement of the Record Subdivision Map.

B. Filing of Conditional Plans. If the Commission has issued a conditional approval in accordance with Section 5.2.C.4, the Record Subdivision Map must contain a notation stating that no part of the property shown on the Record Subdivision Map may be conveyed and no zoning permit may be issued for any lot shown on the map until performance security has been posted and approved by the Commission in accordance with the Town of Portland Subdivision Regulations, or until all work required by the subdivision approval has been completed to the satisfaction of the Commission. The filing of plans that have been conditionally approved shall otherwise be in accordance with Section 5.3.C.

C. Filing of Final Plans.

1. Time for Filing. Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the Commission to act, be filed or recorded by the applicant in the office of the Town Clerk not later than 90 days after the expiration of the appeal period under CGS Section 8-8, or in the case of an appeal, not later than 90 days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the Commission may extend the time for such filing for two additional periods of 90 days and the plan shall remain valid until the expiration of such extended time. All such plans shall be delivered to the applicant for filing or recording not more than 30 days after the time for taking an appeal from the action of the Commission has elapsed or not more than 30 days after the date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission, whichever is later. If an appeal of the Commission's decision is filed, the plans shall be delivered to the applicant for filing or recording not more than 30 days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant or not more than 30 days after the date that plans modified in accordance with the Commission's approval and that comply with CGS Section 7-31 are delivered to the Commission,

whichever is later. If the Commission approved the application with modifications, it shall be the applicant's responsibility to ensure that properly modified plans are delivered to the Commission no less than thirty days prior to the expiration of the 90-day filing period under this Section 5.3.A in order to allow the Commission sufficient time to review the modified plans for conformance to the terms of approval and to obtain the necessary signature.

2. Requirement of Endorsement. No subdivision plan shall be recorded or filed by the Town Clerk or other officer until its approval has been endorsed thereon by the chairman or secretary of the Commission, and the filing or recording of a subdivision plan without such approval shall be void. No approved subdivision plan shall be endorsed by the Commission until either (i) the applicant has completed all improvements in connection with the approved subdivision plan pursuant to Section 5.3.A, (ii) the applicant has posted performance security as required by Section 5.2.C.3, or (iii) the Commission has granted conditional approval pursuant to Section 5.2.C.4.

3. Manner of Endorsement. 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 each of (i) the Department of Public Works; (ii) the Planning and Zoning Office (Town Planner); (iii) the Building Official, and (iv) the Zoning Enforcement Officer.

4. Endorsement Is Not Acceptance. 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.

5. Prohibition of Changes to Plans Before Filing. 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 and the Commission may cause a notice regarding such nullification to be placed in the Land Records. 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 must be reviewed, initialed and dated by the Chairman of the Commission, or other authorized person, at the time of signing.

6. Expiration of Approval. Any person, firm or corporation making any subdivision of land, except as otherwise provided by state law, shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such five-year or other period expires. The Commission shall file notice of any 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 or other allowable period, the municipality shall call the security on the subdivision to the extent necessary to complete any work required to serve those lots.

D. Submission of As-Built Plans. Upon completion of all improvements required under the terms of approval of a subdivision application, the applicant shall be required to submit to the Commission:

1. As built plans of the improvements, certified by a licensed engineer or land surveyor;
2. Certification by a licensed land surveyor of accurate monument locations;
3. Written conveyances of all easements, fee interests, open space areas or other interests in land that were to be conveyed to the Town pursuant to the approved subdivision plans, including a written geometric description of all areas included in such conveyances; and
4. Such other documentation as the Commission may reasonably require to ensure that the developer has fulfilled all applicable terms and requirements of the subdivision approval.

The Commission is under no obligation to accept any variations the as-built plans may show in comparison to the site construction plans as approved by the Commission.

The Commission may require that all improvements failing to conform to the construction plans, these Regulations, or the subdivision approval be reconstructed or installed, at the developer's cost, to the original specifications as approved by the Commission prior to the release of any financial security, further issuance of any building or zoning permits, and/or the issuance of any certificates of occupancy. The Commission may recommend to the Board of Selectmen that the developer be declared to be in default of obligations and that the appropriate action be taken to call the financial security.

E. Release of Performance Security. The Commission shall approve the release or reduction of performance security only upon determining that all required subdivision improvements covered by such security, or by the portion of the security to be released, have been properly completed. Before rendering any such decision, the Commission may seek comment from its own consultants, the Board of Selectmen, the Department of Public Works, or other relevant public employees or officials. In addition, if the approval of the subdivision plan expires before all work has been completed, and if lots have been conveyed before such expiration, the municipality shall call the security on the subdivision to the extent necessary to complete any work required to serve those lots.

F. Maintenance Bonds.

1. Amount. To assure proper maintenance of all site improvements, an approved form of financial security in the amount of 10% (ten percent) of the replacement cost of the site improvements shall be submitted, naming the Town as the beneficiary of such security. The replacement cost shall be determined by the Commission after seeking written input from the developer and the Board of Selectmen. The maintenance security shall be in effect for one year from the date the site improvements are accepted by the Town.

2. Scope of Security and Responsibility. During such period, the developer shall, when notified by the Town, promptly repair or replace all flaws, failures and defects that may occur during the maintenance period in any site improvements created under the approved subdivision plan, including roads, drainage structures, appurtenances, bridges, drains, pipes, mains, conduits, curbs, gutters, sidewalks, road surfacing, landscaping, and all other site improvements.

3. Developer's Default. If the developer fails to remedy any such flaw, failure or defect 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 security.