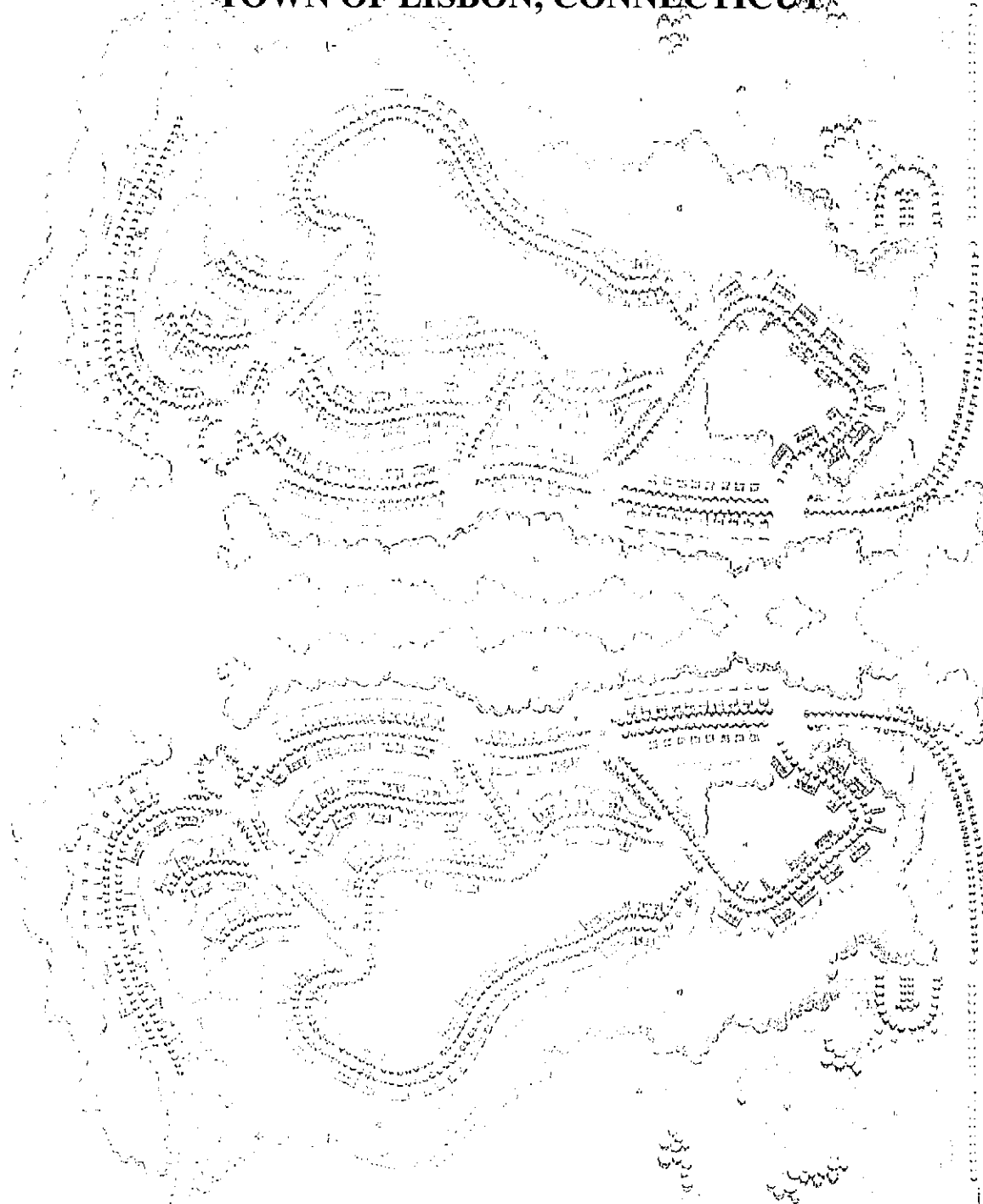


SUDIVISION REGULATIONS

TOWN OF LISBON, CONNECTICUT



PLANNING AND ZONING COMMISSION

Original effective date, July 1970 (Adoption)

PLANNING & ZONING SUBDIVISION REGULATIONS REVISIONS

Revised to:	July	1988	
Revised to:	January	1990	
Revised to:	September	1990	
Revised to:	February 7,	2005	(Section 6.5, 6.5.1, 6.5.2, 6.5.3)
Revised to:	July 18,	2011	(Sections 5.3.11, 6.10, 6.11, 6.12)

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SECTION 1 – TITLE, AUTHORITY AND PURPOSE

- 1.1 **Title.** These Regulations are entitled and shall be known as the “Subdivision Regulations, Town of Lisbon, Connecticut,” and are referred to herein as “these Regulations”.
- 1.2 **Authority.** These Regulations are adopted by the Planning and Zoning Commission of the Town of Lisbon, Connecticut, under the provisions of Chapter 126 of the General Statutes of the State of Connecticut.
- 1.3 **Purpose.** These Regulations are intended to assure that 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, and that proper provision is made for streets, drainage, utilities and other improvements.

SECTION 2 - DEFINITIONS

For the purpose of these Regulations, certain terms and words used herein shall be used, interpreted and defined as set forth in this section. Commonly accepted definitions shall apply to all other words.

- 2.1 **Applicant.** Any person, firm, corporation or partnership who shall apply to the Commission for approval of a subdivision, as hereinafter defined, either for himself or as an agent authorized to act for the owner by a written and signed statement from the owner to the Commission accompanying the application.
- 2.2 **Commission.** The Planning and Zoning Commission of the Town of Lisbon.
- 2.3 **Day of Receipt.** The day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such application, or thirty-five (35) days after such submission, whichever is sooner.
- 2.4 **Plan.** The plan of subdivision, including maps, profiles and supporting documents as required by these Regulations, prepared for endorsement by the Commission and filing in the office of Town Clerk.
- 2.5 **Print.** A blue- or black-line print on white paper by diazo or other similar process which reproduces exactly the data on the original drawing from which it is made.
- 2.6 **Resubdivision.** A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- 2.7 **Street.** An improved right-of-way accepted for public use by lawful procedure and suitable for two-way automobile travel; or a proposed street shown on the subdivision plan under consideration or on one previously approved by the Commission.
- 2.8 **Subdivision.** The division of a tract or parcel of land into three or more parts or lots subsequent to July 6, 1970, for the purpose, whether immediate or future, of sale or building development,

expressly excluding development for municipal, conservation or agricultural purposes, and included resubdivision.

- 2.9 **County Soil and Water Conservation District.** The New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.
- 2.10 **Disturbed Area.** An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 2.11 **Erosion.** The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- 2.12 **Sediment.** Solid materials, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 2.13 **Soil.** Any unconsolidated mineral or organic material of any origin.
- 2.14 **Soil Erosion and Sediment Control Plan.** A scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and a narrative.

SECTION 3 - OPTIONAL SKETCH PLAN REVIEW PROCEDURES

- 3.1 **Purpose.** The subdivision of land is a complex procedure, usually involving action by several officials and agencies and frequently costing a lot of money. Therefore, persons intending to subdivide land in the Town of Lisbon are urged to submit a sketch plan of the land to be subdivided and to discuss their intentions informally with the Commission and other officials and agencies that may be involved in the review of the subdivision plan prior to the preparation of the required plan. Presentation of a sketch plan is at the discretion of the applicant and is intended to ensure that basic requirements can be met prior to incurring engineering, legal and application costs related to the proposed subdivision. The informal review of the sketch plan affords both the Commission and the applicant an opportunity to gain information and raise questions about the subdivision, local regulations and procedures. The sketch plan enjoys no official status, and consent of the Commission with regard to its feasibility in no way implies approval of the formal subdivision plan. No fee or application form is required for the presentation of a sketch plan.
- 3.2 **Sketch Plan Contents.** The sketch plan should be drawn at a scale of at least one (1") inch equals 100 feet, and should show such information as will enable the Commission to locate the property, determine the physical characteristics of the property, and understand what the applicant proposes to do with the property. At least the following should be shown:
- 3.2.1 The property boundary and the names of the abutting property owners and streets.
 - 3.2.2 Contour information. (These may be simple enlargements of U.S. Geological Survey topographic maps.)
 - 3.2.3 Locations of existing structures, roads, easements, utility rights-of-way, rock outcrops, wetlands and watercourses.
 - 3.2.4 Locations of proposed streets, building lots and open space.
 - 3.2.5 Estimated total acreage of the parcel to be subdivided and the estimated size, in square feet, of each lot.
 - 3.2.6 An indication of the proposed methods of providing water supply and sewage disposal.
- 3.3 **Commission Review.** A presentation of a sketch plan to the Commission may be arranged by contacting the Chairman or Secretary of the Commission at least fifteen (15) days prior to a regularly scheduled meeting and requesting that the presentation be placed on the meeting agenda. The Commission shall discuss the proposal with the applicant and shall give its informal comments to the applicant immediately or not later than the next regularly scheduled meeting of the Commission. Comments made by the Commission concerning the sketch plan shall not be binding on the Commission or the applicant.

SECTION 4 - REQUIRED PROCEDURES FOR PROPOSED SUBDIVISIONS

- 4.1 **Submission.** Whether or not a sketch plan has been submitted and reviewed, any person intending to subdivide land in the town of Lisbon shall submit an application to the Chairman or secretary of the Commission at least fifteen (15) days prior to a scheduled meeting of the Commission and request that such application be placed on the meeting agenda. Three prints of the plan and the required fee shall be submitted with the completed application form. Application forms are available from the Zoning Enforcement Officer and from the Town Clerk.
- 4.1.1 The Commission shall transmit a copy of the plan to the Board of Selectman who shall review the cost estimates of those plan improvements for which it will ultimately be responsible in order to enable the Commission to determine the amount of the performance bond for the subdivision improvements. Comments concerning the improvements and their costs shall be made in writing to the Commission.
- 4.1.2 The Commission may require that the applicant provide additional copies of the plan in cases where a more extensive review of the plan is deemed necessary.
- 4.1.3 The applicant may withdraw the application from consideration at any time prior to final action on it by the Commission.
- 4.2 **Fee.** All applications shall be submitted with a check or money order made payable to the Treasurer, Town of Lisbon, in an amount equal to ten dollars (\$10) per lot in the proposed subdivision or fifty (\$50) dollars, whichever amount is larger.
- 4.2.1 In the case of a resubdivision, the fee shall be based on the number of new lots created. However, in no case shall the fee be less than fifty (\$50) dollars.
- 4.3 **Hearing.** The Commission may hold a public hearing regarding any subdivision proposal within sixty-five (65) days of the submission thereof, if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the Commission without a public hearing. Notice of a hearing shall be published in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing, and by sending a copy thereof by registered or certified mail to the applicant. The hearing shall be completed within thirty (30) days after such hearing commences. The applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of any such period shall not be for longer than the original period as specified.
- 4.4 **Regional Planning Agency Referral.** Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the regional planning agency or agencies in which it and the other municipality are located. The regional planning agency shall, within thirty (30) days, report to the Commission and to the applicant its findings on the inter-municipal aspects of the proposed subdivision. If such report is not submitted within thirty (30) days after the referral from the Commission, it shall be presumed that the agency does not disapprove of the proposed subdivision. The regional planning agency's report shall be purely advisory.
- 4.5 **Wetlands Agency Referral.** If the proposed subdivision or resubdivision involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application to the Lisbon Inland Wetlands Commission no later than the day the application is filed for subdivision or resubdivision approval with the Lisbon Planning

and Zoning Commission. The Planning and Zoning Commission shall not render a decision until the Inland Wetlands Commission has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Lisbon Inland Wetlands Commission.

- 4.5.1 The Commission shall notify, in riverine situations, adjacent communities and the Water Resources Unit of the Connecticut Department of Environmental Protection, prior to approving any alteration or relocation of a watercourse, and submit copies of such notices to the Federal Insurance Administrator.
- 4.6 **Vote by the Commission.** The Commission shall vote to approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith within sixty-five (65) days after the public hearing thereon, or if no public hearing is held, within sixty-five (65) days after the receipt thereof. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in Lisbon and addressed by certified mail to the applicant by the secretary, under his signature, within fifteen (15) days after such decision has been rendered. The failure of the Commission to act, thereon, shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. Provided, however, one (1) or more extensions of time not to exceed a total period of sixty-five (65) days may be had with the consent of the applicant, or the applicant may withdraw the application. The grounds for the action of the Commission shall be stated in the records of the Commission.
- 4.7 **Posting of Bonds.** The applicant shall estimate the costs of improvements proposed for the subdivision and shall, at the time of application, submit such estimate and the basis for it. Prior to endorsement of the plan, the Commission shall accept from the applicant a performance bond or other surety with conditions satisfactory to it securing to the Town of Lisbon the actual construction and installation of all improvements as required by these Regulations. The amount of bond shall be determined by the Commission. Bond forms shall be submitted triplicate. The form of the bond shall be subject to approval by the Town's legal counsel.
- 4.8 **Endorsement of the Plan.** If the Commission votes to approve a plan or modify and approve a plan, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed and signed by the Chairman or Secretary of the Commission in the space provided for such purpose on a mylar copy of the plan provided by the applicant. In addition to the above, the applicant shall provide three (3) prints of the endorsed plan.
- 4.8.1 The Chairman or Secretary of the Commission shall, when endorsing the plan, indicate on the plan the date by which all improvements shown on the plan shall be completed, as required in Section 4.10, below.
- 4.9 **Filing the Plan.** The endorsed mylar copy of the plan shall be filed or recorded by the applicant in the office of the Lisbon Town Clerk and any plan not so filed or recorded within ninety (90) days of the date such plan is delivered to the applicant, or within ninety (90) days of the date upon which such plan is taken as approved by reason of the failure of the Commission to act, shall become null and void, except that the Commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.
- 4.10 **Time Limit On Completion.** Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision, which completion date shall be noted on the plan by the Chairman

or Secretary of the Commission at the time of endorsement at the time of endorsement of the approved plan.

- 4.10.1 In accordance with Section 8-26c (b) of the General Statutes, failure to complete all work within such five-year period shall result in automatic expiration of the approval of such plan provided the Commission shall file on the land records of the Town notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the Town Clerk, and no additional lots shall be conveyed in the subdivision by the subdivider except with approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year period, the Commission shall call the bond or other surety on said subdivision to the extent necessary to complete the work required to serve those lots. "Work" for the purpose of this section means all physical improvements required by the approval of the plan, other than the skating out of lots, and includes, but is not limited to, the construction of roads, storm drainage facilities and water and sewer lines, street signs, the setting aside of open space and the improvement of recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures, and the measures to be taken to control erosion and sedimentation likely to occur from the proposed subdivision.
- 4.11 **Soil Erosion and Sediment Control Plan.** A soil erosion and sediment control plan shall be submitted with any subdivision application for development when the disturbed area of such development is cumulatively more than one-half ($\frac{1}{2}$) acre. The soil erosion and sediment control plan shall be submitted pursuant to Section 5.5 of these Regulations. The Commission, in its sole discretion, shall determine what constitutes the size of the disturbed area.
- 4.12 **Notice to Neighboring Municipalities.** The Commission shall notify the clerk of any adjoining municipality of the pendency of any subdivision or resubdivision on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer and water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the subdivision or resubdivision application and no hearing shall be held on the application until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such subdivision or resubdivision.

SECTION 5 - SUBDIVISION PLAN CONTENTS

- 5.1 **General Requirements.** Three (3) prints on all maps, plans and profiles shall be submitted with the application, and unless otherwise permitted by these Regulations, shall conform with Class A-2 standards for accuracy of the Code of Recommended Practice for Standard of Accuracy of Surveys and Maps of the Connecticut Association of Land Surveyors, Incorporated. They shall be presented on good-quality prints and shall be thirty-six (36") by twenty-four (24") inches, twenty-four (24") by eighteen (18") inches or eighteen (18") by twelve (12") inches in size. All such prints shall have a one-half ($\frac{1}{2}$ ") inch border on three (3) sides and a two (2") inch border on the left side. If more than one sheet is submitted, they shall be bound. All such prints shall bear the following information:

- 5.1.1 The name or title of the Subdivision and the words, "Lisbon, Connecticut."
 - 5.1.2 The name of the subdivider, the owner of the property.
 - 5.1.3 Name, Connecticut registration number and seal of the land surveyor and/or engineer that prepared the drawing.
 - 5.1.4 North point, scale and date of drawing and revisions.
 - 5.1.5 Where only a part of the subdivision is shown on the street, a key map shall show its location in relation to the whole subdivision.
- 5.2 **Key Map.** The key map shall be at a scale not smaller than one (1") inch equals 2,000 feet and shall show the location of the proposed subdivision and all existing roads and watercourses within 2,000 feet of it. If space permits, the key map may be included as an insert map on the boundary survey map. The key map may be a simple tracing of the area from the U.S. Geological Survey topographic map.
- 5.3 **Boundary Survey Map.** This map shall show the entire parcel or that portion thereof to be subdivided into building lots and shall be at a scale of at least one (1") inch equals 100 feet, although a scale of one (1") inch equals fifty (50') feet or one (1") inch equals forty (40') feet will also be acceptable. The boundary survey map shall show the following:
- 5.3.1 Boundaries, dimensions, acreage and zoning of the property to be subdivided.
 - 5.3.2 Boundaries of properties and names of property owners within 100 feet of the proposed subdivision.
 - 5.3.3 Locations and designations of all wetlands, watercourses and rock outcroppings.
 - 5.3.4 Proposed lot boundaries, numbers, dimensions, bearings, angles and areas in square feet. (Lot areas may be shown in tabular form on the same sheet.)
 - 5.3.5 Deleted 9/04/90.
 - 5.3.6 All existing and proposed monuments, pipe markers and any other physical evidence concerning property boundaries. Where new markers are established, they shall be referenced to established points of the Connecticut Coordinate System.
 - 5.3.7 Locations of all existing and proposed easements, rights-of-way, drainage rights and open spaces and recreation areas.
 - 5.3.8 Locations of street right-of-way, bearings, curve data, including arc length, radii and central angles, pavement widths, stations along center lines at 100-foot intervals, and locations of sidewalks and street pavement within the rights-of-way.
 - 5.3.9 The proposed name of each street. Street names shall be substantially different so as not to be confused in sound and spelling with present names in the Town, except that streets that join or are in alignment with streets on abutting or neighboring property shall bear the same name.

- 5.3.10 Contour lines at not more than 10-foot intervals. Elevations shall be referenced to U.S. Geological Survey datum. The Commission may require contours at less than 10-foot intervals if needed to determine more precisely the slope characteristics of the property.
 - 5.3.11 Subdivisions greater than fifty (50) lots or five (5) acres (whichever is less) shall include base flood (100 year storm) elevation data for that portion of the subdivision located within A Zones on the Flood Insurance Rate Map for Lisbon.
 - 5.3.12 The words "Approved by the Lisbon Planning and Zoning Commission," with designated spaces provided for the data and signature of the Chairman or Secretary of the Commission.
 - 5.3.13 The words "Date of Completion of All Work," with designated space for the date and initials of the Chairman or Secretary of the Commission.
 - 5.3.14 The words "Approved by the Lisbon Board of Selectman," and "Approved by the Lisbon Town Sanitarian," with designated spaces for the dates and signatures of the appropriate officials.
- 5.4 **Construction Plan.** A construction plan, drawn at a scale of one (1") inch equals forty (40') feet, shall be submitted when any type of construction, such as roads, drainage, water supply or sewer systems, retaining walls, etc., is to be carried out in connection with the subdivision. The construction plan shall be prepared by a Connecticut registered professional engineer. The construction of all street shall be in conformance with "An Ordinance Regulating the Addition of Any New Street or Highway to the System of the Town of Lisbon," or amendments thereto. All other construction shall be in accordance with Form 810 (1969) of the Connecticut Department of Transportation, Bureau of Highways "Standard Specifications for Roads, Bridges and Incidental Construction" and any supplements and amendments thereof, unless otherwise specifically provided by Town Ordinances or these Regulations. The construction plan shall include the following, where applicable:
- 5.4.1 Plan and profile for all proposed streets, showing:
 - a. Existing surface elevation along the centerline.
 - b. Locations, proposed grades, vertical curves with centerline elevations every fifty (50') feet, except that such information shall be provided at ten (10') foot intervals within eighty (80') feet of the centerline cross point of an intersection.
 - c. Location, size and invert elevations of existing and proposed storm drains, catch basins, manholes, bridges, culverts, outfalls, and other drainage features.
 - d. Location and size of all community water supply and distribution facilities and hydrants.
 - e. Sidewalk location, if any.
 - f. Locations of street signs, trees and other special landscape features to be installed by the applicant.
 - g. Location of all electrical, telephone and other wire utility lines.
 - 5.4.2 Where drainage systems are to be constructed, one copy of the construction plan shall be suitably marked to show watershed data used in the design of such systems and shall be accompanied by a narrative report including all calculations used in the drainage design.

5.4.3 In case of retaining walls or other special features, a drawing to a scale of one-half ($\frac{1}{2}$) inch equals one (1') foot of all such details shall be furnished.

5.5 **Soil Erosion and Sediment Control Plan.** If the proposed subdivision will result in the disturbance of more than one-half ($\frac{1}{2}$) acre of land, the applicant will submit as part of the subdivision plan, a Soil Erosion and Sediment Control Plan that contains proper provisions to adequately control storm water runoff in the proposed subdivision based on the best available technology. Such principles, methods and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended, available from the Natural Resources Center of the Connecticut Department of Environmental Protection. Alternative principles, methods and practices may be used with prior approval of the Commission.

5.5.1 The Soil Erosion and Sediment Control Plan shall include the following:

- a. A narrative describing:
 1. The development;
 2. The schedule for grading and construction activities including:
 - A. start and completion dates;
 - B. sequence of grading and construction activities;
 - C. sequence for installation and/or application of soil erosion and sediment control measures;
 - D. sequence for final stabilization of project site.
 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- b. A map meeting the scale requirements of Section 5.3 showing:
 1. The location of the proposed development and adjacent properties;
 2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 3. The existing structures on the project site, if any;
 4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 6. The sequence for grading and construction activities;
 7. The sequence for installation and/or application of soil erosion and sediment control measures;
 8. The sequence for final stabilization of the development site;
 9. The words "Certified by the Lisbon Planning and Zoning Commission" with designated space for the date and signature of the Chairman or Secretary of the Commission.
- c. The narrative required in Section 5.5.1 (a) may be included on the map of Section 5.5.1 (b) if room allows it without affecting readability of the map. The items

required to be mapped in Section 5.5.1 (b) may be depicted on the subdivision plan map required in Section 5.3 if the readability of the subdivision map is not affected.

- 5.5.2 After review of the Soil Erosion and Sediment Control Plan by the Commission or its designated agent, the Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. A vote by the Commission to approve a subdivision plan shall mean certification of the erosion and sediment control plan as well. Prior certification, any subdivision plan submitted to the Commission may be reviewed by the New London County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan by the New London County Soil and Water Conservation District.
- 5.5.3 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in the performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 4.7 of these Regulations.
- 5.5.4 The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Commission may require the applicant to submit progress reports which show that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained.
- 5.6 **Soil Investigation.** Any subdivision or part thereof for which a public sewage disposal system is not available shall be subject to the following requirements:
 - 5.6.1 Soil percolation test holes shall be taken under supervision of and as requested by the Director of Health or his agent and certified by him to be satisfactory for on-lot sewage disposal.
 - 5.6.2 At least one (1) percolation test hole per lot shall be required in the probable area of each leaching field. The results of such tests shall be listed in tabular form by lots and made part of the Subdivision Plan.
 - 5.6.3 In investigating soil conditions, observation pits are required to check for groundwater, ledge rock, or available good seepage soil below normal depths. The number of such pits shall be determined by the Director of Health or his agents.
 - 5.6.4 Soils must have an acceptable percolation rate, without interference from groundwater or impervious strata below the level of absorption system. The technical standards for determining acceptance shall be the State Health Code, Section 19-13-B20.
- 5.7 **Other Supporting Documents.** Before approval of any subdivision, the Commission shall require the following:
 - 5.7.1 Evidence of permits for activities that might be controlled by the Lisbon Inland Wetlands Commission.
 - 5.7.2 Where applicable, written statements attesting to the suitability of (1) water systems from

the Southeastern Connecticut Water Authority under provisions of Section 13 of Special Act 381 (1967), as amended, and (2) all other improvements such as roads, drainage and monuments, from the First Selectman.

- 5.7.3 Where applicable, a written statement from the Connecticut Department of Transportation that designs of new street intersections with state highways are satisfactory.
- 5.7.4 Offers of deed, in a form satisfactory to the Town's legal counsel and the Commission, of all land, including streets, recreation areas, drainage and utility easements and other public uses not specifically reserved by the subdivider for the use of the future owners of the lots and retained under deed by the same.
- 5.7.5 The subdivider shall submit to the Commission written copies of all agreements, restrict covenants, or other documents governing the use, reservation, or maintenance of all land not to be deeded to the Town.
- 5.7.6 Approval of a Subdivision Plan shall not be deemed to constitute an acceptance of any street by the Town. However, the filing of an approved Subdivision Plan shall constitute an irrevocable offer of dedication by the owner of the land to the Town.

SECTION 6 - DESIGN STANDARDS

- 6.1 **General.** The design of the subdivision shall be consideration of and respect for the natural landscape. Designs shall be aimed at fitting the subdivision to the land rather than altering the land to make it fit the subdivision. In addition, subdivision designs shall reflect consideration for the existing and potential development of adjacent properties.
- 6.2 **Lots.** All lots shall front on and have driveway access to a street. Driveways shall be designed so that the final grade does not exceed fifteen percent (15%). Driveways with ten percent (10%) to fifteen percent (15%) grades shall be paved with concrete or bituminous concrete for that portion or portions of the driveway ten percent (10%) or greater in grade.
 - 6.2.1 Wherever possible, side lot lines shall be at right angles to street and radial curves.
 - 6.2.2 Lot sizes, width and shape requirements shall conform to the Zoning Regulations of the Town of Lisbon.
 - 6.2.3 Locations of proposed principal buildings, driveways, water supplies and sewerage disposal systems shall be shown on all lots containing wetlands, watercourses, slopes in excess of ten percent (10%), ledge outcrops or shallow to bedrock soils in order to permit the Commission to determine that the proposed lot can accommodate the intended use.
- 6.3 **Streets.** Streets shall be in harmony with the Lisbon Plan of Development and shall be of sufficient width, suitably located, and adequately constructed, to accommodate the prospective vehicular and pedestrian traffic, to afford access to police, fire fighting, snow removal and other road maintenance equipment, and shall be coordinated so as to compose a convenient system.

- 6.3.1 Streets shall bear a logical relationship to the topography, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the street.
- 6.3.2 Changes in grade shall be connected by vertical curves that permit clear visibility for a distance of at least 200 feet. Visibility at intersections shall be 200 feet on local roads and 350 feet on arterial and collector roads. Sight distances shall be indicated on the plan.
- 6.3.3 A combination of steep grades and curves shall be avoided. Where the grades of a street intersecting another exceeds five percent (5%), the land on each corner of such intersection shall be so graded as to prevent a blind corner, and sufficient land shall be included in the street right-of-way at the intersection to permit permanent maintenance of visibility for the safety of traffic.
- 6.3.4 All proposed streets shall connect to one or more approved streets or state highways, except that any part of a subdivision containing more than thirty (30) residential lots or a street in excess of 1200 feet in length shall have at least two (2) direct connections to one or more approved streets or state highways. (9/04/90)
- 6.3.5 Streets shall be laid out to provide connections with existing streets on adjacent properties, where appropriate. Considerations shall be given to connecting with future streets on adjacent property where future subdivision appears probable.
- 6.3.6 Cul-de-sac streets shall not exceed 1,200 feet in length. All cul-de-sacs shall terminate in a circular turn-around having a minimum radius of fifty (50') feet and the Commission may require the reservation of a right-of-way twenty (20') feet wide to provide for the continuation of pedestrian traffic and utilities and fifty (50') feet wide to provide where feasible for the continuation of vehicular traffic.
- 6.3.7 The tangent distance between reverse curves shall not be less than fifty (50') feet. Except for intersections and turnarounds on dead-end streets, no curve shall have a radius of less than one hundred (100') feet, as measured radial to the center line.
- 6.3.8 Four-way intersections shall be avoided and T-intersections utilized wherever possible.
- 6.3.9 Except where impractical because of topography or other conditions, streets shall be perpendicular to intersections for a distance of at least one hundred (100') feet. All corners shall be rounded, with a radius of not less than twenty-five (25') feet. Center lines of alternate side streets shall not be closer than one hundred twenty-five (125') feet, measured along the center line.
- 6.3.10 Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional or improvement requirements of these Regulations, the applicant may be required to deed sufficient land to the Town of Lisbon to permit the widening of the street and may be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety.
- 6.3.11 New street intersections with state highways or major Town roads shall be at least 500 feet from any other existing or proposed intersection unless the shape and location of the property being subdivided makes such separation impossible or impractical, as determined by the Commission.

6.3.12 Street intersections and planting at such intersections shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. For a distance of fifty (50') feet from the point of two (2) intersecting property lines nearest to the street intersection, all planting and screening shall be so designed and maintained as to assure adequate visibility for approaching pedestrian and vehicular traffic, and such condition shall be shown on the subdivision map.

6.4 **Drainage.** An adequate system of storm water drainage shall be provided and no natural watercourse shall be altered or obstructed in such a way as to reduce the natural runoff capacity unless substitute means of runoff are provided. The developer shall provide additional capacity in adjacent culverts and other drainage features for accommodating increased runoff from the proposed development should it be deemed necessary by the Commission. All existing and proposed drainage systems shall be indicated as to size and location on plans and profile sheets. Drainage rights-of-way through lots shall be at least (20') feet wide, and follow property lines wherever possible. The Commission may require culverts and other storm water drainage installations where it deems necessary, to connect with one (1) or more natural watercourse(s). All necessary easements for drainage shall be provided prior to plan approval.

6.4.1 Wherever road drainage is proposed over private property away from a road, it shall be piped for a distance of at least 200 feet except where a natural drainage feature is available in less distance.

6.5 **Open Space.**

6.5.1 Dedication: The Commission may require dedication of land as open space, parks and playgrounds in a subdivision when it deems that such land will conserve natural and scenic resources; protect natural streams, stream belts, marshes, groundwater tables, specimen trees exceeding 30" DBH (diameter breast height), prime and important farmland soils as defined by the Soil Conservation Service, and other; supplements existing open space and recreational areas; meet recreational needs of present and projected population in the area; save historic sites, wildlife sanctuaries, stone walls and outstanding forests; preserve ridges, ravines, ledge outcroppings, and other unusual physical features; or promote orderly community development.

A. Area - The maximum required area of open space shall be 15% of the total area of the land to be subdivided whether or not it is subdivided entirely at the time of application. Generally such dedication shall not be less than one acre and shall be of such size and location as deemed appropriate by the Commission.

B. Standards - Such open space shall have access from a public street, with such access at least 50' wide and having a maximum grade of 15%, or shall abut existing open space having such access. Any land to be dedicated as public open space shall be left in its natural state by the subdivider, except for improvements as may be required by the Commission, and shall not be graded, cleared, or used as a repository for stumps, brush, earth, building materials, or debris. However, open space for parks and playgrounds shall be provided in a condition suitable for the purpose intended. The Commission may require such open space area be graded by the subdivider to properly dispose of surface water, that it be seeded with field grass, and that all brush and debris be removed. Such improvement of open space will not be required until subdivision is substantially completed.

6.5.2 Fee-in-lieu of Open Space: As set forth in Section 8-25 of the Connecticut General Statutes,

the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

- A. Amount. Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- B. Procedure. To employ the fee-in-lieu of open space option, the following procedure shall be used:
 - 1. The applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of Section 6.5.2;
 - 2. The Commission shall determine whether to accept the applicant's proposal, or to accept a different combination of land transfer and fee, or to require an open space dedication only;
 - 3. The Commission and applicant shall jointly select an appraiser to submit a report. Steps A. through C. may be accomplished at the application acceptance portion of the process;
 - 4. The applicant shall submit the appraisal during the formal application review process;
 - 5. The Commission, as part of the action on the applicant, shall either accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an open space dedication;
 - 6. The Commission may deem a transfer of land to a Land Trust, or other similar non-profit entity organized to preserve land in its natural state, as a satisfaction of the applicant's obligation to transfer land to the municipality.
- C. Payment. The method of payment of any fees under this Section shall be one of the following two options:
 - 1. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or,
 - 2. The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of

this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provided for partial release of lots sold as the fractional part of the fee is paid;

3. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

- D. Dedicated Fund. Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

6.5.3 Open Space Waiver. The Commission shall require open space in all subdivisions or shall require a fee-in-lieu of open space for all subdivisions. No waivers of this requirement shall be granted except in the following instances as specifically required by Section 8-25 of the Connecticut General Statutes:

- A. Where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Subdivision Plan. If the Commission determines, subsequent to the approval of such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice owing by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and
- B. Where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

- 6.6 **Pedestrian Easements.** In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of fifteen foot (15') rights-of-way for pedestrians and bikes.

- 6.7 **Reserve Strips.** Where it is desired to reserve a right-of-way for the extension of future streets, said right-of-way and slope rights on abutting lots shall be deeded to the Town prior to the approval of the sub-division. When a subdivision proposes the extension of or the connection to a reserved street right-of-way, it shall be the responsibility of the subdivider to improve the entire length of said street.

6.7.1 Excess land remaining at a temporary cul-de-sac after the street containing the cul-de-sac is extended shall revert to abutting property owners and the plan for any subdivision containing such

cul-de-sac so indicate.

- 6.8 **Sidewalks.** (010190) Sidewalks shall be installed, as stipulated by Section 6.8.1 by the applicant along one (1) of the outer edges of each street right-of-way with any subdivision constructing a new street or streets, unless the Commission determines that such a requirement would be detrimental to public safety due to the characteristics of the site and/or surrounding properties as per Section 8 of these regulations.

6.8.1 Sidewalks, where required, shall be a minimum of four (4') feet in width, and, when provided in connection with a road, shall be located within the street right-of-way lines as shown on a typical cross-section. The sidewalk shall be constructed in accordance with one of the following standards as approved by the Lisbon Planning and Zoning Commission.

- a) **Concrete.** Cement concrete sidewalks shall be laid on a six (6") inch gravel base, mechanically compacted, and shall be constructed of reinforced concrete four (4") inches thick having expansion joints with remolded fillers spaced every twenty (20') feet and suitable weakened plain joints.
 - b) **Bituminous.** Bituminous concrete sidewalks shall be laid on a six (6") inch gravel base, mechanically compacted, and shall be constructed of bituminous concrete two (2) inches thick after compaction.
 - c) **Driveways.** Sidewalks crossing driveways that are subject to heavy vehicular traffic shall be laid on a gravel base twelve (12") inches thick.
 - d) **Handicap access.** All sidewalks shall be constructed with handicap access as required by State of Connecticut Building codes and/or other applicable codes and regulations.
- 6.9 **Trees.** New trees will be required along streets where necessary to obtain intervals of approximately fifty (50') feet between trees. New trees shall not be located within the street right-of-way.
- 6.10 **Flooding Considerations.** The Commission shall determine that proposed subdivisions are reasonably safe from flooding. When a subdivision is proposed in an A zone on the Town's Flood Insurance Rate Map, dated July 18, 2011, or any subsequent revisions thereof, it shall be reviewed to assure the following:
- 6.10.1 That all proposals are consistent with the need to minimize flood damage within the flood-prone area.
 - 6.10.2 That all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - 6.10.3 That adequate drainage is provided to reduce exposure to flood hazards.
 - 6.10.4 That new and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into the systems.
 - 6.10.5 That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems or discharge from the systems into the flood waters.

6.10.6 That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.

6.10.7 That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourses.

- 6.11 **Flood Elevations.** All applications for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include with such applications base flood (100 year flood) elevation data for that portion of the subdivision which permits development, including fill, within A Zones on the Town's Flood Insurance Rate Map, dated July 18, 2011, or any subsequent revision thereof.
- 6.12 **Floodway Encroachments.** Within the floodway, designated on the **Flood Insurance Rate Map for New London County, dated July 18, 2011**, or any subsequent revision thereof, a copy of which is on file with the Commission, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification, **with supporting technical data**, by a **Connecticut** registered professional engineer is provided by the applicant demonstrating, **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice**, that such encroachment shall not result in any **(0.00 feet)** increase in flood levels during **occurrence of the base flood discharge**.

SECTION 7 - CONSTRUCTION SPECIFICATIONS

- 7.1 **General.** All improvements shall be made in accordance with the plan approved by the Commission, the improvement requirements of these Regulations and the specifications and procedures of other appropriate state and municipal agencies. The construction and installation of such improvements shall be the responsibility of the applicant.
- 7.2 **Streets.** Streets shall be constructed in accordance with "An Ordinance Regulating the Addition of Any New Street or Highway to the System of the Town of Lisbon."
- 7.2.1 The applicant will place easily identifiable stakes at even hundred-foot stations along center lines of proposed streets prior to submission of the subdivision plan to facilitate evaluation of the plan by the Commission and other Town officials.
- 7.3 **Drainage.** Drainage features shall be in accordance with Standard Specifications for Roads, Bridges and Incidental Construction, Form 810 of the Connecticut Department of Transportation, except as otherwise provided by these regulations or other applicable regulations of the Town of Lisbon.
- 7.4 **Monuments and Markers.** Monuments shall be of stone or reinforced concrete, not less than three (3') feet long and four (4") inches square at the top with a brass or copper plug or drill hole or cross in the top center. These shall be set on true line subject to a field check by the Town Engineer or First Selectmen. They shall be set thirty-two (32") inches into the ground after all grading has been completed. Pipe markers shall be of iron and shall be at least one-half (½") inside diameter. If ledge is encountered, a brass plug one-half (½") inch diameter, three (3") inches long, shall be installed in the ledge and well cemented with a Portland cement mortar.
- 7.4.1 Monuments shall be placed at all points of curvature and tangency and at all angle points along a street and at one (1) front corner of each lot. Pipe markers shall be placed at all other lot corners or angle points.

- 7.5 **Utilities.** Electrical and telephone lines may be installed either above ground or underground, at the discretion of the applicant.

7.5.1 Water supply and distribution systems shall be installed in accordance with the specifications of the Southeastern Connecticut Water Authority (SCWA) or the Connecticut Department of Health, whichever, has jurisdiction. In accordance with Section 13 of Special Act 67-381, as amended by special Act 73-133, of the Connecticut General Assembly, SCWA may exercise jurisdiction when it is the intention of the applicant to develop a well water supply on the basis of studies which indicate a maximum requirement in excess of fifty (50) gallons per minute, or when the tract to be subdivided contains fifty (50) acres or more and is intended to contain two (2) or more dwelling units to be served by a single water supply.

7.5.2 All sewage shall be disposed of by subsurface sewage disposal systems approved by the Town Health Officer or by other methods approved by the Department of Environmental Protection or the State Department of Health, all in accordance with the provisions of Section 19-13-B20 of the Connecticut Public Health Code.

- 7.6 **Recreation Areas.** The Commission may require grading, seeding, planting, fencing and other reasonable improvements to land to be used for active recreation purposes.

- 7.7 **Street Signs.** Flexibility in the design of street signs is permitted provided the name of the street is clearly readable from a distance of fifty (50') feet and is constructed of a weatherproof reflective material all satisfactory to the Commission. All street signs shall conform to the following:

7.7.1 The sign post shall be at least three (3') feet below the ground surface and anchored by a concrete weight.

7.7.2 The sign and the post shall be constructed in a manner that will prevent turning.

7.7.3 Four-way intersections shall have two (2) sign posts located on diagonally opposite corners. T-intersections shall have one (1) sign post. Each sign post shall identify both intersecting streets.

- 7.8 **Trees.** Where new street trees are required by these Regulations, they shall be nursery and/or native grown, of specimen quality, balled and bur lapped, straight stemmed, free from disease, and treated for bark injuries. Such trees shall be planted at least six (6') feet from the edge of the street travel way. Determinations of precise locations of trees shall consider future possible locations of driveways and utility connections.

- 7.9 **Clean-up.** Upon suspension or completion of the work or any portion thereof, the developer or contractor shall remove from all public and private property all temporary structures, tools, and equipment, rubbish or waste materials resulting from his operations. Tree stumps and boulders shall be buried along property lines with a minimum of two-foot (2') cover. Cut-down trees and brush shall be removed from the property. All ditched shall be filled; all sewers, drains, catch sins, and manholes cleaned and flushed; streets, walks, curbs and other structures cleaned and repaired and the whole work left in a neat condition. All unpaved areas within the street lines and excavated or filled areas on private property shall be graded, covered with suitable topsoil or loam, rolled, fertilized and seeded with a mixture conforming to Section M.13.04 of the State Highway Department Standard Specifications for Roads, Bridges and Incidental Construction, Form 810.

- 7.10 **Modification of Improvements.** In at any time during the construction of the required improvements, unforeseen conditions make it necessary or preferable to modify the location or

design of such required improvements, the subdivider shall notify the Commission or its duly authorized representative, who shall either approve or disapprove the subdividers request. Such representative, when issuing an authorization under this section shall notify the Commission at its next regular meeting, and such action shall be incorporated into the official minutes. In no case shall a change be made without Commission approval that would change the number of lots or decrease a lot size below that required by the Zoning Regulations or change the location or extent of a street, open space, park or playground.

- 7.11 **Bond Release.** Upon completion of all improvements, the developer may apply to the Commission for release of the performance bond. The Commission shall refer such request to the First Selectman who shall report in writing to the Commission regarding the satisfaction completion of the required improvements. Upon receipt of favorable reports from the First Selectman, the performance bond shall be released by the Commission.

7.11.1 The Commission may, upon written request from the applicant and after consultation with the First Selectman, approve the release of parts of the performance bond after clearly definable portions representing at least half of the bonded improvements have been completed.

- 7.12 **Maintenance Bond.** Release of the performance bond shall be made only upon the substitution thereof of a maintenance bond in the amount to be determined by the Commission after consultation with the First Selectman, to continue for a period of two (2) years from the date of release of the performance bond, guaranteeing to remedy construction failures or to indemnify the Town for repairing such defects.

- 7.13 **As-Built Plans.** Before Town acceptance of lands improved for public use, and before the performance bond for such improvements is released, the applicant shall provide as-built plans of the improvements showing boundary markers are in place, specific locations, dimensions and elevations of streets, drainage features, and above-ground and underground utilities. Such plans shall be certified accurate by a Connecticut registered professional engineer.

SECTION 8 - WAIVERS

- 8.1 **Waivers.** (01/01/90) The Commission may waive a requirement of these Regulations, in whole or in part, by a three-quarters vote of all the members of the Commission in cases where conditions exist which effect the subject land and which are not generally applicable to other land in the area, except that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. Waivers may be granted only when strict compliance with these Regulations is deemed by the Commission not to be in the best interests of the Town or general public.
- 8.2 **Reasons for Actions on Waivers.** The Commission shall state upon its records the reasons for which a waiver is granted in each case.

SECTION 9 - GENERAL

- 9.1 **Amendments.** The provisions of these Regulations may, from time to time, be amended, modified, changed, or repealed by the Commission in accordance with provisions of Chapter 126, Section 8-25 of the General Statutes of the State of Connecticut.
- 9.2 **Penalties.** Any person, firm, or corporation making any subdivision of land without the approval of the Commission shall be fined not more than \$500.00 for each lot sold or offered for sale or so subdivided.
- 9.3 **Validity.** If any chapter, section, paragraph, clause, or provision of these Regulations shall be declared invalid, such invalidity shall apply only to the chapter, section, paragraph, clause or provision so invalidated, and the remainder of these Regulations shall be deemed valid and effective.
- 9.4 **Effective Date.** These Regulations amend previously adopted regulations for subdivision of land in Lisbon and originally effective on July 6, 1970. Amendments incorporated into this printing of the Regulations are effective July, 1988.