

SUBDIVISION OF LAND

Chapter 272

Town

of

GUILFORD

**GENERAL
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Chapter 272

SUBDIVISION OF LAND

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Approved: May 5, 2004
Effective Date: May 14, 2004

At its regular meeting on May 5, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

Amend § 272-14. Additional Requirements. (D) by adding the following:

"(6) That the proposed subdivision will not adversely affect the Town's historic resources as described in the 2002 Plan of Conservation and Development. The Commission may consult with the Town of Guilford Historic District Commission in carrying out this provision."

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development. The amendment is effective on May 14, 2004.

27208.2

Amendment - 05.05.04 - 272-14 (d) "historic resources"
(05/14/04)

COMMISSION — Refers to the Guilford Planning and Zoning Commission.¹

FLOODWAY — The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot anywhere in the Town. The regulated floodway consists of Zone A and Zone A1 – 30 on the Flood Insurance Rate Map.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) — Refers to a project of single-family detached or attached dwellings, garden apartments and/or townhouses authorized under Chapter 273, Zoning.

SOILS MAP — The boundaries of soil types within the Town of Guilford are hereby established as shown on advance soil survey plates prepared by the United States Department of Agriculture, Natural Resources Conservation Service, dated 1974, and as such plates may be amended from time to time by the Natural Resources Conservation Service and/or confirmed or adjusted by field investigation. A representation of such plates is on file in the office of the Guilford Town Clerk as a map entitled "Soils Inventory, Town of Guilford, Connecticut," dated June 30, 1978, under Supplement No. 1 accompanying the adopted Comprehensive Plan of Development and Conservation, which map is hereby made a part of these regulations and is hereafter referred to as the "Soils Map." [Amended 10-7-1998]

SPECIAL FLOOD HAZARD AREAS — Consist of Zone A, Zone A1 – 30 and Zone V1 – 30, which are delineated on a map entitled "Flood Insurance Rate Map, Town of Guilford, Connecticut, New Haven County," dated August 19, 1986, prepared by the Federal Emergency Management Agency, and as such zones may be amended from time to time by such Agency, which map is hereby made a part of these regulations. [Amended 10-7-1998]

SUBDIVISION and RESUBDIVISION — Requirements applicable to subdivisions shall also apply to resubdivisions. The terms "subdivision" and "resubdivision," as used in these regulations, are defined in Chapter 126 of the Connecticut General Statutes.² [Amended 10-7-1998]

WATERCOURSES — Shall be construed to consist of watercourses as defined in Chapter 271, Inland Wetlands and Watercourses.

WETLANDS — Shall be construed to consist of wetlands as defined in Chapter 271, Inland Wetlands and Watercourses.

§ 272-3. Procedure.

The Commission, in reviewing any proposed subdivision or resubdivision, and the person, firm or corporation proposing a subdivision or resubdivision shall follow the procedures hereinafter specified. The Commission shall approve any subdivision or resubdivision which conforms to

¹ Editor's Note: The first paragraph of original Section 1.2.3, the definition of "floodplain," which immediately followed this definition, was deleted 10-7-1998.

² Editor's Note: See Section 8-18 of the Connecticut General Statutes.

§ 272-8. Supervision of construction.

All construction and installation of roads, drainage and other improvements required by these regulations shall be carried out under the supervision of the Board of Selectmen or its

(Cont'd on page 27205)

authorized agent. The Board of Selectmen may establish such rules and procedures as are necessary to the proper supervision and inspection of construction.

§ 272-9. Additional policies and procedures.

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

§ 272-10. Penalties for offenses.

Any person, firm or corporation making any subdivision of land after the adoption of these regulations without the approval of the Commission is subject to penalties provided in the General Statutes of the State of Connecticut.

§ 272-10.1. Public hearing signs. [Added 10-6-1999; amended 1-4-2000]

For any application where a public hearing is held, the applicant shall erect a sign on the subject property. Said sign shall be legible from the adjacent public street, shall describe the type of application and provide the time and place of the public hearing. Said sign shall be not more than 16 square feet, be professionally lettered, on weatherproof material, be erected at least 14 days prior to the hearing and be removed within two days after the hearing's conclusion. Where a proposed subdivision has frontage on two public streets, a sign shall be erected on each of these streets.

ARTICLE II

Application Requirements and Procedure

§ 272-11. Informal preliminary consideration.

The Commission recommends that, prior to submission of a formal application for approval of a subdivision, the applicant present preliminary plans of the subdivision for informal consideration by the Commission or its representatives.

§ 272-12. Submission of materials.

All applications, maps, plans, documents and data required by these regulations shall be submitted, by mail or by hand, to the Commission at the office of the Commission in the Guilford Town Hall. Such materials shall be considered received on the day of the next regular meeting of the Commission immediately following the day of submission at the office of the Commission or 35 days after such submission, whichever is sooner.

- (b) A report of percolation tests on each proposed building lot. Percolation tests shall be carried out in accordance with the Connecticut Public Health Code and Chapter 228, Sewers, Article I, Sewage Disposal, of this Code.
 - (c) A copy of the site development plan, showing the location of all test pits and test holes and showing the dates of the tests.
 - (d) For lots, any portion of which is located in a special flood hazard area, proposals and assurances that each such lot is capable of accommodating an on-site sewage disposal system in a manner that avoids impairment of the system and contamination from the system during flooding.
 - (e) Such additional information as the Commission and/or the Director of Health and the Town Engineer may require to evaluate proposed sanitation facilities.
- (2) The Director of Health and the Town Engineer shall be notified at least 48 hours before the test pits are ready for inspection. The private sewage disposal and/or water supply systems shall be designed in accordance with the Connecticut State Public Health Code, unless a higher standard is required by other applicable law or regulation.
- G. Soils information. Additional soils information shall be submitted in accordance with § 272-48 where soils with very severe limitations for on-site sewage disposal occur in any proposed lot.
- H. Flood hazard assurances. When the subdivision includes land within a special flood hazard area, written assurances with attendant drainage maps and calculations shall be presented as follows, prepared by and bearing the seal of a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut:
- (1) That the flood-carrying capacity of any altered or relocated watercourse in the special flood hazard area will be maintained; and
 - (2) That any encroachment on the regulated floodway by construction of improvements or excavation, grading or depositing of materials will not result in any increase in flood levels in the town during the occurrence of the base flood discharge.
- I. Wetlands and watercourses. When completion of required streets, drainage or other subdivision improvements, as proposed, or the use of a lot involves an activity in a wetland or watercourse regulated under the provisions of Chapter 271, Inland Wetlands and Watercourses, the applicant shall present a copy of a letter or other document giving evidence that a copy of the subdivision application has been or will be submitted to the Guilford Inland Wetlands Commission no later than the day the application is filed with the Planning and Zoning Commission. **[Amended 10-7-1998]**
- J. For any application where a public hearing is being held (including preliminary consideration of an open space subdivision) the application shall include the names and addresses of the current property owners within 500 feet of the proposed subdivision as indicated in the Guilford Assessor's records. The applicant shall notify by certified mail all property owners so identified of the pending hearing; said notification shall have been mailed at least 14 days prior to the hearing. Proof of certified mail notification shall be

- A. Submission review. The Commission shall determine whether the application submitted under § 272-13 is complete. Failure to remedy an incomplete application will be cause for disapproval of the application.
- (1) If the Commission requests the submission of additional information, such as under § 272-14, such information shall be submitted within a reasonable period of time to be determined by the Commission and, in any event, within the time period during which the Commission is required to act on the application. Failure to submit the requested information may be cause for disapproval of the application.
 - (2) If the Commission holds a public hearing on an application, any additional information requested must be supplied prior to the holding of said hearing.
- B. Review by others. The Commission shall transmit copies of the maps and plans to the Director of Health and the Town Engineer of the Town of Guilford for their review and recommendations. Copies may also be sent to other officials and to boards, commissions and consultants as, in the opinion of the Commission, may be advisable for their information, review and recommendations.

(Cont'd on page 27209)

- C. Hearing. A public hearing regarding an application for approval of a subdivision may be held by the Commission if, in its judgment, the circumstances require such action or if required by law. Notice of any public hearing shall be given as required by law. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.
- D. Decision. After the public hearing, if any, or after the meeting afforded the applicant, the Commission shall approve the application if it shall find that the maps, plans, documents and data conform to the requirements of these regulations.
- (1) Approval shall include and be conditioned upon such of the following as are applicable to the particular application:
 - (a) Endorsement of the record subdivision map and any construction plans as approved by the Board of Selectmen or its authorized agent, if such endorsement has not already been obtained by the applicant.
 - (b) Endorsement of the record subdivision map as approved by the Director of Health.
 - (c) Completion of any required road, drainage or other subdivision improvements as approved and execution of the agreement and posting of a bond to guarantee completion and maintenance of such improvements.
 - (d) Presentation of conveyances to the Town for easements, open spaces, parks and playgrounds and for Town rights-of-way other than streets.
 - (e) Evidence that application has been submitted to other public agencies for such licenses or other permits that are required by law.
 - (f) Presentation of evidence that final arrangements have been made for provision of any proposed public water supply by a public utility company.
 - (2) In granting approval, the Commission may attach such conditions that it deems necessary to modify the record subdivision map, plans or documents and to preserve the purpose and intent of these regulations. If the Commission does not approve the application and all the accompanying maps, plans, certificates and documents, it may modify and approve or disapprove the application or any accompanying item. In approving, modifying and approving or disapproving an application or accompanying item, the Commission shall state in its records any conditions of approval, any modifications required and the grounds for its action. The Commission shall give notice of its decision as required by law.

§ 272-16. Easements and deeds.

Any open spaces, parks and playgrounds to be dedicated to the Town and any easements for storm drainage or sanitary sewers and Town rights-of-way other than streets shall be confirmed by written conveyance or map describing the land involved and privileges of the Town in a form satisfactory to the Board of Selectmen. The conveyance shall be accompanied by an appropriate map delineating the land involved in accordance with the standards of § 272-24, unless such land is shown on the record subdivision map.

Approved; November 16, 2005
Effective Date; November 28, 2005

At its regular meeting on November 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

Amendment to Chapter 272, Subdivision of Land, of the Town Code

Delete 272-21. 'Open space subdivisions.'

[Open Space Subdivisions will now be by Special Permit: see Article XXVII of the Zoning Code.]

27211

addition to any release that may be required from the Board of Selectmen, upon satisfactory completion of the improvements.

- B. The Commission's approval of a record subdivision map shall not be deemed to constitute or be evidence of town acceptance of any street or open space shown on the map.

§ 272-20. Plan changes.

Any change in lot lines of an approved or recorded subdivision which changes the size or shape of a lot or lots but which is not a resubdivision as defined in § 272-2 shall be shown on a revised map drawn at the same scale as the original subdivision map. The map shall be drawn on material approved by the Public Records Administrator, on sheets 12 inches by 18 inches or 24 inches by 36 inches, and shall bear the name and seal of a licensed land surveyor and be filed in the office of the Guilford Town Clerk. A copy shall be filed with the Commission. The title of the revised map shall include the title of the recorded subdivision map and appropriate notation as to the lot or lots affected by the change. Notwithstanding the foregoing, if any such change alters the plans for water supply, drainage systems or sewerage systems as shown on an approved site development plan, such changes, other than minor construction changes approved by the Town Engineer, shall be made only after review and approval by the Commission.

§ 272-21. Open space subdivisions.

*DELETED 11-16-05
REPLACED WITH SPECIAL PERMIT*

A. Purpose.

- (1) The purpose of this section is to provide an optional method for the creative development of subdivisions in the Town of Guilford in order to retain substantial areas of contiguous open space as defined in the Comprehensive Plan of Development and Conservation.
- (2) The Town of Guilford's Comprehensive Plan of Development and Conservation recognizes that our town's character and quality of life is closely related to its natural resources and that many natural resources, once lost, can never be replaced. The preservation of public and private open space is intended to conserve and protect such natural resources as farmland, forests, land for passive recreation, water resources, natural drainage systems, wildlife habitat, wildlife diversity, scenic beauty and historic sites.

B. Applicability. Open space subdivision applications are permitted in any R-5, R-6, R-7 or R-8 Zone.

C. Procedure. For any application for an open space subdivision, the following procedure must be followed. Where an open space subdivision is proposed, two alternative preliminary subdivision applications shall be submitted. The submission of alternative preliminary subdivision plans does not constitute the submission of a subdivision application in accordance with Article II of these regulations. One alternative shall be a standard subdivision prepared in accordance with the design standards of Chapter 273, Zoning, and these regulations. The second alternative shall be an open space subdivision

*OSSD BY SPECIAL PERMIT
NEW ARTICLE XXVII 273-213 to 273-219.*

- (3) Commission decision. As a part of its review process, the Commission shall hold a public hearing on the merits of the alternative preliminary subdivision application within 45 days of receipt of the application. Within 30 days of the close of the hearing, the Commission shall decide, by majority vote, whether to permit an open space subdivision. The Commission's decision shall be made with due regard to promoting the purposes of this section. In reaching its decision, the Commission shall consider the comments from the public hearing, written comments from town agencies and other interested parties. The applicant shall have one year from the date of the decision to file a formal application for subdivision approval, pursuant to the procedures in these regulations. Said period may be extended by the Commission for an additional one year upon written request of the applicant. [Amended 5-6-1998]

D. Open space subdivision design standards.

- (1) Density. The number of lots shall not exceed the number of lots permitted in a standard subdivision. [Amended 2-18-1998]
- (2) Area, location and bulk standards. All lots (including interior lots) shall, at a minimum, meet the requirements of the R-3 Zone as described in Table 3.¹ No lot shall contain less than 20,000 square feet of contiguous nonwetlands area.
- (3) Open space. Open space to be preserved shall comprise not less than 50% of the land area of the subdivision. The method of such open space reservation shall be as determined by the Commission. The Commission will prohibit methods of open space reservation which do not ensure the long-term maintenance and control of said open space.
- (4) Setbacks from open space subdivision boundaries. No building shall be located any closer to the boundary of the open space subdivision than the minimum side or rear yard setbacks otherwise prevailing in the zone in which the subdivision is located.
- (5) Landscaping and buffers. The Commission may require that landscaping and other buffers be provided as part of any open space subdivision approval.
- (6) Maintenance plan. The open space subdivision plan shall include a plan satisfactory to the Commission for the long-term maintenance of the open space and the payment of taxes (where applicable).

* APPLIES TO OPEN SPACE SUBDIVISIONS CREATED BEFORE
 ARTICLE III
 Maps and Plans
 11-16-05.

§ 272-22. General provisions.

- A. The maps and plans required by these regulations shall show the information and shall be prepared in accordance with the standards hereinafter specified. All such maps and plans shall be prepared by and shall bear the name and seal of a land surveyor or engineer or both as required by law and licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.

¹ Editor's Note: Table 3 is included at the end of Ch. 273, Zoning.

Approved; July 16, 2003
Effective Date; July 25, 2003

At its regular meeting on July 16, 2003 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

§ 272-24. Add the following; "A digitized copy of the final subdivision plan showing all property lines shall be submitted in data exchange format suitable to the Commission. An AutoCad drawing file is preferred, however other formats will be considered upon request. This information will be used to update the Town maps and Geographic Information System."

(7/16/03)

27214.1

| Information | SDP | RSM | RSM-PRD |
|---|-----|-----|---------|
| C. A location map showing the location of the subdivision in relation to existing roads in the town, at a scale of one inch equals 1,000 feet | X | X | X |
| D. An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names, delineation of areas covered by the section or sheet and match lines between sections | | X | X |
| E. Information on site conditions and land evaluations as follows: | | | |
| (1) Existing contours at an interval not exceeding 10 feet, based on on United States Geological Survey (USGS) contours or based on field or aerial survey. The Commission may require existing contours at intervals not exceeding two feet, based on field or aerial survey, when deemed necessary by the Commission or the Town Engineer to consider a particular subdivision. Benchmarks shall be the same as required by § 272-26. | X | | |
| (2) Existing permanent buildings and structures | X | X | X |
| (3) Any ledge outcrops | X | | |
| (4) Location of existing stone walls and fences | X | | |
| (5) Existing watercourses and wetlands | X | X | X |

| Information | SDP | RSM | RSM- PRD |
|--|-----|-----|-------------|
| (3) The perimeter boundary of the tract, with approximate dimensions, and the estimated area of the tract to be subdivided | X | | |
| (4) The perimeter boundary of the tract and the tract to be subdivided | | X | X |
| (5) The approximate location of existing property lines for a distance of 200 feet from the tract | X | X | X |
| (6) Both street right-of-way lines of any street abutting or within 200 feet of the tract | X | X | X |
| (7) The survey relationship of the tract to nearby monumented town roads or state highways, where practical | | X | X |
| (8) The names of adjacent subdivisions or all owners of property abutting the tract and the Assessor's Map and lot number | X | X | X |
| (9) Proposed lots and lot numbers, with approximate dimensions and areas | X | | |
| (10) Proposed lots and lot numbers and the area of each lot, when intended for separate ownership of individually constructed buildings | | X | X |
| (11) Delineation of areas by letter designation identifying areas for separate ownership, control and restriction and a table indicating for each such area the land use and proposed ownership and the square footage of area | | | X |
| (12) Proposed streets and other rights-of-way and the widths thereof | X | X | X |

| Information | SDP | RSM | RSM- PRD |
|---|-----|-----|-------------|
| (4) Any relocation or construction for channels or watercourses | X | | |
| (5) Any sanitary sewers, treatment facilities and appurtenances serving two or more dwelling units or lots to be in separate ownership and any central water supply well site, water mains, hydrants and appurtenances | X | | |
| (6) The limits of any area proposed for grading by major excavation or filling | X | | |
| (7) The limits of any areas proposed to be reserved and protected from excavation or filling | X | | |
| (8) The proposed location of any activity that is subject to Chapter 271, Inland Wetlands and Watercourses | X | | |
| H. The following additional information: | | | |
| (1) The error of closure, which shall not exceed 1 in 5,000 | | X | X |
| (2) A signature block entitled "Approved by the Guilford Planning and Zoning Commission," with a designated place for the signature of the Chairperson and date of signing and the words "Expiration date per Section 8-26c of the Connecticut General Statutes," with a designated place for such date | X | X | X |
| (3) When a proposed public street or drainage system is part of the subdivision, a signature block entitled "Approved by the Board of Selectmen," with a designated place for the signature of the First Selectman and date of signing | | X | X |
| (4) A signature block entitled "Approved by the Director of Health," with a designated place for the signature of the Director of Health and the date of signing | | X | X |

§ 272-27. Grading plan.

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 and submitted in the same manner as the § 272-26 requirements for the submission of construction plans. Contours and elevations shall be based on the same benchmarks as provided in § 272-26.

A. The grading plan shall show at least the following information:

- (1) The title of the subdivision.
- (2) The date, scale, North point, town and state.
- (3) The layout of existing and proposed lot lines and street lines.
- (4) Existing and proposed contours at an interval not exceeding five feet based on field or aerial survey. The Commission may require contours at two-foot intervals when deemed necessary to determine the adequacy of particular grading plans related to subsurface sewage disposal and/or control of erosion.
- (5) Existing and proposed drainage, wetlands and watercourses.
- (6) The boundaries of any special flood hazard areas and floodways and the base flood elevation data therefor.
- (7) Existing and proposed buildings and structures, together with the proposed locations of the well and subsurface sewage disposal systems.¹⁰
- (8) The location of all test holes, test pits or borings.
- (9) Provision for temporary or permanent stormwater detention and provision for control of erosion and sedimentation during and upon completion of regrading. (See § 272-46.)

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

§ 272-28. As-built drawings.

Upon completion of the road and storm drainage construction, an as-built sepia or Mylar tracing, together with one blue-line or black-line print per tracing, must be submitted prior to the acceptance of the road by the Board of Selectmen. These drawings shall show the as-built location of all items depicted on the plan and profile construction drawing(s) approved by the Board of Selectmen. The specifications for the preparation of the as-built drawings shall be the same as for the preparation of the construction plans as denoted above in § 272-26.

¹⁰ Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

system prepared by a licensed professional engineer. Such waivers may be granted by the Commission upon written request by the applicant and by a three-fourths vote of all of the members of the Commission and when the waiver will have no significant adverse effect on adjacent property or on public health and safety.

- B. Frontage. Each lot shall have frontage as required by Chapter 273, Zoning, on an existing A-1 or A-2 town highway or state highway, on a proposed street in the subdivision or on a street in a subdivision approved by the Commission, except as may be modified by Subsection E.
- C. Lot numbers. Lots intended for separate ownership of individually constructed buildings shall be numbered consecutively, beginning with the number one, throughout the entire subdivision, without omissions or duplications. No fractions or letters shall be used, unless necessary for clarity in a resubdivision. Adjoining sections of a subdivision having the same title shall not duplicate numbers but shall continue the sequence of numbers previously used. Parcel areas for development in PRD's shall be identified by letter code.¹¹
- D. Lot lines and shape. Insofar as practicable, the side lot lines of all lots shall be at right angles to the street on which the lot faces or shall be radial to the street line. It shall be the discretion of the Commission to refuse to permit town boundary lines to cross any lot, and in the event of such refusal, such boundary line shall be made to constitute one of the lot lines. In other than R-8 Districts and in order to avoid excessively deep lots and potential for construction of rear dwellings, lot depths should not be greater than 2½ times the average width of the lot. Lots with long appendages or panhandles or lots with extreme irregular shapes shall be prohibited.
- E. Interior lots. Where, owing to specific conditions of topography, streams, inland wetlands or other natural conditions, the construction of streets or the design of lots with required frontage is impractical or would destroy natural features that should be retained, the Commission may approve interior lots, provided that a request, in writing, setting forth the conditions and reasons, is made with the application.
- F. Lot grading. Lots shall be graded to prevent ponding of water on the lot after construction of streets, drainage and buildings is completed. Where filling of lots for final grading is required, compactible fill and topsoil as required for lawn or plant growth shall be used. Tree stumps, logs, other decomposable material or building debris shall not be used as fill material. When rocks or boulders are used for fill, they shall be located only in areas of the lot where they shall not adversely effect foundations, septic systems, drainage facilities or underground utilities and shall be deposited so that, in the opinion of the Town Engineer or his or her duly designated representative, voids likely to cause undue declivity will not be created. (See also § 272-14A as to limitations on depth of fill requirements for a grading plan.)

§ 272-32. Streets.

Streets shall be designed and constructed in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards, and the following additional standards:

¹¹ Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

improvements as may be required in accordance with the standards of Chapter 241, Streets and Sidewalks, Article IV, Road Standards. In order to make such a determination, the Commission must find that the benefits stemming from said road improvements accrue primarily to the applicant or, where road improvements made pursuant to this section benefit other adjacent or nearby owners of undeveloped property or benefit the traveling public generally, the cost of making said improvements shall be apportioned according to the benefit conferred.

- (2) In lieu of the applicant making improvements to existing streets pursuant to the above requirements, the Commission may permit the applicant, at his/her sole discretion, to make cash contributions to a dedicated road improvement fund, the amount of such contributions to be determined by the Commission upon the advice of the Town Engineer. An agreement creating such a fund must be established between the applicant and the Board of Selectmen.
- E. Access. Each street shall connect with an existing A-1 town highway or state highway or a street in a subdivision approved by the Commission or with a proposed street in the subdivision connecting with an existing A-1 town highway or state highway or a street in a subdivision approved by the Commission. Streets shall be designed to establish building lots at or above the grade of the street wherever possible.
- F. Intersections. The following standards shall apply to street intersections:
- (1) Except where impracticable because of topography or other conditions, all streets shall intersect so that for a distance of at least 100 feet, the street is at right angles to the street it intersects. Two streets intersecting another street on opposite sides shall intersect at the same point or be offset from one another by at least 125 feet, and no intersection shall be at an angle of less than 60°.
 - (2) No more than two streets shall intersect at one point. Intersections shall be spaced not less than 400 feet apart, except when, in the opinion of the Commission, conditions justify a variation from this requirement.
 - (3) At street intersections, property line corners shall be rounded by an arc having a minimum radius of 25 feet.
- G. Street names. Streets shall bear names which do not duplicate or too closely approximate in spelling or sound existing street names in the Town of Guilford. Streets which extend or are in alignment with existing streets shall bear the same name as the existing street. All street names shall be subject to the approval of the Commission.
- H. Scheduling. The subgrade and subbase of any street, together with all drainage required for the street, shall be completed in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards, prior to approval of an application for certificate of zoning compliance for any structure on or served by such street. Pavement base courses and surface courses and curbs shall be completed in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards, before application for town acceptance of any street.

Approved; September 21, 2005
Effective Date; September 30, 2005

At its regular meeting on September 21, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Proposed Amendment to Subdivision Code
Re: Stormwater Management

Add **D.** to **272-33. Storm drainage.**, the following;

"D. Stormwater Management Plans.

1. **Purpose and Authority.** Increased development without proper consideration of stormwater impacts can be a significant source of pollution to Long Island Sound, its tributaries, and other waters of the State of Connecticut and the Town. These water resources are valuable natural, economic, recreational, cultural and aesthetic resources. The protection and preservation of these waters is in the public interest and is essential to the health, welfare and safety of the citizens of the Town. It is therefore, the purpose of this ordinance to protect and preserve the waters within the Town of Guilford from non-point sources of pollution through the proper management of stormwater flows and minimization of pollutants as defined by the "2004 Connecticut Stormwater Quality Manual" prepared by the Connecticut Department of Environmental Protection, as it may be amended, (hereafter referred to as the CT Stormwater Management Manual).
2. **Application Requirements.** A stormwater management plan shall be included as a part of any subdivision application.
3. **Contents of Stormwater Management Plans.** Stormwater Management Plans shall include a narrative of the objectives of the Plan including the impacts resulting from the proposal or activity and a description of the practices, techniques, structures and facilities proposed to mitigate such impacts. It shall provide, at a minimum the following information and shall be prepared by an engineer licensed to practice in the State of Connecticut. The Plan shall provide:

- a. Soil characteristics based on site testing.
- b. Location of the closest surface water bodies and wetlands to which drainage might be directed, and the depth to groundwater. In the case of tidal waters, provide the mean high water and high tide elevations. Identification of Flood Hazard Boundaries as represented on Guilford's Flood Insurance Rate Map (FIRM).
- c. A description of design methodologies, hydrologic, hydraulic, and water quality computations for all practices and techniques, and structures and facilities. In general, this information should be submitted in accordance with the hydrologic and hydraulic design and analysis documentation requirements of the Connecticut Department of Transportation Drainage Manual, as amended. The design of all stormwater treatment practices shall be in accordance with the recommendations of the CT Stormwater Quality Manual.
- d. Drawings including plan views, profiles, sections, and typical details of all storm water management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design; details of construction and/or installation, dimensions and materials including planting and landscape plans and details associated with storm water management system components.
- e. Structural design, geotechnical design and supporting information, as required by the Town Engineer for certain stormwater management system components such as, storm sewers, channels, outlet protection measures, culverts, bridges, dams, spillways and outlets.
- f. Location of all easements stating the specific responsibilities of the grantor and grantee as the access and maintenance of the storm water system.
- g. Proposed maintenance and operation manual or schedule for any Best Management Practices

(BMP) devices used to prevent pollution or treat stormwater.

- h. For applications where the Commission finds that non point pollution will not effect the pre development character of the land, it may vote to waive any of the above plan requirements.

4. Standards and Criteria for Decision. No stormwater management plan may be approved without a finding that the plan is consistent with the CT Stormwater Quality Manual and the following criteria;

- a) Design and planning for site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible as determined by the Town Engineer in accordance with the CT Stormwater Quality Manual.

Pollutants shall be controlled at their source through the application of Best Management Practices (BMP).

- b) All Stormwater management systems shall be designed to collect, retain and treat the first inch of rainfall on the subdivision parcel so as to eliminate surface and groundwater pollution
- c) Stormwater runoff rates and volumes shall be controlled by slowing runoff velocities and infiltration. BMP methods for controlling runoff and infiltration shall be in accordance with the CT Stormwater Quality Manual. Stormwater management plans must demonstrate as close to a Zero increase runoff for a two year storm compared to pre-Development condition as is practicably possible based on Site soil conditions.
- d) All Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids following the completion of the subdivision are no greater than such loadings prior to the proposed activity. Alternatively, storm water treatment systems shall remove 80% of total suspended solids from the subdivision on an average annual basis.

5. Construction

Upon approval of the Subdivision application but prior to the commencement of any work, the applicant shall execute an agreement and file a bond with the Board of Selectmen to guarantee completion and maintenance of the work required for a period as determined by the Board. Bonds shall be released upon satisfactory completion of the approved facilities with the exception of 5% of the total bond will be retained for the purposes of maintenance and unforeseen deficiencies. This amount will not be released until 1 year after approval of the completed work required. As-built drawings are to be prepared in accordance with the requirements of Chapter 272, Subdivision of Land 272-28.

6. Maintenance

The Town shall have no obligation to accept and maintain stormwater management facilities. With respect to stormwater management facilities that the Town has agreed to accept and maintain, the Planning & Zoning Commission shall require applicants to make contributions to a dedicated stormwater management system maintenance fund. The amount of such contributions to be determined by the Commission upon the recommendation of the Town Engineer.

7. Stormwater Management Plans for Individual Lots

The Commission may require that Stormwater Management Plans be prepared, prior to approval of a Building Permit for said lot, when it determines that the development of said lot may have negative stormwater impacts.

shown on the record subdivision map with adequate survey information so that the land subject to easement may be accurately located by field survey.

- A. Easements may be required in the following types of cases as applicable to the particular subdivision:
- (1) For access to bridges and culverts with construction and maintenance equipment.
 - (2) For stormwater pipes and water mains and sanitary sewers and appurtenances, if any, which easements shall be not less than 30 feet in width.
 - (3) For use and access to stormwater detention basins and fire ponds.
 - (4) For identification of points or areas of storm drainage spillage rights from streets when storm drainage conduits are not to be installed.
 - (5) Temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street.
 - (6) Sight easements across corners of lots at all street intersections to assure safe line of sight on the street and to authorize the owner of the abutting street to remove obstructions or regrade within the easement area.
 - (7) Easements at least 10 feet in width for pedestrianways to open spaces, parks, playgrounds, schools and other public or semipublic places where the street system does not conform to a convenient pattern of pedestrian circulation.
 - (8) For bikeways or horse riding trails as part of a plan and program for a neighborhood.
- B. Easements may also be required for stormwater pipes and facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision. Easements may also be required where natural prescriptive drainage rights must be altered by land subdivision. Easements for pipe systems shall be located so that the pipe is positioned at least 10 feet from the boundary of such easement, unless otherwise directed by the Town Engineer.

§ 272-35. Driveways.

- A. Driveways to individual lots or interior lots shall be so located, designed and constructed as to prevent erosion and prevent excessive road drainage down driveways or excessive driveway drainage onto the traveled way. Construction of such drainage facilities shall be completed prior to issuance of a certificate of zoning compliance or town acceptance of the roads, whichever comes first.
- B. [Amended 7-10-1996] Driveway entrances onto heavily traveled roads are discouraged and, wherever possible, should be laid out and designed to enter onto lightly traveled roads. Where no method of layout other than entrance onto heavily traveled roads is possible, driveways shall be combined between lots whenever possible. Safe driveway entrances with adequate sight lines for safe vehicular entry onto a street shall be required and adequate vehicular turnarounds within the lot provided.
- (1) Driveways shall be constructed according to the following standards:

Approved; January 7, 2004
Effective Date; January 16, 2004

GUILFORD TOWN BOARD
04 JAN 09 11:04:47

At its regular meeting on January 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

§ 272-36. Monuments. (Amended 01-07-04)

"Monuments shall be provided on all street right-of-way lines at all angle points and points of curvature and tangency. At least two monuments shall be provided for each 800 feet of street. Additionally, monuments shall be installed at the street corners of all lots and at the rear corners of all lots. Steel rods or pins at least five-eighths inch in diameter by thirty inches long shall be used to accurately define the boundaries of irregularly shaped lots through placement at all turning points in the lot line.

Monuments shall be made of concrete, reinforced with steel rods, and shall be not less than 5 inches square at the base and 4 inches square at the top and not less than 30 inches in length. Monument tops shall be suitably marked. Street monuments shall be set in place after all street construction is completed, with the marked point set on the point of reference. Where compliance with these standards is impractical owing to extreme physical conditions, alternative methods of boundary marking may be allowed subject to the approval of the Town Engineer.

The location of all proposed monuments and iron pins shall be placed on the subdivision map. Prior to signature of the subdivision map by the Chairman, all monuments and steel rods shall be installed in their respective locations or a bond be posted to insure installation. A certificate of occupancy will not be issued for any lot prior to installation of lot monuments unless adequate bonding has been provided."

This amendment is approved based upon a finding that it conforms with the Plan of Conservation and Development 2002. This amendment is effective on January 16, 2004.

27228.1

Approved: November 16, 2005
Effective Date: November 28, 2005

At its regular meeting on November 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

Amendment to Chapter 272, Subdivision of Land, of the Town Code

Delete 272-41. "Parks, recreation areas, and open spaces.", and **substitute** the following;

"272-41. Parks, recreation areas, open spaces and Town land

General

As provided in CGS Section 8-25, every subdivision shall provide for dedication of land in order to:

- Protect and conserve natural features and resources.
- Protect and conserve historic and other community resources.
- Establish greenbelts, and trails.
- Provide for parks, playgrounds and other active and passive recreation areas
- Supplement existing open space areas.
- Implement open space and other recommendations of the Plan of Conservation and Development and the Plan for Open Space and Municipal Lands.

This open space requirement may, with approval of the Commission, be met through;

- Dedication of land within the subdivision.
- A fee-in-lieu of land donation.
- Dedication of land and a fee-in-lieu of land donation, or
- Some other arrangement that shall be found by the Commission to be acceptable, such as a streetscape protection easement, trail easement, conservation easement, or similar proposal.

Dedication of Land

Where land is dedicated as open space in accordance with this Section it shall be in accordance with the following standards;

- At least ten (10%) percent of the total area of the subdivision shall be so dedicated.
- The Commission may require that the area dedicated to open space shall not consist of a greater percentage of area classified as wetland, watercourse, 100-year floodplain, or slopes in excess of twenty-five percent (25%) than the parcel as a whole. This requirement may be imposed by a three fourths (3/4) vote of the Commission and as provided in CGS Section 8-26 and in accordance with the following standards.
 1. In order to preserve high quality forest land.
 2. In order to preserve areas with significant specimen trees.

3. In order to preserve important animal or plant habitat especially rare or endangered species.
 4. In order to provide open space land which is contiguous with other open space both within and outside of the proposed subdivision or in order to provide access to the open space.
 5. In order to provide walking hiking and/or biking trails
 6. In order to protect special wetland areas, streams or other water bodies.
 7. In order to provide land for storm water management purposes.
 8. In order to protect scenic areas or views.
- Such dedication shall be in locations deemed proper by the Commission
 - Such dedication shall be shown on the subdivision map or on another suitable map if located elsewhere in Guilford.
 - The Commission may defer the requirement for the immediate provision of such land in a subdivision which is a part of a larger tract of land, provided that the applicant dedicates an area of land in the undeveloped portion of the tract equal to the requirements of this section in the developed portion.
 - Land shall be deeded in perpetuity and applicant shall designate which entity is proposed to own the land to ensure its permanent protection. The following are acceptable grantees of open space land;
 - a. the Town of Guilford including its Park and Recreation Commission, Conservation Commission or other Town agency. The applicant shall provide evidence to the Commission that it has consulted with the Board of Selectmen and that the Board of Selectmen has recommended that the Town accept such land. The applicant shall specify on the plan an alternative disposition of the open space acceptable to the Commission that shall apply in the event that the acceptance of the land is rejected by the Town meeting or is otherwise not accepted by the Town.
 - b. a recognized private organization legally constituted to accept and to maintain land for conservation and/or recreation purposes, such as a land trust.
 - c. A homeowners association. A copy of the homeowner's deed and the by-laws of the association shall be submitted to the Commission.

Condition of Open Space Land

Land areas to be dedicated shall not be used as a depository for brush, stumps, earth, building materials, or other debris. The Commission may require that any land have direct access to a public road or through a right of way dedicated to public use and that it be graded and improved to allow for pedestrian access.

Fee in Lieu of Land

- Where dedication of land as open space will not meet the purposes of this section, the Commission may request that the developer/applicant pay a fee to the Town, or pay a fee and transfer land to the Town (or other acceptable entity) in lieu of any requirement to provide land.
- If payment of such a fee is proposed by the applicant, the Commission may refuse such fee if it determines that there are acceptable areas in the subdivision which merit preservation by one of the methods set forth in these Regulations.

- If approved by the Commission, a fee in lieu of land shall be paid to the land acquisition fund of the Town in accordance with Section 8-25 of the Connecticut General Statutes, as amended.

Waiver of Open Space Dedication

The provisions of this Section requiring the dedication of open space shall not apply to certain subdivisions as provided in CGS Section 8-25. Furthermore, any provision of this Section may be waived by the Commission upon a three fourths (3/4) vote of the Commission.

(Amendment - 11.16.05 Open Space Regs S-D)

thereof economically feasible. In special flood hazard areas, water supply systems shall be designated to minimize or eliminate infiltration of floodwaters into such systems.

§ 272-39. Sanitary sewer systems.

Any sanitary sewer system and sewage treatment plan serving proposed lots shall conform to standards of the Director of Health of the Town of Guilford, the Connecticut State Department of Health or the Connecticut Department of Environmental Protection, as applicable. In special flood hazard areas, sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into such systems and discharges from such systems into floodwaters.

§ 272-40. Sidewalks.

- A. The Commission may require sidewalks to be installed when they are deemed necessary for public safety and when one of the following conditions exists:
- (1) Where the average lot area is 10,000 square feet or less.
 - (2) Where any street is classified as a town collector road.
 - (3) Where the subdivision extends or has frontage on an existing street which has sidewalks.
 - (4) Where any street is within 1,000 feet of a school site, public facility, park or playground site.
 - (5) Where pedestrian easements are provided.
 - (6) Along culs-de-sac or interior residential roads where children must walk to a school bus stop.
- B. When sidewalks are required, plans for the sidewalks shall be shown on the construction plans. Sidewalks shall be a minimum of four feet in width and shall be located within the street lines, with one edge abutting the property line. The sidewalk shall be laid on a six-inch bank-run gravel base, tamped and rolled, and shall be constructed of materials acceptable to the Commission for the area in which the sidewalk occurs.

§ 272-41. Parks, recreation areas and open spaces.

Land for parks, playgrounds, recreation areas and natural open spaces shall be provided and reserved in each subdivision in accordance with any adopted Comprehensive Plan of Development and Conservation and as deemed necessary and in locations deemed proper by the Commission. The land reserved shall be of such size, location, shape, topography and general character as to be useful to satisfy the needs determined by the Commission. Proper pedestrian and/or vehicular access shall be provided each such reservation. Not less than 10% of the total area of the subdivision shall be so reserved, unless the Commission determines that a lesser area is sufficient to satisfy the need determined by the Commission or that there is no land in the subdivision suitable for such reservation.

*DELETED + REPLACED
WITH NEW 272-41 [11-16-05]*

- B. All open space, as approved by the Commission, shall be cleared of all debris, piles of earth or material placed on it by the developer and, where said open space is designated for town public recreation use, shall be rough graded to a condition satisfactory to the Commission prior to acceptance as recreation space by the town. The Commission may require filing of a bond to guarantee satisfactory completion of these improvements to open space, including cleanup of construction debris from streams.

§ 272-42. Street and traffic signs.

- A. Street name signs of metal construction shall be installed at all street intersections in locations approved by the Board of Selectmen. Such signs shall be of a design and material approved by the Board of Selectmen. Traffic signs, as required by the Police Department, of regulation size, shape and material and embedded in concrete shall be installed prior to town acceptance of subdivision roads.
- B. Prior to the issuance of a certificate of occupancy for any structure on a new street, either the street signs as specified above or temporary street signs not less than two square feet in size and on a post eight feet high shall be installed, and all houses shall be numbered with visible street numbers, as assigned by the Commission.

§ 272-43. Street trees.

The Commission may require that street trees be planted 40 feet to 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, and such trees shall be located within three feet of the edge of the pavement. Trees to be planted shall be of three-inch caliper or larger, shall be planted, protected and maintained using good horticultural practices and shall have a minimum height of 10 feet. The species of trees shall be subject to the approval of the Commission. Where the trees may interfere with utility poles and wires, the Commission may permit the location of required trees within the front 10 feet of the proposed lots. Existing trees along the proposed street which conform to these requirements may be substituted for new trees at the discretion of the Commission.

§ 272-44. Fire ponds.

Where deemed necessary by the Commission or the Town Fire Marshal, fire ponds of adequate depth and capacity shall be provided in appropriate locations.

§ 272-45. Reserve strips.

Reserve strips of land which, in the opinion of the Commission, show an intent on the part of the applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.

- (b) The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
 - (c) The existing structures on the project site, if any.
 - (d) The proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
 - (e) The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.
 - (f) The sequence of grading and construction activities.
 - (g) The sequence for installation and/or application of soil erosion and sediment control measures.
 - (h) The sequence for final stabilization of the development site.
- (3) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
- C. The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- (1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under § 272-17 of these regulations.
 - (2) Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
 - (3) Planned soil erosion sediment control measures and facilities shall be installed as scheduled according to the certified plan.
 - (4) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
 - (5) Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.
- D. Definitions. As used in this section, the following terms shall have the meanings indicated:
- CERTIFICATION** — A signed, written approval by the Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

- (1) ¹³In Guilford, soils having very severe limitations as defined by the Natural Resources Conservation Service's Special Soils Report, New Haven County, Connecticut, Soil Interpretations for Urban Uses, are as follows:

| Soils With Bedrock Generally Within 20 inches or Less of the Surface | Very Poorly Drained Soils |
|---|--------------------------------------|
| 7MC | 28M |
| 7MD | 43M |
| 8 | 91 |
| 17MC | 92 |
| 17MD | 754 |
| 94MBC | 823 |
| 94MC | TM |
| 94MD | |
| 94D | |

- (2) An applicant who is uncertain about the location of the boundaries of these soil types should consult the Commission or its representative in accordance with § 272-11.
- B. An applicant desiring to use soils designated on the Soils Map as having very severe soil limitations for soil absorption sewage disposal facilities shall have an opportunity to demonstrate, to the satisfaction of the Commission, that the soil types or their boundaries as shown on said map are incorrect. The Commission will receive and evaluate the certification of a soil scientist or professional engineer that the soils in question do not have such very severe limitations. This certification will be based on sufficient test pits or other investigatory methods acceptable to the Commission to determine the correct location of the soil types and their boundaries.
- C. None of the soil types shown on the Soils Map shall be used for soil absorption sewage disposal facilities unless the applicant presents evidence satisfactory to the Commission showing that a soil absorption sewage disposal facility can be installed in conformance with the standards of the Connecticut Public Health Code and Chapter 228, Sewers, Article I, Sewage Disposal, of this Code, or their successor regulations.
- (1) Such evidence shall consist of at least three test pits (dug in accordance with the requirements of the Connecticut Public Health Code and Chapter 228, Sewers, Article I, Sewage Disposal) in the area of the proposed leaching system. Said test pits shall be dug between February 1 and May 31; provided, however, that the Town Engineer and Director of Health or successor official may waive this date requirement if other evidence satisfactory to the Town Engineer is presented showing that no groundwater may be expected at less than 4.5 feet at any time of year. The Town Engineer shall be notified of all soil testing so that the Engineer or his or her designated representative may verify results by observation of the tests.
- (2) If the soil testing required above indicates that groundwater may reasonably be expected within 4.5 feet from the surface or bedrock within six feet from the surface,

¹³ Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

ARTICLE VI
Severability; When Effective; Repealer

§ 272-51. Severability.

If any section, paragraph, sentence, clause or phrase of these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these regulations.

§ 272-52. When effective; repealer.

- A. These regulations and any amendments or changes hereto shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- B. The Subdivision Regulations of the Town of Guilford, Connecticut, made effective by the Commission on September 9, 1974, and all amendments thereto are repealed coincident with the effective date of these regulations. The repeal of the above regulations and all amendments thereto shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.