

# SUBDIVISION OF LAND

Chapter 272

Town

of

GUILFORD

GENERAL  
**CODE**  
PUBLISHERS

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SUBDIVISION OF LAND

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[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Guilford 3-26-1979, as amended through 11-4-1993. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 148.  
 Numbering of buildings — See Ch. 151.  
 Fees — See Ch. 166, Art. II.  
 Flood damage prevention — See Ch. 174.  
 Sewers — See Ch. 228.

Streets and sidewalks — See Ch. 241.  
 Trees — See Ch. 252.  
 Inland wetlands and watercourses — See Ch. 271.  
 Signs — See Ch. 273, Art. VII.  
 Zoning — See Ch. 273.

ARTICLE I  
General Provisions

§ 272-1. Applicability.

These regulations shall apply to the subdivision and resubdivision of land within the Town of Guilford. Any subdivision or resubdivision of land within the Town of Guilford shall conform to the requirements of these regulations. No subdivision or resubdivision of land shall be made by any person, firm or corporation until an application for such subdivision or resubdivision has been submitted to and approved by the Guilford Planning and Zoning Commission and a map thereof has been endorsed by the Commission as approved and filed by the applicant in the office of the Guilford Town Clerk.

§ 272-2. Definitions.

Certain words used in these regulations are defined and explained as follows:

**APPLICANT** — Refers to the person, firm or corporation proposing a subdivision or resubdivision.

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION** — The particular elevation of the base flood as specified on the Flood Insurance Rate Map for Zone A1 – 30 and Zone V1 – 30.

COMMISSION — Refers to the Guilford Planning and Zoning Commission.<sup>1</sup>

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 VI – 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.<sup>2</sup> [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

<sup>1</sup> 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.

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

the standards hereinafter specified or as modified under the provisions of § 272-50 of these regulations.

**§ 272-4. Approval; conditions; delivery of map.**

Approval may be granted by the Commission subject to conditions and safeguards necessary to carry out the letter and the purpose and intent of these regulations and to protect the public health, safety and welfare and property values. No map of a subdivision or resubdivision shall be endorsed by the Commission to permit filing in the office of the Guilford Town Clerk until all applicable conditions of approval have been met and until the time for taking an appeal from the action of approval by the Commission has elapsed and, in the event of an appeal, until the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. All maps, so endorsed, shall be delivered promptly to the applicant.

**§ 272-5. Endorsement and filing.**

No subdivision or resubdivision shall be filed in the office of the Guilford Town Clerk until the Chairperson or Secretary has endorsed the Commission's approval on the map.

**§ 272-6. Time limit for filing. [Amended 1-2-2002]**

The endorsed record subdivision map, showing any modifications upon which final approval of the subdivision was contingent, shall constitute the approved subdivision map. Within the time frame specified under Connecticut General Statutes, Section 8-25, the applicant shall file and record the endorsed map in the office of the Guilford Town Clerk, except that the Commission may, by resolution, extend the time for such filing and recording for two additional periods of 90 days as authorized under Connecticut General Statutes, Section 8-25(a). The filing and recording fees shall be paid by the applicant.

**§ 272-7. Authorization for construction.**

Construction and installation of roads, drainage and other improvements on any tract of land proposed for subdivision or resubdivision shall not be deemed authorized and shall not be commenced until:

- A. An application for such subdivision or resubdivision has been approved by the Commission;
- B. Any conditions of approval precedent to such construction and installation have been met; and
- C. The time for taking an appeal from the action of approval by the Commission has elapsed and, in the event of an appeal, until termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.

§ 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.

**§ 272-13. Formal application requirements.**

In order to make formal application for approval of a subdivision, the following procedure shall be followed and the following maps, plans, documents and data shall be submitted:

- A. Application. Application for approval of a subdivision shall be made to the Commission, in writing, on forms prescribed by the Commission and signed by the applicant or his or her lawful agent. If the subdivision is proposed by a person, firm or corporation other than the owner of the land to be subdivided, the application shall also be signed by the owner or his or her lawful agent.
- B. Application fee.<sup>3</sup> An application fee for each lot shown on the subdivision map shall accompany the application. The application fee shall be in accordance with a schedule of fees adopted from time to time by resolution of the Commission. All checks and money orders shall be made payable to the Town of Guilford. The Commission may, by resolution, determine that an application fee is not required for resubmission of an application disapproved by the Commission within the previous 90 days or submission of a revision of a previously approved subdivision when such revision does not constitute a resubdivision. [Amended 10-7-1998]
- C. Site development plan. A site development plan shall be submitted with the application and shall conform to all of the requirements of § 272-23 of these regulations.
- D. Record subdivision map. A record subdivision map shall be submitted with the application and shall conform to all of the requirements of § 272-24 of these regulations.
- E. Construction plans. Construction plans, including plan-profile drawings, for any proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs, utilities and other structures shall be submitted with the application and shall conform to all of the requirements of § 272-26 of these regulations.
- F. Sanitation report. When a subdivision is not to be served by municipal sanitary sewers and public water supply, a written report shall be submitted establishing the adequacy of plans for proposed private sewage disposal and/or water supply systems. The report shall be prepared by a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut and shall be submitted to the Commission for approval by the Director of Health of the Town of Guilford.
  - (1) The report shall contain at least the following information:
    - (a) A report of all test pits dug on each proposed building lot. Test pits shall be dug in accordance with the standard set by the Connecticut Public Health Code and Chapter 228, Sewers, Article I, Sewage Disposal, of this Code, shall be clearly marked and completely protected while open and shall be backfilled upon the approval of the Town Engineer as soon as practicable after satisfactory completion of the tests to avoid the hazards to public safety which such open pits present.

<sup>3</sup> Editor's Note: See Ch. 166, Fees, Art. II.



- (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. <sup>6</sup>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

submitted to the Commission prior to the public hearing. [Added 10-20-1999; amended 4-19-2000]

**§ 272-14. Additional requirements.**

Upon review of the application and information submitted under § 272-13, the Commission may require the submission of additional information as follows:

- A. Grading plan. The Commission may require the submission of a grading plan if any major regrading, cuts, fills or soil or rock removal is proposed in the subdivision. The grading plan shall conform to all of the requirements of § 272-27 of these regulations. All subdivisions shall be developed and graded generally in accordance with the final site development plan as approved by the Commission. If, during development of the subdivision, any major regrading of a portion of the subdivision requires changes in grade of over five feet, other than grade changes required for streets, foundations, basements or driveways, a revised grading plan shall be submitted for approval by the Commission.
- B. Erosion and sedimentation control plan. Plans for erosion and sedimentation control meeting the standards of § 272-27 may be required in connection with subdivisions involving the construction of new streets and in other cases where there is potential for significant soil erosion.
- C. Design data. Pertinent survey data and construction design computations shall be presented for review by the Town Engineer and/or the Board of Selectmen.
- D. Additional evidence. Additional evidence shall be submitted to establish the following to the satisfaction of the Commission:
  - (1) That the land to be subdivided is of such character that it can be used for building purposes without danger to health or public safety.
  - (2) That proper provision will be made for water, drainage and sewerage.
  - (3) That proper provision will be made for protective flood-control measures in areas contiguous to brooks, rivers or other bodies of water subject to flooding.
  - (4) That open spaces, parks and playgrounds will be established in places deemed proper by the Commission.
  - (5) That the proposed subdivision is in harmony with any plan of development adopted by the Commission and affecting the area of the proposed subdivision, with regard to, but not limited to, existing and proposed circulation routes shown on said plan and safe intersections with such routes.

(6) See page 27208.2

**§ 272-15. Formal consideration.**

After the above application requirements have been met to the satisfaction of the Commission, the following procedures shall be followed by the Commission in its formal consideration of the application:

- 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)

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)

- 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.

**§ 272-17. Completion agreement and bond.**

- A. Prior to endorsement of the record subdivision map by the Board of Selectmen, the applicant shall execute an agreement and file a bond with the Board of Selectmen to guarantee completion and maintenance of required street, drainage or other improvements within a period as determined by the Commission.
- (1) Any bond guaranteeing completion of improvements required by Chapter 241, Streets and Sidewalks, Article IV, Road Standards, shall be in form and amount and with surety acceptable to the Board of Selectmen.
  - (2) Any bond guaranteeing completion of improvements other than improvements required by Chapter 241, Streets and Sidewalks, Article IV, Road Standards, shall be in form and amount and with surety acceptable to the Commission.
  - (3) Any bond guaranteeing completion of a combination of improvements required by Chapter 241, Streets and Sidewalks, Article IV, Road Standards, and improvements other than improvements required by the same shall be in form and amount and with surety acceptable to both the Board of Selectmen and the Commission. [Amended 10-7-1998]
- B. The agreement and bond or portion thereof covering streets, drainage and other improvements, other than underground electric and telephone wires, shall remain in full force and effect until released by the Board of Selectmen and/or the Commission.

**§ 272-18. Time limit for completion of work. [Amended 1-2-2002]**

Except as provided in Connecticut General Statutes, Section 8-26g, all work in connection with an approved subdivision shall be completed within five years after the approval of the plan for such subdivision. The Commission's endorsement of approval on the plan shall state the date on which such five-year period expires. The subdivider or his successor in interest may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all such extensions shall not exceed 10 years from the date the subdivision was approved. If the Commission grants an extension of an approval, the Commission may condition the approval on a determination of adequacy of the amount of the bond or other surety required to secure the actual completion of the work.

**§ 272-19. Release of bonds and approval of map.**

- A. Bonds filed to guarantee completion of improvements required by Chapter 241, Streets and Sidewalks, Article IV, Road Standards, shall be released by the Board of Selectmen, in whole or in part, upon satisfactory completion of the improvements or stages thereof and upon reimbursement to the Town for any supervision work in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards. Bonds filed to guarantee completion of improvements other than or in addition to improvements required by Chapter 241, Streets and Sidewalks, Article IV, Road Standards, shall be released by the Commission, in

(Cont'd on page 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 SP

ISSD BY  
SPECIAL PERMIT  
NEW  
ARTICLE XXVII  
273-213 TO 273-217

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

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



prepared in accordance with Subsection D. The preliminary applications shall meet the following specifications:

- (1) Preliminary subdivision application requirements. The preliminary subdivision plans shall contain sufficient information to, in the judgment of the Commission, determine the merits of the alternative plans. At a minimum, the following specifications shall be met:
  - (a) A report describing how the proposed open space subdivision meets the purposes of this section and which documents the resources to be preserved and protected, and shows the relationship of the proposed open space to other open spaces owned privately or by the town. [Amended 5-6-1998]
  - (b) Boundary map: minimum certification of Class A-2.
  - (c) Inland wetlands boundary:
    - [1] Inspection by a soil scientist.
    - [2] If required, application for boundary amendment, to be either concurrent with or prior to preliminary subdivision application.
  - (d) Contours.
    - [1] Open space subdivision.
      - [a] Developable area: two-foot interval, aerials or field.
      - [b] Dedicated open space: ten-foot interval, minimum United States Coast and Geodetic Survey (USCGS) data.
    - [2] Standard subdivision: ten-foot interval, aerials or field.
  - (e) Sanitary system area soils investigation.
    - [1] Open space subdivision.
      - [a] Individual systems: minimum of two deep test pits and one percolation test in both the primary and reserve area.
      - [b] Community system: satisfactory to the Town Engineer.
    - [2] Standard subdivision: one deep test pit and percolation test per lot.
- (2) Applications, in form determined by the Commission, shall be submitted with one original and three copies and four accompanying maps. All maps shall be prepared at a minimum scale of one inch equals 100 feet, on sheets 24 inches by 36 inches and as outlined in Article III of these regulations. Except as provided below for the open space subdivision, all applications shall conform to Chapter 273, Zoning, and these regulations. If an application involves land regulated as an inland wetlands or watercourse, preliminary plans shall be submitted by the applicant to the Inland Wetlands Commission for its report, no later than the day the application is filed with the Planning and Zoning Commission.

- (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.<sup>1</sup> 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 ALL OPEN SPACE SUBDIVISIONS CREATED*

**ARTICLE III  
Maps and Plans**

*BEFORE 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.

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

- B. All prints shall be clear and legible and shall be bound along the left side in four sets, with required identifying data on each sheet. The North point shall, when practical, be consistent on all maps and plans, other than road profiles, and shall be to the top or right side of the sheet, depending upon the shape of the subdivision.

§ 272-23. Site development plan.

The site development plan shall be drawn to a scale of not less than one inch equals 100 feet. The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision and all contiguous land of the applicant that may be subdivided in the future. The purpose of the plan is to allow the Commission to complete a general planning review of the proposed subdivision, including its relationship to the future subdivision of contiguous land of the applicant. Four blue-line or black-line prints shall be submitted. The plan shall show at least the information specified in § 272-25 as applicable to the particular subdivision.

§ 272-24. Record subdivision map.

The record subdivision map shall be prepared with an accuracy meeting or exceeding standards for a Class A-2 Transit Survey as defined by the Connecticut Technical Council, Inc. The filing record map shall be clearly and legibly drawn and shall be submitted on material approved by the Public Records Administrator (see Section 7-31 of the Connecticut General Statutes), on sheets 24 inches by 36 inches. The map should preferably be drawn to a scale of one inch equals 40 feet but in no case at a scale of less than one inch equals 100 feet. An additional tracing of the map shall be presented with the filing map along with four blue-line or black-line prints. The map shall show at least the information specified in § 272-25 as applicable to the particular subdivision. For applications submitted to the Commission, only four blue-line or black-line prints are required.

ADD:

§ 272-25. Information on maps.

Where hereinafter designated by the code "X," the following information is required to be shown on site development plans (SDP), record subdivision maps for typical subdivisions (RSM) and record subdivision maps for planned residential developments (RSM-PRD):

Information	SDP	RSM	RSM-PRD
A. The title of the subdivision or PRD, which shall not duplicate the title of any other subdivision, PRD or town area name	X	X	X
B. The date, scale, visual scale, North point, town and state	X	X	X

*Miscellaneous Amendments*

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
(6) Any areas subject to frequent, periodic or potential flooding; the boundaries of any special flood hazard areas and floodways and the base flood elevation data therefor; and the lowest floor elevations that would be applicable for a building on any lot in the special flood hazard area in accordance with Chapter 174, Flood Damage Prevention	X	X	X
(7) The location and approximate boundaries of soil types having very severe limitations for soil absorption sewage disposal facilities as shown on the Soils Map	X		
(8) Principal wooded areas and the approximate location of any large isolated trees	X		
(9) The location of any percolation test holes, deep test pits and borings	X		
(10) The approximate location of any wells on the tract and on land within 200 feet of the tract	X		
(11) The location of any drainage discharge points onto the tract from any street or other property	X	X	X
F. Property ownership information and proposals as follows, with all lines on a record subdivision map, except as noted, drawn with dimensions to the hundredth of a foot, bearings or deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs:			
(1) The name and address of the owner of the tract	X	X	X
(2) The name and address of the applicant if different from the owner	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	
(13) The center line of all proposed streets, with station points shown at one-hundred-foot intervals from the intersection of the center line with a street right-of-way line as the point of origin	X	X	X	
(14) Street names	X	X	X	
(15) The locations and dimensions of existing and proposed easements		X	X	X
(16) Existing and proposed monuments	X	X	X	
(17) The zoning district in which the tract is located and any zoning district line upon or within 200 feet of the tract	x	x	x	
(18) Any municipal or association district boundary line	X	X	X	
(19) Any channel encroachment line or building line	X	X	X	
(20) Any setbacks or other restricted areas			X	
(21) Open spaces, parks and playgrounds and the areas thereof	X	X	X	
(22) Any reserved areas for watercourse and wetland protection or for conservation areas	X	X	X	
<b>G. Proposals for development of the subdivision as follows:</b>				
(1) The location and width of street pavement		X		
(2) Spot elevations on both existing and proposed streets, indicating tentative grading of roads and approximate road grades	X			
(3) Existing and proposed storm drains, catch basins, manholes, ditches, headwalls, sidewalks, bikeways, gutters, curbs and other structures	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

Information	SDP	RSM	RSM- PRD
(5) Such additional notes as may be required or approved by the Commission, such as restrictions pertaining to channel and building lines, reserved areas, easements and other features on the map	X	X	X

§ 272-26. Construction plans.

Construction plans for all proposed roads, drainage and other improvements shall be submitted on four good quality blue-line or black-line prints. Construction plans shall show plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, road cross sections, watercourses, headwalls (including typical cross-sectional drawings or suitable reference notes), sidewalks, gutters, curbs, utilities and other structures. All construction plans shall be submitted on drawings approximately 24 inches by 36 inches in size and shall be drawn to a horizontal scale of one inch equals 40 feet and a vertical scale of one inch equals four feet. Profile drawings and elevations shall be based on official town, state or United States benchmarks or other permanent benchmarks approved by the Town Engineer. The benchmarks used shall be noted on the plan. The seal of the registered professional who prepared the plans shall be imprinted on each print submitted. Construction drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:

- A. The title of the subdivision, date, scale, town and state.
- B. For streets, the existing grades at the center line and both street lines and the proposed grade at the center line at appropriate intervals; street lines and the edge and width of pavement; a typical street cross section; and a cross section at all cross culverts.
- C. The depth, invert, slope and size of all pipes, ditches, utility conduits, culverts, manholes, catch basins, headwalls and watercourses; and typical ditch and watercourse cross sections.
- D. On the plan drawing, the approximate location of lot lines intersecting the street line and lot numbers and street names.
- E. Sidewalks, curbs, gutters, water mains, hydrants and special structures.
- F. Detail drawings of any bridges, box culverts, deep manholes and other special structures.
- G. Provision for temporary or permanent stormwater detention and provision for control of erosion and sedimentation during and upon completion of construction. (See § 272-46.)
- H. A signature block entitled "Approved by the Board of Selectmen of the Town of Guilford," with a designated place for signing and date of signing.
- I. The words "For location of underground electric, telephone and other facilities of public utilities, inquire of appropriate utility company."

**§ 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.<sup>10</sup>
- (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.

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

ARTICLE IV  
Design and Construction Standards

**§ 272-29. General provisions.**

Subdivisions shall be designed to conform to the current Comprehensive Plan of Development and Conservation adopted by the Commission for the town or the neighborhood around the subdivision, particularly in regard to streets, drainage and reservation of land for open space. Proposed subdivisions and all street, drainage and other improvements required by these regulations shall also be designed and constructed in accordance with the standards hereinafter specified in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards, and other applicable ordinances and regulations of the town.

**§ 272-30. Supervision; inspections; right of entry; tests.**

Construction of all required improvements shall be carried out under the supervision of the Board of Selectmen in accordance with procedures provided in Chapter 241, Streets and Sidewalks, Article IV, Road Standards. All such required construction shall be subject to inspection by the Board of Selectmen. All other improvements shall be subject to inspection by the Commission or its authorized agents. The Board of Selectmen and the Commission or their authorized agents shall have free access to the construction work at all times and shall be authorized to take material, samples, cores and tests as deemed necessary to determine compliance with these regulations. The Board of Selectmen or the Commission may require the applicant, at his or her own expense, to have such tests made and certified by a professional engineer licensed to practice in the State of Connecticut.

**§ 272-31. Building lots.**

Proposed building lots shall be of such shape, size, location, topography and character that buildings can be constructed reasonably and that they can be occupied and used for building purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock or other conditions shall be combined with another lot or lots that are suitable, which may result in a reduction of the total number of lots, or shall be marked "This is not an approved lot" on the subdivision map. No lot so designated by the Commission shall be considered for approval until a grading plan meeting the requirements of § 272-27 has been submitted. Proposed building lots shall be designed and arranged to make best use of the natural terrain, avoiding unnecessary regrading, and to preserve substantial trees, woods and inland wetlands.

- A. Lot size. Each lot shall conform to Chapter 273, Zoning, and to the applicable provisions of Chapter 241, Streets and Sidewalks, Article IV, Road Standards. Lots less than 40,000 square feet in size shall not be allowed unless served by sanitary sewers and/or public water supply. When the proposed subdivision is fewer than five lots, the Commission may vote to waive the requirement of public water supply with the written concurrence of the Director of Health and the Town Engineer pursuant to approval of test well results, as well as a site plan for each lot indicating the location of the proposed house, well and septic

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.<sup>11</sup>
- 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:

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

- A. [Amended 7-10-1996] Classifications. All streets or roads within the town (except for state or interstate roads) shall be classified as follows and shall be constructed in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards:
- (1) Minor subdivision street: a street providing access to a small number of residential lots, typically fewer than 20.
  - (2) Major subdivision street: a street within a subdivision or subdivisions providing access for more than 20 lots.
  - (3) Town collector road: a street of considerable existing or potential continuity on which traffic past abutting lots will be dominant and serving as an artery for intercommunication among large areas of the town or serving as a feeder to a neighborhood; also, a street giving direct access to or circulation within commercial or industrial areas.
- B. Street planning. Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots, with due consideration for accomplishing an attractive layout and development of the land in the subdivision and in the neighborhood. Streets should, in general, follow the contour of the land and shall have a location and grade which preserve the natural terrain, substantial trees, woods and other natural features in the subdivision and which enhance property values in the neighborhood. Proposed local streets and rights-of-way shall be planned to discourage through traffic but also to provide a safe and convenient system for prospective traffic in the subdivision. Local streets shall also provide a safe and convenient system for present and prospective traffic in the neighborhood around the subdivision and shall be planned to provide for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided. Town collector roads shall be planned where necessary to coordinate with the Comprehensive Plan of Development and Conservation for the town or neighborhood and where necessary as a feeder street to a neighborhood.
- C. Street lines. Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards. No street right-of-way shall be widened beyond the minimum width specified in Chapter 241, Streets and Sidewalks, Article IV, Road Standards, for the purpose of securing additional street frontage for proposed lots.
- D. Existing streets. Proposed subdivisions abutting an existing town street or state highway shall provide for proper widening of the right-of-way of such street or highway to the width appropriate for the classification given such street or highway by the Commission in accordance with the requirements of Chapter 241, Streets and Sidewalks, Article IV, Road Standards. Drainage and other improvements made necessary by the subdivision shall be constructed in the existing town street as required by Chapter 241, Streets and Sidewalks, Article IV, Road Standards.
- (1) Where the Commission determines that a proposed subdivision will have a substantial impact on adjacent streets or where the Commission determines that the proposed subdivision warrants significant improvements to adjacent streets in order to provide safe access to said subdivision, it may require the applicant to make such road

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.

**§ 272-33. Storm drainage.**

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

**A. Pipes and ditches.**

- (1) Sufficient pipes and ditches shall be installed within the subdivision to carry existing watercourses, other than rivers and wide streams, and to drain the proposed streets and streets which may reasonably be expected to be constructed at some future date on adjoining property which normally drains across the area of the proposed subdivision. If, in its judgment, there will be no substantial danger from soil erosion or danger to the public health and safety, the Commission may permit the continuance of existing watercourses in their established courses and may permit, on lots of one zoning acre or larger, the discharge of stormwater in open ditches.
- (2) Relocation of major watercourses will be permitted only where, in the opinion of the Town Engineer, such relocation improves the flow pattern of the stream or improves the layout of the proposed subdivision without adversely affecting the stream. Ditches and open watercourses should not be located in the portion of the lot customarily used for front and side yards, within the area of the lot described by the applicable setback lines or in the portion of the lot which might logically be used for subsurface sewage disposal and/or water supply systems. All stormwater from the street drainage system shall be carried in adequately buried pipes within a distance of 150 feet from a curblin of existing or proposed streets. All ditches and storm drainage piping shall be constructed in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards, and shall, in the judgment of the Town Engineer, be sufficient to carry properly the designed stormwater flow rates expected to enter the ditch or pipe from the proposed subdivision and from other properties on the watershed which, when fully developed, can be expected to drain across the area of the proposed subdivision.

**B. Discharge.** The discharge of all stormwater from the subdivision shall be into suitable streams or rivers or into town drains, ditches or other town drainage facilities with adequate capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the town before approval of the record subdivision map and acceptance of the drainage plan. No stormwater shall be diverted from one watershed to another.

**C. Water channel lines.** Building lines may be required along any stream or river for the purpose of preventing encroachment upon and constriction of the natural water channel by buildings, filling operations or other facilities and construction. When required, a note shall be placed on the record subdivision map explaining the building lines and stating the restrictions against encroachment upon the channel.

*D. Stormwater... [unclear] [unclear] [unclear] 921*

**§ 272-34. Easements.**

Easements for access to and use of land or other necessary restriction of use of land outside of a street right-of-way shall be provided as required or approved by the Commission and shall be



GUILFORD TOWN HALL  
05 SEP 30 PM 2: 56

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:

27226.1

- 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:

- (a) Maximum length (measured from street line to lot line of rear lot): 750 feet.
- (b) Minimum width.
  - [1] Traveled way: 12 feet.
  - [2] Cleared: 16 feet.
  - [3] Right-of-way (ROW): 20 feet.
- (c) Minimum construction standard: eight inches of bank-run gravel and three inches of processed stone. (Asphalt on bituminous concrete may be required based on the recommendation of the Town Engineer.)
- (d) Required turnaround: none.
- (e) Maintenance/ownership: private.
- (f) Maximum grade: 12%.
- (g) Minimum center-line radius: 80 feet.
- (2) Driveways serving more than <sup>three</sup> two lots are prohibited. [AMENDED 2-07-07].
- (3) Where an extreme hardship in meeting these standards exists owing to topography, wetlands or other physical conditions or where access to undeveloped land meeting these conditions is not feasible as a result of previous land planning, the Commission may, upon a finding of specific hardship, modify these standards. Prior to granting a waiver under this section, the Commission shall hold a public hearing. In order to grant such a waiver, a three-fourths vote of the Commission shall be required.

*AMENDED 2-07-07 see p. 27227-1*

§ 272-36. Monuments.

Monuments shall be provided on both 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. Monuments shall be made of concrete and shall be not less than five inches square by 30 inches in length with a suitably marked top. Each monument shall be set in place, after all street construction is completed, with the marked point set on the point of reference.

*ADDED 3 PARAGRAPHS 01-07-04 see p 27228.1*

§ 272-37. Special structures.

Bridges, box culverts, deep manholes, tide gates, dikes and other special structures shall be designed in accordance with good engineering practice acceptable to the Board of Selectmen. Bridges and box culverts shall be designed to carry the full width of required street pavement and at least four-foot sidewalks on each side.

§ 272-38. Water supply.

Public water supply shall be provided to all lots in any subdivision located within any area served by an existing public water supply or fronting on a public road with public water supply or when located within such a distance of such public water supply as to make extension

Approved; February 7, 2007  
Effective Date; February 16, 2007

At its regular meeting on February 7, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

**Amend §272-35 B. Driveways.** by amending the following:

Amend (2) to read;

"(2) Driveways serving more than three lots are prohibited and are not subject to waiver."

Amend (3) to read;

"(3) Where there is significant difficulty in meeting any of the standards contained in (1) above, owing to topography, wetlands or other physical conditions, the Commission may, upon a specific finding, modify these standards. In granting such a modification a three-fourths vote of the Commission shall be required."

27227.1

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

GUILFORD TOWN ENGINEER  
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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.

→ 5TH BULLET [AMENDED 11-14-07] SUPP. STAFF. 2. ETC. DATED

**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.

05 NOV -8 11:11:20

Approved: November 1, 2006  
Effective Date: November 10, 2006

At its regular meeting on November 1, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

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

"Dedication of Land", second bullet point as follows;

- "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 waived by a three fourths (3/4) vote of the Commission 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."

27229.1

APPROVED; November 14, 2007  
Effective Date; November 23, 2007

At its regular meeting on November 14, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

**Amend §272-41. Parks, recreation areas, open spaces and Town land**  
by adding to Dedication of Land the following:

(fifth bullet point)

- "Land area required as part of a fire water protection plan, including land deeded for water supply tanks and easements for access and maintenance, may be considered part of the subdivision open space requirement."

27229.2

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.**

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

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.

- D. Storm drainage. All roads shall be adequately drained, and sufficient measures taken to adequately carry off and treat all stormwater in a manner consistent with the DEP Connecticut Stormwater Quality Manual and the Connecticut DOT Drainage Manual as amended.
1. Basis of design. Street drainage systems shall be designed for ten-year storms. Culverts carrying watercourse flows shall be sized for fifty-year storms. All calculations showing the peak runoff rates shall be submitted to the Town Engineer.
  2. Catch basins and manholes. If catch basins are required for best stormwater management practice, no portions of a road shall drain more than 250 feet without catch basins on both sides of the road (except at the crest of a grade). Where required because of excessive gutter grades or due to adjacent areas contributing surface water to the pavement, additional catch basins or the doubling of catch basins may be required. Catch basins shall be provided where storm sewers change size, grade, and/or direction. All basins shall be outfitted with hoods.
  3. Storm sewers. All storm sewers shall be of sufficient size to carry the maximum runoff rates as computed. All drainage pipes shall be at least 15 inches in diameter and shall meet the current specifications of the State Department of Transportation. Due to the peculiar nature of a particular installation, the town engineer may require that a specific type of pipe be used.
  4. Curtain drains. Where indicated by test borings or by field observation prior to design or by field observation during construction, curtain drains shall be installed as directed by the Town Engineer. Where approved by the Town Engineer, perforated storm drainage pipe may be used both to convey stormwater and serve as curtain drains. In areas of high groundwater, suitable means shall be taken to dewater the soil surrounding the catch basins.
  5. Ditches and swales. Swales shall be designed in accordance with the current edition of the Connecticut Stormwater Quality Manual. All open drainage ditches, except stream locations or improvements, shall have a minimum depth of twelve inches, a maximum depth of three feet, a bottom width sufficient to provide a cross-sectional area capable of handling the expected rates of flow and a maximum side slope of one vertical to one horizontal. All ditches shall be protected with riprap, modified riprap, slope paving

- or, if required by the Town Engineer, shall be constructed as a paved ditch.
6. Headwalls. Headwalls shall be constructed at the free ends of all storm drainage pipes as shown on Plate No. 5 EN (92). They may be designed either as reinforced or gravity units.
  7. Storm drainage discharge. See § 272-33 of Chapter 272, Subdivision of Land.
  8. Storm drainage easements. See § 272-34 of Chapter 272, Subdivision of Land.
  9. Minimum pipe slope. The minimum slope for a fifteen-inch diameter storm drainage pipe shall be one percent, regardless of the minimum slope necessary to carry stormwater. Minimum slope for larger sizes shall be based upon the minimum grade required to achieve cleansing velocity of flow in the pipe.

**Proposed Amendment to Subdivision Code**

**Re: Stormwater Management**

Add to 272-33 F. Drainage., the following;

**"(D). Stormwater Management Plans. (the Plan)**

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 nonpoint sources of pollution through the proper management of stormwater flows and minimization of pollutants as defined by the Connecticut Stormwater Quality Manual as amended.
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:

Deleted: potential



- A. The method of reservation, disposition and maintenance of the reserved land shall be subject to approval by the Commission. The method used may include, but is not limited to, one of the following:
- (1) Dedication or transfer of the land to the Town of Guilford, subject to the agreement by the town to accept the land.
  - (2) Establishment of a homeowners' association to own and maintain the land for the purposes intended. Such association shall not be dissolved, nor shall it dispose of such land by sale or otherwise, except to an organization established for the purpose of owning and maintaining such land in accordance with the purposes intended, without first offering to dedicate such land to the town.
    - (a) In the event that the association shall at any time fail to maintain such reserved land in reasonable order and condition, the Commission may serve written notice upon such association or upon the residents of the subdivision setting forth the manner in which the association has failed to maintain the land in reasonable condition. Such notice shall include a demand that such deficiencies of maintenance be cured within 30 days after the receipt of such notice and shall state the date and place of a hearing which shall be held within 14 days after the receipt of such notice.
    - (b) At such hearing the Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth have not been cured within 30 days or any extension of such time, the Commission shall so notify the chief executive officer of the town, who may enter upon said reserved land and maintain the same in order to preserve the taxable values of the properties within the subdivision and to prevent the reserved land from becoming a public nuisance. The town shall continue to maintain said reserved land until such time as the Commission, at its discretion, shall determine that the association is able and willing to maintain said reserved land.
    - (c) The cost of such maintenance and all related administrative costs incurred by the town shall be assessed ratably against the properties within such subdivision that have a right of enjoyment of the reserved land and shall become a lien on said properties. The town, at the time of entering upon said reserved land for the purpose of maintenance, shall file a notice of such lien in the office of the Town Clerk upon the properties affected by such lien within the subdivision.
  - (3) Transfer of the land to an institution, person, organization or other entity to own and maintain the land for the purposes intended. Such institution, person, organization or entity shall not be dissolved nor dispose of such land by sale or otherwise, except to an organization established for the purpose of owning and maintaining such land, in accordance with the purposes intended, without first offering to dedicate such land to the town.
  - (4) Easements which restrict the construction of any buildings or structures, including subsurface sanitary systems, and provide pedestrian access, protect such lands from deleterious impacts or preserve such lands for the purposes intended.

Amended; July 18, 2007  
Effective Date; July 27, 2007

At its regular meeting on July 18, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Subdivision Code:

Delete §272-44. Fire ponds. and substitute the following;

**\*272-44 Fire Protection Water Supply Plans.**

For all subdivision applications a Fire Protection Water Supply Plan shall be submitted. Said plan shall be referred to the Guilford Fire Department (GFD) for comment and shall conform to the following standards;

- A. For areas served by Public Water (see 272-38), fire hydrants shall be installed at strategic locations designated by the GFD. Water main sizing and spacing shall be scheduled per the National Fire Protection Association standards as determined by the GFD. A schedule for installation shall be submitted for approval by the Commission.
- B. For areas not served by Public Water the following standards shall apply;
  - For subdivisions of seven (7) or more houses at least one 30,000 gallon underground water storage tank shall be required or such other size tank as may be prescribed by NFA. Where adjoining property to a proposed subdivision is in common ownership with the proposed subdivision, the potential number of lots in said adjoining property shall be considered as part of this lot yield determination.
  - For subdivisions of fewer than seven (7) lots underground water storage tanks are encouraged.
  - If any lot in a subdivision is more than 2000 ft. from an underground tank, additional tank or tanks will be required so as to provide 2000 ft. operational length for each tank.
  - Plans for the construction and installation of each tank shall be developed prior to subdivision approval. The plans must reflect site testing for location suitability, structural details and acceptable access. The plan shall also prescribe the area to be cleared for tank installation and long term maintenance including replacement of the tank as may be necessary. The area shall be monumented and deeded to the Town.
  - All tanks and appurtenances shall be installed in accordance with Guilford Fire Department specifications.
  - A schedule for installation shall be provided. No certificate of occupancy for more than six (6) homes shall be issued until the tank has been installed and certified as complete by the GFD.
  - The subdivision developer shall be responsible for the entire installation including but not limited to site preparation, site security and traffic control.
  - The installation process, incremental progress and site inspections, including the final installation and acceptance inspection shall be approved and or verified by the GFD.
  - The Commission may, upon the recommendation of the GFD, require a surety bond to guarantee the successful operation of the tank for a specified period of time. In no event shall a bond be held for more than 3 years after completion of the installation and final inspection by the GFD.

27231.1

- 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.

*NEW § 272-44. FIRE PROTECTION WATER SUPPLY PLANS  
[Amended 7.18.2011 - see p 27231-1]*

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.

**§ 272-46. Erosion and sedimentation control.**

A soil erosion and sediment control plan shall be submitted with any application for subdivision approval when the disturbed area of such development is cumulatively more than 20,000 square feet. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.

- A. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- B. A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. Said plan shall contain, but not be limited to:
  - (1) A narrative describing:
    - (a) The development.
    - (b) The schedule for grading and construction activities, including:
      - [1] The start and completion dates.
      - [2] The sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures and sequence for final stabilization of the project site.<sup>12</sup>
    - (c) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
    - (d) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
    - (e) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
    - (f) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
  - (2) A site plan map at a sufficient scale to show:
    - (a) The location of the proposed development and adjacent properties.

<sup>12</sup> Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

- (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.

DEVELOPMENT — Any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA — An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GRADING — Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

INSPECTION — The periodic review of sediment and erosion control measures shown on the certified plan.

SEDIMENT — Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SOIL — Any unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN — A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**§ 272-47. Bikeways.**

- A. The Commission may require bikeways to be constructed when they are deemed necessary for public safety and when they will contribute to a coherent, integrated system of bikeways, providing an alternative means of transportation for the town.
- B. The bikeway may be either a separate trail or path for exclusive use of bicycles (a bicycle trail) or a portion of a roadway which has been designated for preferential or exclusive use by bicycles and separated from the roadway by a paint stripe or curb or other similar device (a bicycle lane). The design and construction of bicycle trails and bicycle lanes, as defined by the Standing Committee on Engineering Policies, American Association of State Highway Officials, shall conform to the standards set by the above-named association.

**§ 272-48. Soil absorption sewage disposal facilities.**

No proposed lot on which soil absorption sewage disposal facilities are proposed to be located wholly or partially in a very severely limited soil as shown on the Soils Map shall be approved as buildable except in accordance with the following procedures and criteria.

- A. The site development plan shall show the boundaries of the soil types having very severe limitations for soil absorption sewage disposal facilities, as shown on the Soils Map.

- (1) <sup>13</sup>In 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,

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

the applicant shall supply a brief written description of the corrective measures that will be taken to overcome the soil limitations and install the system in accordance with the standards of the Connecticut Public Health Code and Chapter 228, Sewers, Article I, Sewage Disposal, or their successor regulations.

- D. In determining the adequacy of such measures to overcome the very severe limitations of these soils, the Commission shall be guided by the recommendations of the Town Engineer and/or the Director of Health.

**§ 272-49. Special flood hazard areas and floodways.**

When the subdivision includes land in a special flood hazard area or regulated floodway, the lots, streets, drainage and other improvements shall be reasonably safe from flood damage and shall conform to the following:

- A. The lots and such improvements shall be consistent with the need to minimize flood damage within the special flood hazard area and shall be capable of use without danger from flooding or flood-related damages.
- B. All utilities and facilities, such as sanitary sewer systems, water supply systems and electric and gas systems, shall be located and constructed to minimize or eliminate flood damage.
- C. The storm drainage required under § 272-33 shall be designed to reduce exposure to flood hazards.
- D. Streets shall be of such elevation or shall be suitably protected as to allow reasonable emergency access during flood conditions.

**ARTICLE V  
Administration**

**§ 272-50. Waivers.**

Where a proposed subdivision involves establishment of lots fronting on an existing street, the Commission may vote to waive the required submission of all or part of a site development plan as provided in § 272-13C. The Commission may waive the required submission of a site development plan in connection with any resubdivision. With the concurrence of the Director of Health of the Town of Guilford, the Commission may waive the required submission of certain data required for a sanitation report under § 272-13F when not deemed essential to make a decision on the application. Such waivers may be granted by the Commission upon written request by the applicant and by a three-fourths vote of all the members of the Commission and when the waiver will have no significant adverse effect on adjacent property or on public health and safety.



Draft: May 12, 2009

## Stone Wall Protection

### ~~Proposed~~ Amendment to Subdivision Code Re; Protection of Stone Walls Approved

Add to Article IV Design and Construction Standards, the following;

#### "272-50 Protection of Stone Walls

The preservation of stone walls is important in maintaining the character of Guilford's country landscape. To the extent feasible, existing stone walls shall be preserved and maintained. Existing stone walls should be used in demarcating property lines between lots to the extent feasible. Where the preservation of a stone wall is not possible, the wall should be relocated along new property lines. The Commission may require the creation of conservation easements or similar instruments to insure long term protection of stone walls."

### ~~Proposed~~ Amendment to Zoning Code Re; Protection of Stone Walls Approved

Add to Article IX Site Plan Review, 273-75 M. Landscaping; the following;

"(8) Stone Walls. The preservation of stone walls is important in maintaining the character of Guilford's country landscape. To the extent possible existing stone walls shall be preserved and maintained and should be used in demarcating property lines. Where the preservation of a stone wall is not possible, the wall should be relocated on the lot. The Commission may require the creation of conservation easements or similar instruments to insure long term protection of stone walls."

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.

Subdivision Code 272-53 as follows;

**272-53 Notice requirement to farm adjacency**

Where a proposed subdivision abuts a farm as defined in 273-240 of the Zoning Code, the Commission shall require a notation on the Subdivision Record Map and in the deeds of lots, stating that said lot abuts land used as a farm, which is allowed under the Zoning Code, and that this use could produce noise, run-off, odor, dust or chemical spray drift during the day or night. This notice is desirable in order to inform potential home buyers of the presence of a farm and avoid future conflicts. The Commission may also require conservation easements or other methods of open space preservation in order to preserve buffers between proposed lots and the farm.

## Subdivision

Approved on September 2, 2010

Effective September 11, 2010

July 14, 2009

### **Stone Wall Protection**

#### **Amendment to Subdivision Code Re; Protection of Stone Walls**

Add to Article IV Design and Construction Standards, the following;

##### **"272-50 Protection of Stone Walls**

The preservation of stone walls is important in maintaining the character of Guilford's country landscape. To the extent feasible, existing stone walls shall be preserved and maintained. Existing stone walls shall be used in demarcating property lines between lots to the extent feasible. Where the preservation of a stone wall is not possible, the wall shall be relocated along new property lines. The Commission may require the creation of conservation easements or similar instruments to insure long term protection of stone walls."

#### **Proposed Amendment to Zoning Code Re; Protection of Stone Walls**

1. Add to Article IX Site Plan Review, 273-75 M. Landscaping; the following;

"(8) Stone Walls. The preservation of stone walls is important in maintaining the character of Guilford's country landscape. To the extent possible existing stone walls shall be preserved and maintained and shall be used in demarcating property lines. Where the preservation of a stone wall is not possible, the wall shall be relocated on the lot. The Commission may require the creation of conservation easements or similar instruments to insure long term protection of stone walls."

2. Add to Article XII Administration, 273-97 B (2) (a), the following;

"[16] Stone Walls"

Approved: 9/1/10  
Effective date: 9/10/10

Amendment Regarding Parking, Driveway and impervious surface Setbacks for Special Permit Uses.

Amend Article X Special Permit Requirements as follows;

Add to 273-80. Standards

"K. Driveways, parking areas and other impervious surfaces shall be set back a minimum of 8 ft., or the minimum side yard property line setback for a principal structure for the Zone District in which the Special Permit is proposed, whichever is greater, from any property line when a proposed Special Permit use is in a residential zone. This setback area shall be suitably landscaped to provide privacy for and mitigate adverse impacts such as light or noise on any adjacent residential uses. This Section shall not apply where the proposed special permit use is an accessory apartment or a conversion to a 2-family dwelling. Where this Code otherwise provides for a greater setback the larger setback requirement shall prevail. The Commission may reduce or waive this requirement upon a finding that the specific circumstances of the Special Permit application, such as the nature of the use, topography, or landscaping make its imposition unnecessary in accomplishing the purpose of protecting adjacent residential uses."

Approved August 18, 2010.      Effective August 27, 2010

August 10, 2010

Amendment Regarding Residential Scale Wind Energy Systems

Amend 273-88 F. 2., by adding the following;

“Wind turbines intended solely for the use of a single residence are exempt from the setback requirements detailed above when they meet all of the following criteria;

- a. The wind turbine is located on a lot 40,000 square feet or larger.
- b. The wind turbine is no higher than 120 feet as defined in 273-88.C.
- c. The wind turbine has a nameplate capacity of 10 KW or less as defined in 273-88.C and;
- d. The wind turbine is setback , as measured from the center of the tower; (a) from the nearest existing habitable structure on a neighboring lot existing at the time of the effective date of any Special Permit granted hereunder, a distance equal to at least 1 times the height of the wind turbine as defined in 273-88. C; and (b) at least 50 feet from the nearest property line or public right of way.
- e. For wind turbines proposed pursuant to this section, wire stabilized monopoles are permitted.

For the avoidance of doubt, the setback requirements contained in 273-88.F.2 shall be considered by the Commission only in determining whether to grant a Special Permit in accordance with Article X of this Code and this section, and shall not preclude the future use and enjoyment of any neighboring lot in conformance with this Code.

## Required A-2 Surveys at Foundation Stage

Approved 9/1/10  
Effective date: 9/10/10

### **Add to § 273-96. G. the following:**

§ 273-96. G. Preliminary certificate of zoning compliance. For any building in a commercial, marine recreational or industrial zone or any **single-family or** multifamily residential building (a building containing two or more dwelling units, excluding an accessory apartment approved under § 273-19) a preliminary certificate of zoning compliance (PCZC) shall be required. A PCZC shall be approved by the Zoning Enforcement Officer upon submission, by the applicant, of an as-built **A-2 survey** [drawing], showing the building foundation, prepared by a registered land surveyor, demonstrating that the foundation is built in compliance with these regulations and in conformance with an approved site plan. No further construction (beyond the foundation) may occur without an approved PCZC.