

TOWN OF COVENTRY **SUBDIVISION REGULATIONS**



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08/01/11 Revisions: Open Space Standards

Chapter IV, Sections 1-3

Chapter XIII, Sections 3, 7, 8, 10

06/15/12 Revisions: Chapter III, Section 3

Chapter IV, Section 3.c.4, Section 7

Chapter XII, Section 7

03/24/14 Revisions Chapter V, Sections 2 a, b, c, d; 2.d.1, 2 A, B; 2.d.2;
2.e.1, 3; 2.f, g, h, i, j; 4, 5, a, b, c; 6: Road Regulations –
Sections 50A.4, 50A.5, 60C.2, 60C.3, 60C.4.

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CHAPTER I - PURPOSE

- a) These Regulations have been adopted by the Coventry Planning and Zoning Commission pursuant to the authority granted in Chapter 126 of the General Statutes of the State of Connecticut. It is declared to be the policy of the Commission to consider land subdivision as part of a plan for the orderly, efficient and economic development of the Town so as to further the general welfare and prosperity of its people. Accordingly, it is the purpose of these Regulations to insure that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water supply, surface drainage and sanitary sewerage, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed roads are in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development, as the same may be amended from time to time, especially with regard to safe intersections with such thoroughfares; that proposed roads are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs, and that roads and driveways provide adequate access to properties for fire-fighting apparatus and other emergency services; that, when and in places deemed proper by the Commission, open spaces for parks and playgrounds are provided in subdivision plans; that proper provision is made for soil erosion and sediment control pursuant to Section 22a-329 of the General Statutes of the State of Connecticut; and that provisions are made for energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation. [amended effective 12/14/98]
- b) These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, or other provision of law, or any easement, covenant, or other private agreement or legal relationship. With regard to any easement, covenant, or other private agreement or legal relationship, it is not the purpose of these Regulations to intercede in, resolve, or arbitrate any private civil dispute. When these Regulations impose restrictions different from those imposed by any other statute, ordinance, or other requirement imposed by any level of government, whichever provisions are more restrictive or impose higher standards shall control. [amended effective 12/14/98]

CHAPTER II - DEFINITIONS

Certain terms and words used in these Regulations shall be interpreted and defined as set forth in this Section:

1. Applicant: Any person, firm, corporation, partnership, or other legally recognized entity who shall apply to the Commission for approval of a subdivision, either on the applicant's own behalf or as an agent for one or more others.
2. Application: A request for approval of a specific subdivision plan, including an application form as may be prescribed by the Commission, accompanied by all supporting information, documents, reports, and the like which may be required by these Regulations. [added effective 12/14/98]
3. Commission: The Planning and Zoning Commission of the Town of Coventry.
4. Council: The Town Council of the Town of Coventry.
5. Cul-de-sac: A street, or any combination or pattern of streets, having only one outlet to a through State or Town road. [amended effective 12/14/98]
6. Date of Receipt: The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or thirty-five (35) days after such submission, whichever is sooner. [amended effective / /98]
7. Disturbed Area: An area where the natural vegetative ground cover is destroyed, moved or removed. [added effective 12/14/98]
8. Developer: Same as "subdivider".
9. Development for Agricultural Purposes: Development exclusively for use as agricultural land, as that term is defined in Connecticut General Statutes Section 22-26bb. [amended effective 12/14/98]
10. Development Plan: The Plan of Conservation and Development of the Town of Coventry, as it may be adopted and amended from time to time, in accordance with Chapter 126 of the Connecticut General Statutes, as amended. [amended effective 12/14/98]
11. Easement: A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose. [amended effective 12/14/98]

12. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity. [added effective 12/14/98]
13. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: a.) The overflow of inland or tidal water; b.) The unusual and rapid accumulation or runoff of surface waters from any source. [added effective 12/14/98]
14. Formal Subdivision Plan: The map, drawings, and all supporting data required by these Regulations upon which a formal (i.e., nonpreliminary) plan of subdivision is presented to the Commission for action and which, if approved without modifications, would be submitted to the Town Clerk for recording. [amended effective 12/14/98]
15. Final Subdivision Plan: The map, drawings, and all supporting data as approved by the Commission, containing all modifications and revisions required by such approval, and ready for endorsement by the Commission and for filing with the Town Clerk pursuant to Connecticut General Statutes Section 8-25.
16. Improvement: Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include but are not limited to: Construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading. [added effective 12/14/98]
17. Inland Wetlands Agency: The Inland Wetlands and Watercourses Agency of the Town of Coventry. [added effective 12/14/98]
18. Half Street: A proposed street, or any extension of an existing street, along and roughly parallel to a property line such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property. [added effective 12/14/98]
19. Loop Street: A cul-de-sac that curves back to intersect with itself. [added effective 12/14/98]
20. Lot: The unit or units into which land is divided or proposed to be divided with the intention whether now or in the future, of building on such units or offering such units for sale either as developed or undeveloped sites. [added effective 12/14/98]
21. Plan and Profile: The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, and containing all information required by Chapter IV, Section 3 of these Regulations. [amended effective 12/14/98]
22. Preliminary Layout: The preliminary map, drawing(s) and all required supporting data as

required by Chapter IV, Section 1 of these Regulations, indicating the proposed manner and layout of the subdivision to be submitted to the Commission for consideration. [amended effective 12/14/98]

23. Print: A blueprint, Photostat, litho print or other copy which reproduces exactly the data on the original drawing(s) from which it is made.
24. Reserve Strip: Land to be set aside for dedication to the public upon future development. Reserve strips may include land to be used for streets, street connections, pedestrian ways, parks, or other land dedicated to public use. [amended effective 12/14/98]
25. Resubdivision: A change in a map of an approved or recorded subdivision or resubdivision if such change: (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval of recording of such map.
26. Right-of-Way: The distance between property lines measured across and perpendicular to a street. [amended effective 12/14/98]
27. Road Regulations: The standard specifications and details for construction and materials on file in the office of the town Clerk and indicated in Chapter XI of these regulations. [added effective 12/14/98]
28. Sediment: Solid material, either mineral or organic, that is transported, or has been moved from, its site of origin. [added effective 12/14/98]
29. Standard Specifications and Details: The Standard Specifications and Details for construction and materials on file in the Office of the Town Clerk and indicated in Chapter IX of these regulations.
30. Street: A street, avenue, lane, or other right-of-way either: (a) dedicated and legally accepted by the Town or the State of Connecticut for the purpose of public travel; or (b) shown on a subdivision plan duly approved by the Commission, and filed or recorded in the Office of the Town Clerk, and bonded in accordance with these Regulations. [amended effective 12/14/98]
31. Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
32. Street Width: The distance between property lines measured across and perpendicular to a street.
33. Subdivider: The person or other legally recognized entity primarily responsible for implementing an approved Final Subdivision Plan. The applicant may or may not be the subdivider.

34. Subdivision: The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes. The term “subdivision” includes resubdivision.
35. These Regulations: The Subdivision Regulations of the Town of Coventry, including amendments thereto.
36. Town: The Town of Coventry, County of Tolland, Connecticut.
37. Traveled Width: The distance between curb faces, i.e., the width of the Street Pavement, measured in a direction perpendicular to the street. [amended effective 12/14/98]

CHAPTER III - PROCEDURE

SECTION 1. REQUIREMENT OF APPROVAL OF SUBDIVISION PLAN

- a) Subdivision Plan Approved and the Sale of Lots. All plans for the subdivision or resubdivision of land must be submitted to the Commission for approval. No lot resulting from the subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or used for building development and no Certificate of Zoning Compliance (Zoning Permit) for any use, nor any building permit for the erection or enlargement of any building on such lot, shall be granted without the prior approval of the subdivision or resubdivision plan, or any amendment thereof, by the Commission, and the filing of the endorsed Final Subdivision Plan in the Office of the Town Clerk. [amended effective 12/14/98]
- b) Purpose of Recommended Preliminary Procedure. Before submitting an application for a Final Subdivision Plan, the applicant should follow the preliminary procedure described in Chapter III, Section 2 to save time and expense. This is a recommendation and not a requirement. An application requesting consideration of the proposal under "Preliminary Layout", Chapter III, Section 2 shall be submitted by the applicant.
- c) Amendment of Approved Subdivision Plans. The Commission may approve an amendment to, or a modification of, an approved Final Subdivision Plan upon written application. If the proposed amendment or modification involves or includes any change in a property line, improvement or other physical feature shown on the approved Final Subdivision Plan, the applicant must submit ten (10) copies of a proposed amended Final Subdivision Plan. For each application, the applicant shall also submit such additional information and documents as is reasonably necessary, or as the Commission may require, to understand the nature and purpose of the proposed modification or amendment. All provisions of the original approved subdivision or resubdivision shall be complied with, except as specifically approved by the Commission. No amended subdivision shall be deemed final until an endorsed Final Subdivision Plan showing all approved changes from the originally approved Final Subdivision Plan has been filed in the Office of the Town Clerk. [added effective 12/14/98]

SECTION 2. PRELIMINARY LAYOUT

- a) Application. The applicant may present to the Commission a request for the consideration of a Preliminary Layout. Up to fifteen (15) paper prints of the Preliminary Layout, in accordance with Chapter IV, Section 1 of these Regulations, shall be filed with the request. [amended effective 12/14/98]
- b) Technical Reports. It is recommended that the applicant obtain from a licensed sanitary or civil engineer a written report or reports as to the general feasibility of the proposed water supply and the proposed drainage plan and sewage disposal in the area to be

subdivided, and provide such report(s) to the Commission. The Commission may require the applicant to perform seepage or other tests and may request such other report(s) as it deems advisable to evaluate compliance with these Regulations. [amended effective 12/14/98]

- c) Check by Commission. At the time of the filing of a request for the consideration of a Preliminary Layout, the Commission or its designee shall check such request and layout and when the information contained in the request is substantially complete in accordance with Chapter IV, Section 1 of these Regulations, the matter shall be placed on the agenda for a public meeting of the Commission. Whenever desirable, the Commission and/or its representative(s) may examine the site of the proposed subdivision prior to the meeting, and the applicant, by making a request under this Section, shall be deemed to consent to such site examination. The Commission shall give reasonable notice to the applicant of any proposed site inspections and the applicant shall be entitled to attend any such inspections. [amended effective 12/14/98]
- d) Notice of the Meeting of Commission. The Commission shall notify the applicant, prior to the meeting, of the date, time and place of the meeting of the Commission at which the Preliminary Layout is to be considered. The applicant or a fully authorized representative should attend the meeting unless unable to do so, and should notify the Commission at least one day prior to the meeting if unable to attend. [amended effective 12/14/98]
- e) Consideration of Preliminary Layout. The Preliminary Layout will be considered at a public meeting of the Commission. The Commission may hold a public hearing on any such request, and even in the absence of a public hearing, may, in its sole discretion, permit persons to be heard at such meeting. [amended effective 12/14/98]
- f) Effect of Consideration of Preliminary Layout. The purpose of the consideration of the Preliminary Layout is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission. [from former paragraph (g), amended effective 12/14/98]

SECTION 3. FORMAL SUBDIVISION ACTION

- a) Filing of Formal Subdivision Application. Any applicant seeking Subdivision approval shall file in the office of the Commission no fewer than ten (10) copies of the following:

- i. An application on forms provided by the Commission, signed by both the applicant and the owner(s) of the land to be subdivided or their respective authorized agents;
- ii. A non-refundable application fee, in the form of a check made payable to the Town of Coventry, as follows:

<i>Subdivision & Resubdivision - Application Fees:</i> <i>(Fee of \$25.00 per lot plus [see below])</i>	
1-5 Lots	100.00
6-10	150.00
11-20	200.00
21-40	250.00
41-60	300.00
61-80	350.00
81+	400.00
Post Approval Processing (Sub. with new roads/conservation easements/ road improvements/open space	400.00

- iii. A Formal Subdivision Plan conforming to Chapter IV, Section 2 of these Regulations;
- iv. A Plan and Profile conforming to Chapter IV, Section 3 of these Regulations;
- v. A Hydraulic Study conforming to Chapter IV, Section 4 of these Regulations;
- vi. An Erosion and Sediment Control Plan, in accordance with Chapter IV, Section 5 of these Regulations;
- vii. A report from the Town Sanitarian or Director of Health or their respective designees indicating compliance with the Public Health Code for each and every lot depicted upon the Formal Subdivision Plan; or, if the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Coventry Water Pollution Control Authority indicating that all requirements including those set forth in Connecticut General Statutes Section 7-246f have been satisfied;
- viii. A copy of any application submitted to the Inland Wetland Agency pursuant to Connecticut General Statutes Section 8-26. [amended effective 12/14/98]
- ix. In accordance with Section 8-25a of the Connecticut General Statutes, any

subdivision providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or, in the alternative, a certified copy of a resolution from the Coventry Town Council waiving such Certificate and agreeing that the Town of Coventry shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers. [added effective 12/14/98]

- x. Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the applicant's property, a preliminary plan of the future street and lot pattern for the remainder of the tract or property may be required by the Commission. [added effective 12/14/98]
- xi. Where existing topography is proposed to be altered, the volumes of material to be removed from, or brought onto, the site; areas of proposed blasting, and the estimated volume thereof; the location at which excavated material being removed from the site will be deposited, if known, and the time within which such removal is anticipated to occur. [added effective 12/14/98]
- xii. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances that run with the land, including the identity of the dominant and servient estates, the volume and page of the Coventry Land Records where the same are recorded, and the date upon which they will expire, if any. [added effective 12/14/98]

It is the applicant's responsibility to submit a complete application, and to demonstrate compliance with all criteria and requirements of these Regulations and, accordingly, the applicant may submit such additional reports or information as may be required to satisfy that responsibility. Any application found to be incomplete may be denied by the Commission without prejudice to a future complete application. [amended effective 12/14/98]

- b) Technical Approval or Report. In addition to the above, the applicant shall provide from a licensed sanitary or civil engineer a written report of the adequacy of the water supply and sewerage arrangements, and from a licensed engineer of the proposed grades, drainage arrangements and drainage easements as shown on the Plan-Profiles and the Formal Subdivision Plan. The applicant shall also obtain from the appropriate Town officers such other reports as the Commission may require in order to evaluate compliance with these Regulations. Where significant environmental impact may be involved, the Commission may request a review of the application by the Eastern Connecticut Resource Conservation and Development Area Environmental Review Team or other public or private consultant. [amended effective 12/14/98]
- c) Notice of Meeting of Commission. The Commission may, in its discretion, schedule a public hearing on any Formal Subdivision application, and may, even in the absence of such public hearing, allow interested persons to be heard at the Commission's sole discretion. A public hearing shall always be scheduled for any application for

Resubdivision. Any such public hearing shall commence no later than sixty-five (65) days following the Date of Receipt of the application, and shall be completed no later than thirty (30) days following its commencement, except that, upon written consent of the applicant, either time limitation may be extended by the Commission one or more times, so long as the total period of any such extension or extensions does not exceed the original time period.

The applicant or an authorized representative should attend any public hearing. No less than ten (10) days preceding the date of the hearing, the applicant must also mail written notice by certified mail, return receipt requested to all adjoining land-owners of record of the date, time and place of commencement of the public hearing of the Commission at which the Subdivision is to be considered, and shall also notify them of any continuance of the hearing due to inability of the applicant to be present and shall submit proof to the Planning Office of such notification. [amended effective 12/14/98] The applicant shall post and maintain public hearing signs advising the public of the pending public hearing. One sign shall be required for each lot frontage, and each sign must be clearly visible from the abutting street. **(Revised effective 6/15/12)**

- d) Consideration of Formal Subdivision Application. The Commission will review the Formal Subdivision application and all accompanying reports and other documents, and any new information or changed conditions that might necessitate alteration of the application prior to the Commission's decision thereon, provided, however, that, in those cases in which a public hearing has been held, the Commission shall receive no further testimony or information, orally or in writing, in public or in private, once the public hearing has been closed, other than from the Commission's staff, or disinterested Town, State, or Federal agencies, advisors, or officials. [amended effective 12/14/98]
- e) Action by the Commission. Except as otherwise provided herein the Commission shall take action on the Formal Subdivision application within sixty-five (65) days from the Date of Receipt of the application if no public hearing is held, or within sixty-five (65) days from the close of the public hearing, except that upon written consent of the applicant, the time limitation may be extended by the Commission one or more times, so long as the total period of any such extension or extensions does not exceed the original time period. Such action shall consist of approval, modification and approval, or disapproval of the application. "Modification", as used in this Section, may include conditions that must be satisfied prior to endorsement and filing of the Final Subdivision Plan, prior to the issuance of Certificates of Zoning Compliance, prior to the release of bonds, or at other appropriate points in time. In the case of any application involving an area regulated under the Coventry Inland Wetlands and Watercourses Regulations, the Commission shall not act on the subdivision application until it has received a report from the Inland Wetlands Agency pursuant to Connecticut General Statutes Section 8-26.

In such cases, the time limit for the Commission's action shall be the later of (i) the time limit set forth above, or (ii) thirty-five (35) days following a final decision on such application by the Inland Wetlands and Watercourses Agency. [amended effective 12/14/98]

- f) Notification of Action. Within fifteen (15) days after action by the Commission, the Commission shall notify the applicant by registered or certified mail of the action taken by the Commission, and shall also cause a notice to be published in a newspaper of general circulation in the Town of Coventry. Such notice shall be a simple statement that such application was approved, modified and approved, or disapproved, together with the date of such action.

- g) Endorsement of Final Subdivision Plan. Following approval of a Formal Subdivision application, the applicant shall promptly provide a Final Subdivision Plan on mylar, which Plan shall incorporate any modification attached to such approval, and shall be accompanied by any documents required by these Regulations, such as bonds, road deeds, conservation and drainage easements, and the like. Any conveyance to the Town of Coventry shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction, or other encumbrance. The Plan on mylar shall include, reproduced on the face thereof, a copy of the Commission's decision to approve including any conditions or modifications made a part thereof. Upon determining that the Final Subdivision Plan properly incorporates all matters required by the Commission's decision and by these Regulations the Commission Chairman or other authorized official shall endorse the Commission's approval on the Plan.

- h) Filing of Plan. Following the endorsement of the Final Subdivision Plan in accordance with the preceding paragraph, the applicant shall file the endorsed mylar of the Plan with the Town Clerk and pay any necessary filing fees. Such filing must be made within ninety (90) days after the expiration of the appeal period as set forth in Connecticut General Statutes Section 8-8 or, if an appeal is taken under that statute, within ninety (90) days of termination of the appeal by dismissal, withdrawal, or judgment in favor of the applicant. The Commission may, upon request of the applicant, grant up to two (2) extensions of up to ninety (90) days each for such filing. Any Final Subdivision Plan not so filed shall become void. The Commission shall have no responsibility to retain any Final Subdivision Plans rendered void by operation of this provision. [amended effective 12/14/98]

- i) Alteration of Final Subdivision Plan Prior to Filing with Town Clerk. If the Final Subdivision Plan is altered, changed, erased or revised in any way between the time the Commission's approval is endorsed thereon and the time the Plan is filed with the Town Clerk, the approval shall be void unless the alteration has been approved by the Commission and so indicated on the Plan. [amended effective 12/14/98]

- j) Alteration of Final Subdivision Plan After Filing with Town Clerk. If the Final Subdivision Plan is altered, changed, erased, or revised in any way after the time the Plan is filed with the Town Clerk, such changes shall be deemed ineffective and void unless they have been approved by the Commission and a new mylar Plan showing such changes has been endorsed and filed with the Town Clerk. If the Commission finds that any such changes were made by the applicant or the applicant's successor in interest, the Commission may, after a hearing at which the applicant or applicant's successor in interest is given an opportunity to be heard, revoke and terminate its approval of the Final

Subdivision Plan. [added effective 12/14/98]

[Section 4 deleted effective 12/14/98]

CHAPTER IV - SPECIFICATIONS FOR PRELIMINARY LAYOUTS, FORMAL SUBDIVISION PLANS AND PLAN-PROFILES

[Chapter IV, Section 1-3 revised - effective 08/01/11]

SECTION 1. PRELIMINARY REVIEW

a) Preliminary Review Option

The Commission hereby establishes an optional, preliminary subdivision review process, to be called "Preliminary Review" in these Regulations. In a Preliminary Review, a prospective future subdivision application may be submitted to the Commission for informal, non-binding review and comment. In order to commence the Preliminary Review process, the prospective applicant must submit to the Commission a letter requesting such review, together with a Preliminary Layout, as described in Section 2, below. The Commission's preliminary review of a subdivision plan and any comments that may be made by any members of the Commission during such Preliminary Review shall be for informal guidance purposes only and shall not be binding with respect to any aspect of the plan during any later, formal subdivision application.

b) Purpose and Goals of Preliminary Review

In establishing a Preliminary Review process, the Commission seeks to enhance the opportunity for an open and creative dialogue with the applicant, to better understand the applicant's development vision and objectives, and to increase the opportunity for coordination with other reviewing agencies and officials. As a result of this process, the Commission may have the ability to reduce the formal requirements for final subdivision review, thereby reducing the costs and burdens on the applicant, and to better manage and reduce the time required for processing a final subdivision application.

i. Enhanced Dialogue and Coordination. A formal (final) subdivision application requires the Commission to consider the Town's interest in protecting the public's health and safety; the provision of adequate facilities for water, sewerage and drainage; the need for a harmonious, adequate and convenient system of streets, open spaces, parks and playgrounds; and other interests as set forth in Section 8-25 of the Connecticut General Statutes and other applicable provisions of state law. In addressing these varied issues, the Commission may have a substantially different view from a subdivision applicant of the optimal manner in which a parcel of land should be divided and public facilities provided. The Preliminary Review process allows a prospective applicant and the Commission an opportunity to share their respective goals and visions at an early stage, before the applicant has invested heavily in detailed plans. The Commission believes this process will lead to better subdivision design, and will reduce the likelihood of a contentious or unnecessarily protracted, formal subdivision process, with its inherent costs and delays.

ii. Reduction of Formal Application Requirements. In order to properly address these many interests and concerns, the Commission must ordinarily require the applicant to provide a wide variety of information and data. Because of the relatively short statutory deadlines for processing a formal subdivision application, the applicant may be forced to choose between (1) providing expensive, but ultimately unnecessary, information to the Commission, or (2) failing to provide sufficient information for the Commission to approve the application. The Preliminary Review process is a means for the applicant and the Commission to discuss the types and range of information the Commission is likely to need for a formal subdivision application. During a Preliminary Review, the Commission may be able to determine that it would not need certain types of information for final review, thereby minimizing the chances that the applicant will incur unnecessary costs or delays in the final review process.

SECTION 2. PRELIMINARY LAYOUT

a) Required Information.

A Preliminary Review, as described in Section 1, above, shall require the submission of a Preliminary Layout. Preliminary Layouts submitted to the Commission shall be drawings or prints of drawings at a scale of one inch equals forty feet (1" = 40) or one hundred (1" = 100) feet on sheets either eighteen by twenty-four (18" x 24"), or twenty-four by thirty-six inches (24" x 36") in size, and shall contain the following information:

- 1) Names of owner(s) and applicant(s), proposed subdivision name and identifying title, location of subdivision, approximate north arrow and scale and date of drawing.
- 2) Location and approximate dimensions of all existing property lines of the subdivision including assessor's block and parcel numbers.
- 3) All physical features, such as existing structures, easements, wetlands, watercourses, and wooded areas, properly labeled.
- 4) Approximate contours of the existing surface of land, with intervals adequate to indicate drainage and grades.
- 5) Proposed lot lines with approximate dimensions and area of all proposed lots.
- 6) Location and approximate dimensions and area of all land and facilities proposed to be set aside or otherwise provided for open space, playground, park or other public use.
- 7) A reference map to the scale of one inch equals one thousand feet (1" = 1000) showing the proposed subdivision and tie-in to the nearest street intersection.
- 8) If the application submitted covers only a part of the applicant's holdings, a map (which may appear on the same sheet), drawn on a scale in which one inch equals two hundred feet (1" = 200'), showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.

9) Where the subdivider anticipates that the subdivision will be developed in phases, such phases should be delineated on the Preliminary Layout.

10) Schematic storm drainage system layout.

b) Additional Information.

Depending upon the scope and complexity of the proposed subdivision, the Commission may request that the applicant provide additional information to help the Commission evaluate the proposal. Such information may include soils data, environmental evaluations, historical or archaeological survey reports, engineering reports, and other data the Commission finds relevant to the criteria for subdivision approval. The Commission particularly encourages applicants to consider using the services of a licensed professional landscape architect to help design subdivision layouts. See Section 3(a)(1), below.

[Section IV, Section 2 amended, effective 08/01/11]

SECTION 3. FORMAL SUBDIVISION PLAN

a) Plan Requirements

The Formal Subdivision Plan submitted to the Commission for approval shall be a clear and legible print at a scale of one inch equals forty feet (1" = 40') feet on sheets twenty-four by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24"). The Plan, which may be composed of multiple sheets or sets of sheets, shall show the following information:

- 1) Names and addresses of applicant and owner, proposed subdivision name and identifying title and location, scale of drawing, with north arrow, date of drawing and name, license number(s) and seal(s) of land surveyor and/or professional civil engineer, as appropriate. The Commission also encourages applicants to have their plans reviewed by a professional landscape architect, in which case the license number and seal of such professional should also be placed on the plans. In reviewing any Formal Subdivision Plan, the Commission may seek input from its own staff and consultants, including, but not limited to, a licensed professional landscape architect.
- 2) Location and dimensions of all existing property lines of the subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semi-permanent nature; Assessor's map, block and parcel numbers; utility poles and numbers.
- 3) All relevant features, such as existing structures, stone walls, fences, easements of record, wetlands, watercourses, wooded areas, and area of all land to be set aside for community wells (if any), recreation, park, open space, or other public or community use.
- 4) Names and addresses of present record owners of abutting properties, as indicated in the current records of the Town Assessor and names and approval dates of abutting subdivisions.
- 5) Lines of proposed and existing roads, lots, easements and areas to be dedicated to public use; lengths and bearings of all straight lines; adequate data for all curves.

6) Area of all proposed lots in square feet and acres. Each lot shall be numbered and its dimensions on all sides given. If a side is a curved line, a single dimension shall, nevertheless, be given in addition to any subordinate dimensions.

7) Proposed road names, which shall not duplicate or be readily confused with already existing names.

8) Any additional data necessary, together with the aforesaid data, to enable a licensed surveyor to determine readily the location of every street line, lot line, and boundary line, and to reproduce such lines upon the ground, to the A-2 standard of horizontal accuracy or an equivalent standard.

9) All lots shall have street numbers assigned in accordance with applicable Town ordinances. In the event such ordinances do not provide or require a different system, the following system of numbering shall be used: The left side of the road shall have odd numbers assigned, while the right side shall have the even numbers; numbering shall increase from major thoroughfares, north to south or east to west; one number shall be allowed for every 20 linear feet on each side of the street; numbers shall not be assigned to undeveloped land or lots, but allowance shall be made for future development.

10) Certification by seal of (i) a Connecticut licensed professional engineer as to the adequacy of proposed public improvements, and (ii) a Connecticut licensed land surveyor that the final Subdivision Map has been prepared pursuant to (a) the currently applicable state regulations regarding minimum standards of accuracy, content and certification for surveys and maps, which, as of the date of enactment of these Subdivision Regulations, were Sections 20-300b-1 through 20-300b-20 of the Regulations of Connecticut State Agencies, and (b) the "Minimum Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. The Commission may accept a certification of compliance with standards other than the "Minimum Standards for Surveys and Maps in the State of Connecticut" if the applicant demonstrates that such other standards are currently generally accepted by professional surveyors and engineers in Connecticut.

11) A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection; and also an index map of the subdivision at a scale of one inch equals two hundred feet (1" = 200'). If the application submitted covers only a part of the applicant's holdings, the Commission may require a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.

12) Where the subdivisions are proposed to be developed in phases, such phases shall be clearly delineated on the Formal Subdivision Plan.

13) The boundaries of all soil types on the property, as mapped in the field by a professional soil scientist, using soil types identified in accordance with the soil designations used in Tolland County by the U.S. Department of Agriculture, Natural Resources Conservation Service; Flood Zones, in accordance with the most current Federal Flood Insurance Rate Map; existing wells, public water supply watersheds, and other public or private water

supplies; existing and proposed contours at intervals of five (5) feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

14) The application of passive solar energy techniques, as set forth in Section 6 hereafter.

15) The location of any subdivision identification or entrance signs as per the zoning regulations.

16) The location of any proposed highway right-of-way, as on file in the Office of the Town Clerk.

17) The approximate location and outfall of any footing or curtain drains, where required.

18) A printed signature box as follows:

APPROVED	
COVENTRY PLANNING & ZONING COMMISSION	
_____	_____
Chairman/Secretary	Date
This approval will expire on _____	
See Commission minutes of _____ for specific terms and conditions of approval	

19) The location of all septic system primary and reserve leaching fields; the location of deep observation hole and percolation tests located in each such field; the results of all such tests, in tabular form; and the designation of any lot for which an engineered system is required pursuant to these Regulations.

The plans shall conform to all requirements for filing with the Town Clerk as part of the Land Records of the Town.

b) Report Requirements

In addition to the foregoing requirements, the applicant shall also provide at the time of the subdivision application:

1) A survey report prepared by one or more qualified professionals, indicating that they have field-surveyed the entire site to determine whether any plant or animal species listed as rare or endangered or species of special concern are present, listing any such species that were

found, and recommending any measures that may be needed to protect or preserve such species.

2) A survey report prepared by one or more qualified professionals, indicating that they have field-surveyed the entire site to determine whether any structures, landmarks or artifacts of historic or archaeological significance are present, listing any such structures, landmarks or artifacts that were found, and recommending any measures that may be needed to protect or preserve such structures, landmarks or artifacts. For purposes of this regulation, the term “structures, landmarks or artifacts of historic or archaeological significance” shall be deemed to include any historic structure or landmark, as defined in Conn. Gen. Stat. Section 22a-19a, and any human artifacts made before the year 1800.

c) Additional Requirements

1) When the proposed subdivision covers only a part of an existing tract or only a part of the subdivider's holding, the Commission may require a sketch of a prospective future street system for the remainder of the holding or tract in order to determine whether the current proposal would hinder or be inconsistent with future traffic planning or patterns in the area. In reviewing the proposed subdivision, the Commission shall consider the relationship between the proposed subdivision and the remainder of the tract.

2) For the purpose of enhancement of property values and for erosion control, the preservation and protection of shade trees throughout the subdivision shall be encouraged, except where they interfere with roads and utilities.

3) Approval of a subdivision by the Commission shall not constitute approval of the removal of top soil or other excavated material from the premises other than that necessary to construct the improvements, and then only to the depths shown on the approved plan.

4) The land located within a subdivision shall be properly graded and left in a condition that will be free of rubble and debris, and properly stabilized to eliminate erosion. Logs, stumps construction materials, and other debris shall not be buried on-site. Such materials shall be removed from the site and disposed of in a lawful manner. **(Revised effective 6/15/12)**

- a) Existing ground surface on the center line, the proposed line grade, and existing elevations at both road lines.
- b) Elevations at each high and low point.
- c) By proper notation, location and elevations of bench marks, based on U.S.C.& G.S. datum.
- d) Grades expressed as percentages.
- e) Stations at high and low points, at centerline intersections, and at suitable intervals.
- f) Data showing disposition of surface water, water and sanitary sewer pipes (if any),

including sufficient data to permit checking of drainage designs.

- g) Typical cross-section of each road indicating location, dimensions and materials of proposed paved improvements and utilities.
- h) Certificate under seal of a Connecticut licensed professional engineer as to the adequacy of proposed public improvements.
- i) Location of street name, speed limit, stop, dead end, and other street signs, as recommended by the Town Engineer. [added effective 12/14/98]

SECTION 4. HYDROLOGICAL AND HYDRAULIC STUDY

The applicant shall provide a hydraulic study sufficient to demonstrate compliance with the requirements of Chapter VI of these Regulations.

SECTION 5. EROSION AND SEDIMENTATION CONTROL PLAN

A soil erosion and sediment control plan shall be submitted with all subdivision applications when the proposed area of development to be disturbed is more than one-half (1/2) acre. [amended effective 6/30/85; from former Chapter VI, Section 1(e), relocated but not amended, effective 12/14/98]

SECTION 6. PASSIVE SOLAR ENERGY TECHNIQUES

The applicant shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, using passive solar energy techniques. Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site techniques shall include, but shall not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development. These techniques are to be used where feasible, but not where they would cause unreasonably adverse impacts to the natural environment. [added effective 12/14/98]

SECTION 7. FLOOD HAZARD REQUIREMENTS

On land contiguous too brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made by the developer for protective flood control measures in connection with the applicable provisions of the Zoning Regulations. [added effective 12/14/98]

All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is lesser, shall include within such proposals, base flood elevation data.[from former Chapter IX, Section

1.c; relocated but not amended, effective 12/14/98] (**Revised effective 6/15/12**)

Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public

utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards. [from former Chapter IX, Section 1.c; relocated but not amended, effective 12/14/98]

CHAPTER V - INSURANCE, BOND REQUIREMENTS, CERTIFICATE OF USE, BOND RELEASE, AND AGREEMENT FOR INSTALLATION OF IMPROVEMENTS

SECTION 1. INSURANCE

- a) The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall have a term no less than that of the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.

- b) The policy shall insure the Town of Coventry and the subdivider against all claims for damage or injury to persons or property that may arise from the construction, installation, or maintenance, or lack thereof, of any subdivision improvements, or from any operations in the development or completion of the subdivision, including but not limited to clearing, removal of vegetation, grading, excavating, filling, inspection, testing, well installation, sediment and erosion control measures, and road construction and improvement. The policy shall have the following limits:

Property Damage (including automobile)
Each Accident: Not less than \$1 million

Bodily Injury (including automobile)
Each Person: Not less than \$1 million
Each Accident: Not less than \$1 million

SECTION 2. PERFORMANCE BOND

- a) Subject to the further provisions of this Section 2 below, a Performance Bond in such form and amount as the Commission may require in accordance with these Regulations may be posted by the subdivider prior to the sale or transfer of any lot to insure the completion of required improvements and utilities in the event the subdivider shall fail timely to install the same. The term of any Performance Bond proposed by the developer should be the same as the normal duration of the subdivision approval pursuant to state law. Any developer who proposes to submit a Performance Bond having a shorter term shall be deemed to have accepted the risk that the Bond will not be renewed and that the approval of the subdivision may lapse and become null and void if it is not renewed. The developer shall be entitled to complete all required subdivision improvements within the time allowed by state law, provided the developer continuously maintains the Performance Bond, or a substitute Performance Bond acceptable to and approved by the Commission in accordance with these Regulations, for the full duration of such time. If, at any time, the Performance Bond lapses, is terminated or withdrawn, or ceases to be effective or in force, regardless of whether the developer is responsible for such circumstances, the subdivision approval shall lapse and become null and void except as provided hereafter. Within 30 days after the date of any such lapse, termination, withdrawal, or cessation of the effectiveness of any such Performance Bond, the developer may submit to the Commission a written request for approval of a substitute Performance Bond. No such request shall be granted unless the developer or a designated agent or representative of the developer attends the meeting of the Commission at which the matter is to be considered. It shall be the developer's responsibility to determine the date of such meeting. The Commission may deny such request if it determines that such proposed substitute Performance Bond does not provide adequate security for the timely completion of all required subdivision improvements and utilities or if it determines that the developer has failed to comply with any terms or conditions of the subdivision approval or any of these Regulations that are applicable to the subdivision approval. The Commission may also approve the provision of a substitute Performance Bond different in form and amount than that requested by the developer. In the event the Commission approves the provision of a substitute Performance Bond, the developer shall be allowed 30 days following the date of such approval to submit the substitute Performance Bond. The Commission may, upon the developer's written request, extend the time within such substitute Performance Bond may be provided by no more than an additional 30 days. If the developer fails to provide the substitute Performance Bond within such period of 30-60 days, or if the developer fails to submit a written request for approval of a substitute Performance Bond within the time set for above, the subdivision approval shall become immediately and irrevocably null and void. Nothing in this section will prevent or prohibit subsequent subdivision of the property.
- b) **Separate Sedimentation and Erosion Control Bond:** Notwithstanding the provisions of subsection (a) above, measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and to restore the site in the event of termination or lapse in the subdivision approval shall be guaranteed by a separate soil erosion and sediment control

performance bond (the “Erosion and Sediment Control Bond”). No disturbance of the site shall commence until such Erosion and Sediment Control Bond shall be posted. In the event the developer fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Commission or its designated agent.

- c) Restoration: In the event either an Erosion and Sediment Control Bond and/or a Performance Bond has been posted and the subdivision approval terminates or lapses before all required subdivision improvements and utilities have been completed, the Commission may, in its discretion, and subject to any contrary provisions of state law, use the funds available in the Performance Bond or Erosion and Sediment Control Bond to restore all or any portion of the site to a natural condition. The Commission shall not use the Performance Bond to restore the site if the cost to complete all required improvements and utilities would be less than the cost of performing such restoration. The Commission shall not make any decision to use a Performance Bond for restoration without obtaining an estimate for the costs of both restoration and completion of all required improvements and utilities from the Town Engineer or a similarly qualified consultant.
- d) Conditional Approval: In lieu of the completion and acceptance of public improvements prior to the endorsement and filing of final subdivision plans, the Commission may accept a Performance Bond as specified in paragraph (a) above and the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such conditional approval shall allow for the construction, maintenance and installation of improvements or utilities required by the Commission and shown on the approved plan in connection with road construction, subject to the following conditions:
 - 1) No work shall be commenced on or within the subdivision unless the developer provides an Erosion and Sediment Control Bond and a Performance Bond, satisfactory to the Commission in form and amount, in accordance with the following standards. The Erosion and Sediment Control Bond and the Performance Bond shall be adequate to secure (i) the installation and maintenance of all sedimentation and erosion control measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and (ii) the cost of restoring the site to its natural condition if the developer fails to complete all required subdivision improvements and utilities. If the developer elects to submit a Preliminary Performance Bond, the following conditions shall apply:
 - 2) In addition, the following conditions shall apply:
 - (A) A subdivision with conditional approval may be developed in phases, provided that no more than 1,200 feet of roadway and supporting improvements shall be under construction at one time without the posting of a performance bond. Before commencing development of any additional phases, all work required in the previous phase must be complete or a performance bond in place covering the work remaining in such prior phase.

- (B) The applicant shall guarantee in writing that no lots will be sold, no zoning or building permits will be sought and no individual lot development including tree clearing and grading will commence unless and until full security for completion of all remaining work shown on the plan is posted with the Commission. Violation of this provision shall be grounds for revocation of the subdivision approval.
- 3) Any such conditional approval shall lapse on such date as established by the Commission, but in no event shall the date be later than five years from the date such approval is granted. The applicant may apply for and the Commission may grant a renewal of such conditional approval for such period as the Commission in its discretion may establish provided that the total period of all such extensions does not exceed the maximum duration of a subdivision approval under State law.
- e) In computing the amount of an Erosion and Sediment Control Bond and a Performance Bond, the Commission shall consider the following items:
- 1) The construction cost of all required improvements, including storm drainage system, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final Subdivision Plan, Plan and Profile, and Erosion and Sedimentation Control Plan.
 - 2) The cost of restoring the site if the subdivision improvements are not completed. The following assumptions will be considered for the calculation of the restoration bond: The entire limits of road construction have been disturbed; that the value of grading is equal to 25% of the total earthwork volume; that stockpiled topsoil is available on site for respreading over disturbed areas; that all areas are to be seeded; and that supplemental erosion control measures are provided. [amended effective 12/14/98]
 - 3) Costs for the Town to advertise and award a contract for erosion and sediment control measures for construction of the improvements or site restoration.
 - 4) Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.
 - 5) The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering and 10% inflation factor.
 - 6) Where a subdivision is to be developed in phases, the subdivider may petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs (e) 1 through 5 above, related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the subdivider prior to commencing development of any or all additional phases. Where the subdivider bonds in phases as authorized in this paragraph, no improvement, as that

term is defined in these Regulations, shall be commenced in any phase for which no bond has been posted. [amended effective 12/14/98]

- f) The amount of the Erosion and Sediment Control Bond and the Performance Bond shall be the sum which the Commission shall require. The completion date of all required improvements shall be as required by the Commission. The bond amount shall be calculated by the Town Engineer or his/her designee. The Commission shall accept cash bonds or financial guarantees other than surety bonds, including, but not limited to letters of credit, and the Commission may accept surety bonds.
- g) As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements:
 - 1) Cash or Payment in the form of a certified check. The issuing bank ("Surety") shall be one maintaining offices in Tolland County in the State of Connecticut.
 - 2) A Letter of Credit in favor of the Town in the form provided by the Commission. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut.
 - 3) A surety bond that meets the following requirements:
 - i) The surety issuing the bond shall be one approved by the Commission based on a list of approved surety companies that the Commission may, by resolution, approve from time to time. The Commission may by resolution, in its sole discretion add or remove surety compaies based on the performance of such companies in Coventry or any other municipality. The Commission may by resolution use a list of approved surety companies published by the Connecticut Conference of Municipalities or any other statewide organization selected by the Commission.
 - ii) The surety company shall maintain permanent offices within the State of Connecticut.
 - iii) The surety bond agreement shall contain the following provisions:
 - a) That payment shall be made in full within sixty five (65) days of written demand by the Commission or its agent, and
 - b) that failure to make full payment within such time shall automatically and without further demand result in a penalty of one percent (1%) of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand and
 - c) that if litigation is required to collect said surety bond, the surety company shall pay to the Commission the costs thereof, including witness fees, court entry fees, and any other costs and expenses of such litigation, and
 - d) the surety company shall agree to indemnify and hold harmless the Commission and the Town of Coventry against any and all claims of damage or injury sustained upon, or as a result of the incomplete public improvements during the period following the demand for payment on said surety bond and for restoration of any damage or deterioration (including but not limited to, erosion and sedimentation damages) resulting from such delay in payment, and
 - e) such other provisions as the Commission's legal counsel shall require.

- iv) The Power of Attorney of person signing on behalf of the Surety Company must be attached to the Bond if not already on file with the Commission. If the person acting as attorney for the Surety Company is not a licensed resident agent of the State of Connecticut, then this Bond shall be countersigned by a licensed Connecticut resident agent of the Company. The Company shall appeal on the Department of the Treasury Federal Registry Circular 570.
- v) The signatures of two (2) witnesses are required on the Bond. If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the Bonding Company, and a corporate resolution must be provided indicating that the corporate officer executing the bond has authority to do so. If the subdivision applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond has authority to do so. [amended effective 12/14/98]
- vi) The Bond must show the bond number and the name of the Bonding Company's local agent.
- vii) If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted public improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact. [added effective 12/14/98]

SECTION 3. CERTIFICATE OF ZONING COMPLIANCE

Before any Certificate of Occupancy may be issued for any building in such subdivision on a lot that fronts on a subdivision road that has not been accepted by the Town as a public road, the subdivider must complete such road, in accordance with all applicable specifications, up to the farther side line of such lot, to a stage in construction at which only final surfacing of the road remains to be done before completion of the road. The foregoing condition shall not apply to street trees, sidewalks, or other types of road-related improvements not required for vehicular travel, but shall apply to the installation of street name signs to facilitate the provision of emergency services. The balance of the work on such road, and all other public improvements, must also be bonded in accordance with the provisions of this Chapter V. In addition, water supplies and effluent disposal systems shall be operational and accepted by the appropriate Town or State agencies prior to the issuance of a Certificate of Zoning Compliance allowing the occupancy of a dwelling on any lot. [amended effective 12/14/98]

SECTION 4. APPLICATION OF BONDS

The Commission may call any Erosion and Sediment Control Bond or Performance Bond and apply the proceeds of such bond to the construction and installation of required subdivision improvements and utilities in any of the following circumstances:

- a) The Commission may call the bond at any time within sixty (60) days before the

expiration or termination date of the bond, as that date may have been extended, if any portion of the required subdivision improvements or utilities has not been completed. If the Commission has called the bond under this subsection, and the expiration or termination date of the bond is subsequently extended for a period of no less than one (1) additional year, or a replacement bond of equivalent or greater amount is subsequently provided in a form satisfactory to the Commission, the Commission shall have the option of proceeding to complete any portion of the required subdivision improvements and utilities under the original bond or accepting the extended or replacement bond in lieu of completing such improvements.

- b) The Commission may call the bond at any time within sixty (60) days before the date, as it may have been extended, on which the approval of the subdivision is scheduled to expire under any applicable provision of state or local law if any portion of the required subdivision improvements or utilities has not been completed.
- c) The Commission may call the bond at any time to complete any portion of the required improvements or utilities the Commission deems reasonably necessary to serve any lots within the subdivision that have been sold or otherwise conveyed.

ANY PERSON WHO SUBMITS AN APPLICATION FOR FINAL APPROVAL OF A SUBDIVISION BASED UPON THE PROVISION OF A BOND IN LIEU OF THE COMPLETION OF ALL REQUIRED IMPROVEMENTS AND UTILITIES SHALL BE DEEMED TO HAVE READ, UNDERSTOOD AND ACCEPTED ALL OF THE FOREGOING TERMS. THE COMMISSION SHALL NOT ISSUE ANY FINAL APPROVAL OF A SUBDIVISION APPLICATION BASED UPON THE PROVISION OF A BOND UNLESS THE APPLICANT AGREES TO ABIDE BY THE FOREGOING PROVISIONS.

SECTION 5. BOND RELEASE

- a) Prior to the release of the Performance Bond the subdivider shall present a Maintenance Bond equal to ten (10%) percent of the full amount (i.e., the highest amount set by the Commission before any subsequent reductions) of the Performance Bond. The Maintenance Bond shall be for a period of one (1) year and shall guarantee the improvements installed against defects in materials or workmanship, or damage caused to the improvements by any construction activity in the subdivision. The one-year period shall commence upon the effective date of the acceptance of any road or other public improvements by that agency having authority for such acceptance.
- b) Application for the release or reduction of any Performance Bond upon completion of all required improvements shall include the submission of properly scaled as-built drawings, which shall include all changes in the plans as authorized by the Commission or the Engineer during the course of construction. The as-built drawings shall be signed and sealed by a Connecticut Registered Land Surveyor licensed in the State of Connecticut.
- c) Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the developer may request that the Commission reduce any outstanding bond to reflect the cost of

construction of the remaining improvements. Such reductions shall be made within sixty-five (65) days of the developer's request. The Commission may refuse such reductions if it finds the construction of any improvements in violation of any provision of these Regulations or the plans, terms, or conditions for any subdivision approved hereunder.

SECTION 6. AGREEMENT FOR INSTALLATION OF IMPROVEMENTS

An application for approval of a subdivision plan that involves the construction or installation of public improvements shall constitute an agreement by the subdivider to be personally responsible for the completion of any portions of the improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to CT General Statute Section 8-26c (c) shall not prevent the Commission from seeking to enforce the personal responsibility of the applicant to complete the necessary improvements.

The Commission shall not approve any subdivision plan that involves the construction or installation of public improvements unless the applicant signs an agreement acknowledging the foregoing personal responsibilities. The form of such agreement shall be as set forth on Page 51 of these Regulations.

CHAPTER VI - REQUIRED IMPROVEMENTS AND DESIGN CRITERIA

The Commission hereby adopts and incorporates herein, as though fully set forth, all of the provisions of the Coventry Road Regulations dated December 14, 1998.

SECTION 1. DESCRIPTION

The improvements set forth in this Chapter VI shall be required in all subdivisions except where waived by the Commission pursuant to Chapter X of these Regulations. [amended effective 1/1/77; amended effective 12/14/98]

All construction will be done in accordance with the Coventry Road Regulations. Please refer to appendix of these regulations. [amended effective 1/1/77; amended effective 12/14/98]

SECTION 2. STREET

- a) Layout. The street and highway layout shall conform to the Plan of Conservation and Development for streets and highways. [amended effective 1/1/77; amended effective 12/14/98]
- b) New Streets. Where the subdivision adjoins land susceptible to being subdivided, the Commission may require new streets to be carried to the boundaries of the proposed subdivision. Reservation of title in any land controlling access to streets is prohibited. [amended effective 1/1/77; amended effective 12/14/98]

- c) Reserved Rights-of-Way. When required by the Commission, the owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining property susceptible of being subdivided. Such reserved rights-of-way shall be included in an agreement by and between the Town of Coventry and the owner, and shall include slope rights fifteen (15') feet outside of the street right-of-way. These rights-of-way shall have necessary radial intersections. Lots adjoining these rights-of-way shall be so laid out that access to the house or garage shall not be over the reserved right-of-way. [amended effective 1/1/77; amended effective 12/14/98]
- d) The designation for each new or existing street will be determined by the Commission after evaluating the following factors:
- 1) The type of land use permitted in the subject zone, and/or proposed for the subdivision, such as, residential, commercial, industrial, or institutional;
 - 2) The residential density and/or development intensity of any permitted and/or proposed land uses;
 - 3) The number of acres or residential units or non-residential buildings to be served, both immediately and in the future, including potential extensions of existing or proposed streets;
 - 4) The physical characteristics of the property through which the street is proposed, such as topography, surface geology, water table, and the like;
 - 5) The recommendations of the Plan of Conservation and Development.

[preceding added effective 12/14/98]

- e) Where a subdivision abuts or contains an existing street that does not comply with the specified width requirements, the owner shall dedicate the necessary area to the Town for street widening and the applicant shall show such widening on the Formal Subdivision Plan.

[amended effective 1/1/77; amended effective 12/14/98]

- f) Cul-de-sac Streets. A cul-de-sac street shall not originate at a loop street.

When a cul-de-sac is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract.

When there is a possibility of extension of a street, all portions of the cul-de-sac, including pavement, grass strip, and sidewalk that fall outside of the limits of the normal right-of-way width shall occupy the space by virtue of an easement delivered to the Town before acceptance of the street.

The applicant (subdivider) extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in which

pavement has been removed and install curbs and sidewalks, extend existing driveways and relocate mail and paper boxes in the original cul-de-sac area in accordance with Town requirements and all at the applicant (subdivider's) own expense. [amended effective 12/14/98]

[amended effective 6/30/85; amended effective 12/14/98]

- g) Loop Streets. Loop streets shall not originate at another loop street or a cul-de-sac street. Loop streets shall not provide access to more than twenty (20) lots.

No lots within the loop shall have its rear line fronting on the street.

[amended effective 6/30/85; amended effective 12/14/98]

- h. Half Streets. The dedication of half streets at the perimeter of a new subdivision is prohibited.

[amended effective 6/30/85; and amended effective 12/14/98]

- i) Slope Rights. Where new streets abut private property, necessary slope rights shall be obtained by the applicant when in cut or fill, and these slope rights shall be shown on the final layout submission to the Commission. The applicant shall investigate the effect of cuts or fills on adjacent private property within the slope right areas. The applicant shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.

[amended effective 6/30/85; and amended effective 12/14/98]

- j) Existing Street Improvements/Access. Whenever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved where it fronts the proposed subdivision or beyond the limits of the proposed subdivision, the Commission may disapprove such plan or may condition its approval upon alteration of such street by and at the expensive of the subdivider. [amended effective 1/28/77; and 12/14/98]

In making the determination set forth in the preceding paragraphs, the Commission shall take into account the street's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, and generally the ability of any vehicle to use the street safely. [amended effective 6/20/85; and amended effective 12/14/98]

- k) Scenic Roads; Stone Walls. Frontage improvements, as described in the preceding section, may be modified by the Commission in order to achieve the objectives of the Coventry

Scenic Roads Ordinance. In addition, the Commission shall consider the existence and preservation of stone walls which are part of Coventry's historic character. [added effective 12/14/98]

- l) Specification and Details. All street improvements shall be constructed in accordance with the Town of Coventry Road Regulations on file in the office of the Town Clerk. [amended 6/30/85; and amended effective 12/14/98]

- m) Utilities. All utility lines including, but not limited to, those required for electrical, communication, lighting and cable television sources and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines. The subdivider shall make all necessary arrangements with the service utility to provide the underground services. The method of installation shall be approved by the particular utility company and be in conformance with the utility location requirements of these Regulations. The Commission may waive all or part of these requirements of these Regulations in accordance with Chapter X. [amended 6/30/85; and amended effective 12/14/98]

SECTION 3. LOTS

- a) If the owner of a proposed subdivision also owns adjacent land that cannot be independently subdivided into lots meeting the requirements of the Regulations, such adjacent land must be incorporated into the proposed subdivision. The Commission shall not approve any subdivision containing one or more fragments or parcels that would not meet the minimum requirements for a developable lot unless such fragments or parcels expressly intended to be dedicated to a public use acceptable to the Commission. [amended 6/30/85; and amended effective 12/14/98]

- b) No lot, regardless of size, which is rendered useless for building due to utility easements, right-of-way, watercourses-topography, or lack of compliance with the Public Health Code, shall be shown as building lots on any subdivision. Except as provided in Subsection (a), such property shall be included in adjoining lots. [amended 06/30/85; and amended effective 12/14/98]

- c) On lots located on the outside of sharp curves and cul-de-sacs the Commission may allow the frontage requirements to be applied at the building line instead of the street line. Each lot for which such frontage measurement is sought shall be individually identified in the subdivision application form and on the Formal Subdivision Plan. [amended 6/30/85; and amended effective 12/14/98]

- d) On corner lots the lot dimensions may be determined from the point of intersection of the two (2) street lines. If the streets have a curved line of intersection, the lot dimensions may be determined from the point at which the street lines would have intersected if each had been continued as a straight line. [amended 6/30/85; and amended effective 12/14/98]

- e) Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines. Variations from this rule will be made only where it is impractical to do otherwise, and shall require approval in accordance with Chapter V of these Regulations. [amended 6/30/85; and amended effective 12/14/98]
- f) Space shall be provided on all lots for off-street parking. [amended 6/30/85; and amended 12/14/98]
- g) Lot Boundary Markers. A lot boundary marker shall be placed by the subdivider's surveyor on each lot corner and also at any point where a change of a lot line occurs. Such marker may be a steel rod, iron pin, drill hole, or other equally permanent method and it shall be clearly marked with an indelible paint. The permanent marker location shall be shown on the final subdivision map and must be placed on the site prior to the issuance of a final Certificate of

Use and Compliance on the subject lot. Upon the specific request of the applicant in the subdivision application form, the commission may waive this requirement on extraordinarily large lots or remaining tracts of property in accordance with Chapter X of these Regulations. [amended 7/18/77; and amended effective 12/14/98]

- h) Lot Size. To ensure that all proposed subdivision lots have an adequate area for on-site water and sewerage systems, house and accessory building locations, driveways and parking area and usable recreation space; to minimize drainage problems and facilitate ground water discharge; and to minimize potentially detrimental encroachments upon watercourses, waterbodies, wetland soils and flood plain areas; all proposed subdivision lots, except as otherwise permitted under the Coventry Zoning Regulations, shall comply with the Minimum Buildable Area requirements of the Zoning Regulations. [added 10/1/79; and amended effective 12/14/98]
- i) Common Driveways Shall Be Allowed, Provided:
 1. The driveway serves no more than three dwellings or, in the case of loop driveways, no more than five dwellings.
 2. The appropriate construction standards are met (See Section 6).
 3. A driveway easement is filed on the deeds of the affected lots to clearly establish liability and maintenance agreements. Said deed restriction shall be approved by the Town of Coventry Planning staff and filed on the land records prior to the issuance of a Certificate of Use and Compliance on any of the subject lots. [added/amended effective 12/14/98]

CHAPTER VII - WATER SUPPLY AND SANITARY WASTE DISPOSAL

SECTION 1. WATER SUPPLY

- a) Every proposed lot must be suitable for the installation of an adequate water supply consisting of a drilled well, artesian well or community water supply. Where evidence before the Commission indicates that water supply may not be adequate, whether because of poor quality, insufficient quantity or other reason, the subdivider may be required to submit additional information demonstrating the adequacy, quality and quantity of the proposed water supply. Such information shall be submitted to the Town Director of Health or other appropriate Town official for review and comment. The Commission may also require the installation of test wells in one or more locations prior to issuing approval of any Final Subdivision Plan.
- b) If the use of a community water supply system is proposed, the subdivider shall submit a plan in compliance with, evidence of an approval by the Town Director of Health. [See also, Chapter III, Section 3(a)(ix)]

SECTION 2. SANITARY WASTE DISPOSAL

- a) No lot requiring an individual septic system for sewage disposal shall be considered for approval by the Commission until the lot has been approved by the Town Director of Health, Town Sanitarian, or other appropriate Town official as suitable for the system. Percolation tests, soil reports, and the relevant Town official's report must be submitted with the Subdivision Application. Where evidence indicates special cause for concern, the Commission may require additional information in applications, including, but not limited to, a permeability analysis and/or renovation analysis of bacteria, phosphates, or other pollutants. [amended effective 12/14/98]
- b) It is the responsibility of the subdivider to contact the Town Director of Health or Town Sanitarian to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. The subdivider shall provide the necessary equipment and labor for the making of any and all tests required by Town health officials. When Town health approval is given subject to conditions, such conditions shall be noted on the record map.
- c) A minimum of one (1) deep observation hole and percolation test shall be performed in each proposed primary, and in each proposed reserve, septic system area indicated on the subdivision plans. [added effective 12/14/98]

CHAPTER VIII - OPEN SPACES AND RECREATION AREAS

SECTION 1. DISPOSITION

For any subdivision of land under these Regulations, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this Chapter VIII, "open space or recreation areas" shall

be defined to include, but not be limited to, areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider Plan of Conservation and Development objectives and map designations and the subject site's characteristics with respect to the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, ledge outcroppings and other unusual physical features; the protection of productive agricultural soil, the protection of historic or archeological sites; the expansion of existing open space, recreational areas, and greenways and the meeting of neighborhood and/or community-wide recreational needs. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space or recreational purposes, and it may reject or modify any area proposed by the applicant. [amended effective 12/14/98]

SECTION 2. SIZE

Where open space and/or recreation area disposition is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Chapter VIII, Section 1 and the scope of the subdivision proposal. Required open space and/or recreation areas shall ordinarily be a minimum of ten percent (10%) of the area of the property under consideration. Based on the site's value with respect to the objectives cited in Chapter VIII, Section 1, up to twenty percent (20%) of the area of the property under consideration may be required by the Commission. However, in no case may the fair market value of the land or interests which the Commission requires the owner to dedicate exceed ten percent (10%) of the fair market value of the total subdivision area as measured prior to subdivision approval. In the event the Commission elects to have the applicant dedicate a portion of the proposed subdivision that is proportionately more valuable than the remainder of the subdivision, the Commission may require the dedication of less than ten percent (10%) of the area of the subdivision if the area to be dedicated would have a fair market value approximately equivalent to ten percent (10%) of the fair market value of the land to be subdivided as measured prior to subdivision approval. In determining the total land to be reserved as open space and/or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

SECTION 3. SITES OF ARCHAEOLOGICAL SIGNIFICANCE

- a) In all subdivisions of five (5) acres or more, all applicants shall make written inquiry of the office of State Archaeologist to determine if there is existing evidence or a reason to believe evidence exists of sites of archaeological significance within the subdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision

application. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum open space requirements of this Chapter. If no reply from the State Archaeologist is received within 30 days after receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance. [added effective 12/14/98]

- b) The Commission may require an environmental assessment where it determines that the subdivision may contain significant natural and/or cultural resources, based on the National Resources Inventory, Conservation Commission, Open Space Report, Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.

SECTION 4. METHOD OF DISPOSITION

The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Chapter VIII, Section 1; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- a) Perpetual dedication to the Town.
- b) Perpetual dedication to the State of Connecticut for open space or recreational purposes.
- c) Perpetual dedication to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication. [amended effective 12/14/98]
- d) Dedication to a homeowners' association for open space or recreational purposes (see Chapter VIII, Section 8).
- e) Utilization of conservation easement(s), with or without public access.
- f) Utilization of a recreation easement, to the Town, State, or a private non-profit entity.
- g) Utilization of an agricultural use restriction easement, to the Town, State, or a private, non-profit entity.
- h) Private ownership for open space purposes with the appropriate taking of development rights.
- i) Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content. [added effective 12/14/98]

SECTION 5. REFERRALS

The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Conservation Commission, Recreation Commission, Tolland County Soil and Water Conservation District, or any other appropriate agency.

SECTION 6. CONDITION OF OPEN SPACES AND/OR RECREATION LAND

- a) Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall be left in a natural state by the subdivider unless otherwise specified by the Commission. Except for such improvements as may be required by the Commission, open space areas shall not be graded, cleared or used as a repository for brush, stumps, earth, building materials or debris.
- b) Open space and/or recreation areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall typically be twenty feet (20') wide and have a slope no greater than twelve percent (12%). [relocated - The Commission may require that any land to be dedicated for recreational use be cleared of brush, trees, and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of four inches (4"); be seeded with low maintenance grass seed and be otherwise improved so that the land is left in a condition appropriate to the intended use.]
- c) When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.
- d) The boundary lines of all areas to be dedicated shall be set in the field and marked by Commission-approved plaques where such lines intersect any lot line, road, or perimeter line within the proposed subdivision and at such other points as may be required by the Commission to ensure identification in the field.

SECTION 7. ENFORCEMENT BONDING

To ensure proper construction of any required improvements in areas to be dedicated pursuant to this Chapter VIII, the Commission shall require the subdivider to include in the performance bond an amount sufficient to ensure completion of such improvements. All required improvements of open space and/or recreation land shall be completed prior to the sale of more than fifty percent (50%) of the lots within the subdivision. [amended effective 12/14/98]

SECTION 8. HOMEOWNERS' ASSOCIATION

The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an association of property owners. The document providing for such transfer must:

- a) Establish a mandatory participation in an association of property owners to maintain the land reservation for open space, park, and/or playground purposes, with power to assess all members for all necessary costs.
- b) Be binding on all future property owners.
- c) Be perpetual.
- d) Not be affected by any change in zoning or land use.
- e) Assure adequate maintenance.
- f) Provide for enforcement by the Town by appropriate legal action.
- g) Provide that if maintenance or preservation of the dedication no longer comply with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.
- h) Comply with the Connecticut Common Interest Ownership Act (CIOA) and other relevant state laws and regulations.

After approval by the Town Attorney and Commission, the document shall be filed by the subdivider in the Office of the Town Clerk.

SECTION 9. LEGAL TRANSFER

Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of this Chapter VIII and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Planning Staff and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Council. In the event that acceptance is rejected by the Town Council, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space and/or recreation areas. In no case shall the acceptance of any deed by the Commission or an employee of the Town prior to Town Council approval be deemed as acceptance of the open space and/or recreation area by the Town. [amended effective 12/14/98]

SECTION 10. DEDICATION FOR OTHER MUNICIPAL PURPOSES

In the event the subdivider proposes to transfer to the Town land for municipal purposes other

than open space or recreation, the Commission may, in its discretion, approve such dedication as a credit toward any open space and/or recreational area disposition requirements under this Chapter VIII.

SECTION 11. FEE IN LIEU OF OPEN SPACE

As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may, at the option of the applicant, authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

- a) Amount: Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- b) Procedure: To employ the fee-in-lieu of open space option, the following procedures shall be used:
 - 1) The applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.
 - 2) The Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.
 - 3) If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.

Steps 1) through 3) may be accomplished as part of the consideration of a Preliminary Layout, or at the time of acceptance of a Formal Subdivision application.

- 4) The applicant shall submit the appraisal prior to the completion of the Commission's review of the Formal Subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal before the close of the public hearing.
- 5) The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.

- c) Payment: The method of payment of any fees under this Section shall be one of the following two options:
- 1) The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of the approved Final Subdivision mylars with the Town Clerk; or,
 - 2) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the Final Subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.
 - 3) No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.
- d) Dedicated Fund: Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

SECTION 12. OPEN SPACE EXEMPTIONS

In accordance with Connecticut General Statutes Section 8-25, the following instances shall be exempt from the provisions of Chapter VIII Open Spaces and Recreation Areas:

- a) where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Final Subdivision Plan. If the Commission determines, subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and
- b) where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be

evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

CHAPTER IX - LOT LINE REVISIONS

SECTION 1. LOT LINE REVISION IN APPROVED SUBDIVISION PLANS

The revision of any lot line or lot lines shown in a subdivision plan that has been previously approved by the Commission shall be deemed to constitute a modification of the approved subdivision plan. Any and all such modifications must be reviewed and approved by the Commission. The Commission shall not hold a public hearing on any such proposed lot line revision unless the proposed revision would result in a resubdivision, as defined in Section 8-18 of the Connecticut General Statutes, as amended. The Commission shall approve a proposed lot line revision unless it determines either (i) that one or more of the proposed reconfigured lots would not meet any applicable requirements of the Zoning Regulations, or (ii) that the proposed modification would result in a lot or lots that would be significantly more difficult to develop or use because of the location of such physical features as wetlands, watercourses, or steep or rocky areas within the reconfigured lot or lots.

SECTION 2. LOT LINE REVISIONS IN OTHER LOTS

The revision of lot lines for adjoining, legally existing lots that predate the enactment of subdivision regulations in the Town of Coventry or that were lawfully created without subdivision approval shall not be deemed to be a subdivision and shall not require the review or approval of the Commission unless such revision results in the creation of a greater number of lots or parcels than existed before the revision.

CHAPTER X - WAIVER OF REGULATIONS

[Chapter X, revised effective 08/01/11]

SECTION 1. PURPOSE OF WAIVERS

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with Connecticut General Statutes Section 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare.

SECTION 2. PROCEDURE FOR WAIVERS

- a) Requests for waivers under this Chapter must be submitted in writing before the submission of any formal subdivision application. The Commission shall not grant any waiver with respect to a proposed subdivision after a formal application has been submitted for such subdivision.
- b) Any request for a waiver under this Chapter shall be submitted in writing to the Commission, with a sufficient set of plans or other information to allow the Commission to determine whether such waiver should be granted. Any materials submitted by the applicant for purposes of requesting a waiver with respect to any subdivision shall be deemed to be part of the record for any later, formal application for such subdivision.
- c) The Commission shall act upon any written request for a waiver by the earlier of (1) the date of the Commission's first regularly scheduled meeting after the day of submission of such request; or (2) 35 days after such submission. The applicant may grant extensions of time for the Commission to act upon such request. If the Commission fails to act upon such request within the time set forth herein, or within the period of any extension granted by the applicant, the request shall be deemed to have been denied.
- d) The Commission shall not grant any waiver for any subdivision plan for which there has been no Preliminary Review pursuant to Chapter IV, Sections 1 and 2, of these Regulations.

SECTION 3. STANDARDS FOR WAIVERS

In considering a request to waive or modify any requirement for providing information under Chapter IV, Section 3, subsections (a) or (b), of these Regulations, the Commission may approve a waiver if it determines that it will not require such information to evaluate the application under the applicable standards of these Regulations. In considering a request to waive or modify any other requirement of these Regulations, the Commission shall only approve such waiver or modification upon a finding that all of the following conditions are met:

- 1) Conditions exist on the subject property which are not generally applicable to other land in the Town;
- 2) Said conditions would render the subject property, or some significant portion thereof, unusable for any viable use permitted in the subject zone if these Regulations were strictly applied;
- 3) Said conditions were not created by the property owner nor by his/her predecessor(s) in title;
- 4) The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations;
- 5) The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.

CHAPTER XI- MISCELLANEOUS PROVISIONS

SECTION 1. PENALTY FOR FAILURE TO COMPLY

In accordance with Connecticut General Statutes Section 8-25, any person, firm, corporation, partnership or association making the subdivision or resubdivision of land without approval of the Commission shall be liable to a fine of Five Hundred (\$500.00) Dollars for each lot sold or offered for sale. In the event that any subdivider shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Coventry Land Records. [from former Chapter XI, Section 2; relocated but not amended, effective 12/14/98]

SECTION 2. AMENDMENTS

These Regulations may be amended by the Commission in accordance with the procedures set forth in Section 8-25 of the Connecticut General Statutes. [from former Chapter XI, Section 3; relocated but not amended, effective 12/14/98]

SECTION 3. VALIDITY

Should any section or provision of the Regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be invalid. [from former Chapter XI, Section 4; relocated but not amended, effective 12/14/98]

SECTION 4. ENACTING CLAUSE, SHORT TITLE AND REPEAL

The Coventry Planning and Zoning Commission acting under authority of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Subdivision Regulations of the Town of Coventry". The provisions of the Subdivision Regulations heretofore in force and any amendments thereof, so far as they are the same as in these Regulations, are to be deemed continued and not as new enactments. Any and all provisions of the Regulations as originally enacted which are inconsistent with the provisions of these Regulations are hereby repealed, but this shall not affect any violations thereof already existing or any penalty incurred and the same may be prosecuted as if these Regulations had not been adopted. [from former Chapter XI, Section 5; relocated but not amended, effective 12/14/98]

CHAPTER XII - SUBDIVISION DESIGN STANDARDS

SECTION 1. PURPOSE

The subdivision design standards set forth in this chapter are intended to fulfill the requirements of Section 8-25 and 22a-19 of the Connecticut General Statutes, and specifically to assure that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water, drainage, and sewerage and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Town's Plan of Conservation and Development, especially in regard to safe intersections with such

thoroughfares, and are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that reasonable provision is made for the creation, maintenance, and preservation of open spaces, parks, and playgrounds; and that the design of any subdivision does not unreasonably pollute, impair, or destroy, or create an unreasonable risk of polluting, impairing, or destroying, the public in the air, water, or other natural or historic resources of the state.

SECTION 2. APPLICATION OF STANDARDS

- a) Manner of Application. The standards set forth in this chapter, elsewhere in these Regulations, and in the current Plan of Conservation and Development shall be considered by the Commission in determining whether to approve, modify and approve, or deny any subdivision or resubdivision application. The Commission may modify a proposed subdivision plan in any manner it determines to be reasonably necessary to achieve compliance with such standards. Such modifications may include, without limitation, the adjustment of proposed lot lines; the adjustment of the locations or dimensions of proposed streets, rights-of-way, utilities, or other improvements; or the provision, or the adjustment of the proposed location, of any open-space area, park, or playground. Such modifications may also include the elimination, combination or merger of specific lots on the proposed subdivision plan if the Commission deems such modifications necessary to avoid unreasonably adverse impacts to specifically identified natural or historic resources or to avoid specifically identified health or safety hazards to landowners, pedestrians, drivers, or other persons making proper use of any land within the area of the subdivision.
- b) Limitation of Modifications. For purposes of Section 2 (a), the term 'specifically identified' shall apply only to natural resources, historic resources, or health or safety hazards that are specific to the subdivision application and land being reviewed. For example, the Commission may order the elimination or merger of a specific lot that is proposed to contain an inordinate percentage of inland wetlands or that would require a driveway to enter a road at a point with particularly difficult sight lines. However, the Commission may

not require a general reduction in the overall lot density on the basis of generalized health, safety, or environmental reasons if the lot density as proposed is consistent with the requirements of the current Zoning Regulations.

SECTION 3. PUBLIC HEALTH STANDARDS

The standards for the protection of public health shall be as set forth in Chapter VII of these Regulations, entitled “Water Supply and Sanitary Waste Disposal.”

SECTION 4. STANDARDS FOR OPEN SPACES, PARKS, AND PLAYGROUNDS

The standards for the provision of adequate open spaces, parks, and playgrounds shall be as set forth in Chapter VIII of these Regulations, entitled “Open Spaces and Recreation Areas.”

SECTION 5. STANDARDS FOR STREET DESIGN

The standards for the provision of adequate access and street systems include those set forth in Chapter VI of these Regulations, entitled “Required Street Improvements and Design Criteria.” In addition, the Commission shall apply the following standards:

- a) All streets in a proposed subdivision plan shall be designed to allow their incorporation into a safe, practical and effective Town street and highway system. For example, when a subdivision is planned within an area of the Town that is largely undeveloped or sparsely developed, the Commission shall consider whether any proposed cul-de-sacs would compromise the Town’s ability to provide for through roads as the area becomes more densely developed.
- b) Street layouts shall be designed with reasonable consideration for future access to adjoining parcels of land. Cul-de-sacs shall be disfavored if adjoining undeveloped parcels should be more easily and practically developed by a through-road connection and if the use of cul-de-sacs would be likely to require emergency vehicles to traverse a substantially longer route to reach adjoining properties.
- c) In approving a subdivision application, the Commission may require the dedication of land along existing Town streets if necessary to provide the street right-of-way with an adequate width.

[amended effective 12/14/98]

SECTION 6. STANDARDS FOR PROTECTION OF NATURAL RESOURCES

The Commission may modify a proposed subdivision plan prior to approval if it deems such modifications(s) necessary to protect specifically identified natural resources such as, but not limited to:

- 1) Inland wetlands or watercourses and their riparian zones;
- 2) Habitat of rare or endangered plant or animal species;
- 3) Significant stands of mature trees or particularly large or unusual trees;
- 4) Significant geological features, such as unusual rock outcroppings;
- 5) Vista points and undisturbed ridgelines;
- 6) Floodplains; and
- 7) High-yielding or potentially high-yielding aquifers.

SECTION 7. STANDARDS FOR PROTECTION OF HISTORIC RESOURCES

The standards for the protection of historic resources shall include those standards set forth in Chapter VIII, Section 3 of these Regulations, entitled "Sites of Archaeological Significance." In addition, the Commission may modify a proposed subdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified historic resources such as, but not limited to:

- 1) Stone walls or fences;
- 2) Foundations or other evidence of historic settlements within the Town;
- 3) Native American or other burial grounds; and
- 4) Historic structures or landmarks, as defined by Section 22a-19a of the Connecticut General Statutes.[amended effective 12/14/98]
- 5)
 - a) Subdivisions shall be designed to preserve all existing stone walls.
 - b) All existing stone walls that are required to be removed shall be re-used elsewhere on the property, such as lot lines, or used to enhance other stone walls on the site.
 - c) A deed restriction may be required by the Commission to preserve the stone walls or they may be subject to in a conservation easement or restriction. **(Added effective 6/15/12)**

AGREEMENT

In consideration of the Coventry Planning and Zoning Commission's approval on

_____, of subdivision application dated _____, a subdivision to be known as _____, the undersigned applicant for the subdivision approval, _____, hereby agrees to be personally responsible for the completion of any portions of the improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to Connecticut General Statute Section 8-26c(c) shall not prevent the Commission from seeking to enforce the personal responsibility of the undersigned applicant to complete the necessary improvements.

COVENTRY PLANNING AND ZONING COMMISSION

APPLICANT

By _____
Its Chairman
Duly Authorized

By _____
Its
Duly Authorized

[Amended effective 12/14/98]

**CHAPTER XIII – NATURAL RESOURCE - OPEN SPACE DESIGN
SUBDIVISION REGULATIONS**

[Chapter XIII, Sections 1-8 revised - effective 08/01/11]

SECTION 1. PURPOSE

The purpose of this Chapter is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character.

SECTION 2. DEFINITIONS

The following terms, as used in this Chapter XIII, shall have the meanings set forth thereafter:

Active Recreation: Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Conventional Subdivision: A subdivision design in which all lots would meet the requirements of Table 4.04A of the Coventry Zoning Regulations.

Open Space Subdivision: A cluster development, as defined by Section 8-18 of the Connecticut General Statutes, in which one or more lots would not meet the minimum dimensional requirements of Table 4.04A of the Coventry Zoning Regulations, but which would satisfy the dimensional and open-space requirements, and all other applicable criteria, of Section 4.12 of the Coventry Zoning Regulations.

Passive Recreation: Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

SECTION 3. USE OF OPEN SPACE SUBDIVISION DESIGN

a) General Requirement: Except as otherwise provided in Chapter X, every applicant proposing to subdivide a parcel of land must submit an open space subdivision plan that meets the requirements of this Chapter XIII and the other relevant provisions of these Regulations and the Coventry Zoning Regulations.

b) Waiver of Requirement. If the applicant wishes to have the Commission consider a conventional subdivision plan as an alternative to an open space subdivision plan, the applicant must request a waiver of the open space subdivision requirement pursuant to Chapter X. In such situations, the applicant must submit both an open space subdivision plan and the proposed, alternative, conventional subdivision plan so that the Commission may compare and contrast the two in light of the open space preservation policies set forth in these Regulations. The alternative conventional subdivision plan must conform to all other requirements contained in these Regulations and the Coventry Zoning Regulations. In determining whether to allow the submission of a conventional subdivision plan in lieu of an open space subdivision plan, the Commission shall consider whether an open-space subdivision plan may better protect the

Town's interests in health and public safety; water, sewerage and drainage; a harmonious, adequate and convenient system of streets; open spaces, parks and playgrounds; and other interests as set forth in Section 8-25 of the Connecticut General Statutes and other applicable provisions of state law.

c) Preliminary Review. In order to facilitate the Commission's consideration of the best form of subdivision for any parcel, the Commission recommends that, prior to the submission of an official application for subdivision approval, the applicant utilize the Preliminary Review option set forth in Chapter IV, Section 1 of these Regulations.

SECTION 4. GENERAL DENSITY LIMITATIONS

Except as otherwise provided in these Regulations, the maximum number of lots for an open space subdivision shall be determined, at the applicant's option, by either the Formula Method or the Yield Plan Method.

a) Formula Method. If the applicant chooses the Formula Method, the maximum number of lots shall not exceed the number resulting from dividing the total area of the parcel, subject to the exclusions stated hereafter, by the minimum lot size that would be permitted for a conventional subdivision in the applicable zoning district. The total area of the parcel, as measured for purposes of this section, shall exclude the following: (i) land that is not "buildable land," as defined in Section 2.02 of the Zoning Regulations, and (ii) existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities.

b) Yield Plan Method. If the applicant chooses the Yield Plan Method, the applicant must provide a preliminary conceptual subdivision plan consisting of lot and street layouts conforming to the Zoning and Subdivision Regulations governing conventional subdivision lots. Although such yield plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision layout. Consequently, yield plans must identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours, at a contour interval of no more than ten (10) feet; wetlands and watercourses; 100-year floodplains (Flood Zones A, as shown on FEMA maps); slopes exceeding twenty-five percent (25%); rock outcrops; and easements and rights-of-way affecting the parcel.

On lots that would not be served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems must be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

SECTION 5. DENSITY BONUSES

In accordance with Section 4.12.03 of the Zoning Regulations, the maximum number of lots allowed under Chapter XIII, Section 4 of these Subdivision Regulations may be increased in one of the following ways:

a) Open Space Maintenance Fund. The Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. The density bonus granted under this subsection shall be limited to fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter XIII. Any such density bonus shall be conditioned upon the provision by the owner of the parcel to be subdivided of an agreement to pay a fee into an open space maintenance fund to be established and maintained by either (i) the Town of Coventry or (ii) the organization to be charged with the maintenance of the open space provided in the applicable subdivision plan. The amount of the fee shall be set by the following formula: $[(CFMV/N) \times (0.5 XL)]$, where CFMV is the cumulative fair market value of all of the buildable lots or parts resulting from the subdivision, N is the total number of buildable lots or

parts resulting from the subdivision, and XL is the number of additional lots allowed by the density bonus. The value of CFMV shall, at the option of the applicant, be (i) the 100% value of all of the buildable lots or parts as determined by the Town Assessor for tax purposes as of the effective date of the subdivision approval, or (ii) determined by a licensed Connecticut real estate appraiser chosen jointly by the applicant and the Commission, in which case the applicant shall be responsible for any appraisal fees.

b) Other Open Space Dedications. A density bonus may be granted for the provision of excess open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Chapter XIII. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of Coventry. For each five acres of excess open space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen-percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter XIII. The decision whether to accept an applicant's offer to dedicate excess open space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Section 1 of this Chapter XIII.

c) Encouraging Affordable Housing. A density bonus shall be allowed for open space subdivisions, that provide affordable housing, as defined in Section 8-30g of the Connecticut General Statutes. For each affordable housing unit provided under this section, one additional lot shall be permitted, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter XIII. Affordable housing is herein defined as units to be sold or rented to families earning 70-120 percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

SECTION 6. OPEN SPACE PERCENTAGE AND USE LIMITATIONS

a) Minimum Percentage of Open Space. The minimum percentage of land that shall be designated as permanent open space shall be as required under Section 4.12 of the Coventry Zoning Regulations.

b) Use of Open Space Areas. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable portion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, provided that no portion of such systems protrudes above grade. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utility lines. However, land within the rights-of way of overhead power lines or other surface utility lines shall not be included in the minimum required open space. In determining whether the proposed locations and uses of open-space areas are acceptable, the Commission shall consider the potential impacts on nearby properties and on the neighborhood.

SECTION 7. DESIGN STANDARDS FOR OPEN SPACE SUBDIVISION

The dimensional requirements for lots in an open space subdivision shall be as specified in Section 4.12.05 of the Coventry Zoning Regulations. In designing an open space subdivision, the applicant should consider the purposes set forth in Section 1 of this Chapter XIII, the provisions and standards set forth in Chapter VIII of these Regulations, and the following factors (as set forth in Section 4.12.05 of the Zoning Regulations):

- a) Dwelling units shall be grouped allowing a portion of the parcel to remain open.
- b) The open space in any open space subdivision shall be located entirely within the subdivision and shall be in one contiguous piece, unless the Commission finds that the purposes of Section 4.12.01 of the Zoning Regulations would be more effectively served by separated parcels. The open space shall have suitable shape, dimension, character and location to promote the purposes specified in Section 4.12.01 of the Zoning Regulations.
- c) When designing an open space subdivision the applicant must refer to the Town's Open Space Plan and plan the development in relation to the open space by first (1) locating the proposed open space; second, locating houses; third, locating roads; and, fourth, laying out lot configurations.
- d) To the greatest extent feasible, lots shall be laid out to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site):
 - 1) To place septic systems on the most suitable soils for subsurface wastewater disposal (in unsewered areas only);
 - 2) Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
 - 3) In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);

- 4) On the least fertile soils for agricultural uses, and in a manner that maximizes the usable area remaining for such agricultural use;
 - 5) In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
- e) Wherever possible, wetlands should be adjacent, contiguous or included in the Open Space.
 - f) Along any part of the parcel perimeter where down-sized lots abut normal-sized lots, the Commission may require a buffer zone up to fifty feet in width, thickly planted with fast-growing native shrubs and trees, or may require in such buffer zone the maintenance of existing natural vegetation.
 - g) Unless prevented by ledge or other natural restraints, underground utilities shall be required in open space subdivisions.
 - h) Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.
 - i) Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, prime farmland agricultural soils, significant stands of trees, individual trees of significant size, and rock outcroppings).
 - j) Open space intended for recreation or other active public use should be easily accessible to pedestrians, including, to the extent feasible, the handicapped and elderly.
 - k) Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from and the view of prospective home sites, and to minimize the area devoted to motor vehicle access and travel.

The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes and satisfy the applicable criteria and standards of these Regulations and the Zoning Regulations.

SECTION 8. DEDICATION OF OPEN SPACE

a) Method of Dedication. The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Chapter VIII, Section 1 of these Regulations; the desirability and suitability of public access and use; and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- 1) Perpetual dedication to the Town.
- 2) Perpetual dedication to the State of Connecticut for open space or recreational purposes.

- 3) Perpetual dedication to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.
- 4) Dedication to a homeowners' association for open space or recreational purposes.
- 5) Utilization of conservation easement(s), with or without public access.
- 6) Utilization of a recreation easement, to the Town, State, or a private non-profit entity.
- 7) Utilization of an agricultural use restriction easement, to the Town, State, or a private, non-profit entity.
- 8) Private ownership for open space purposes with the appropriate taking of development rights.
- 9) Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content.

b) Agreement to Accept Ownership and Responsibility. If open space is to be owned by a private, not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Coventry, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space. Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

- 1) The continued use of such land for the intended purposes;
- 2) The continuity of proper maintenance for those portions of the open space requiring maintenance;
- 3) When appropriate, the availability of funds required for such maintenance;
- 4) Adequate insurance protection; and
- 5) Recovery for loss sustained by casualty, condemnation or otherwise.

c) Boundary Markings. The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road or perimeter line within the proposed open space subdivision and at such other points as may be required by the Commission to insure identification in the field.

d) Recording of Documents. At the time the approved open space subdivision plan is filed, the applicant shall record on the Coventry Land Records all legal documents required to ensure the aforesaid guarantees.

e) Right to Enforce. A right to enforce the Development Restriction shall be conveyed to:

- 1) The Town of Coventry, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where the open space is dedicated to an association or corporation of lot owners, or a private or governmental entity; or
- 2) To the association or corporation of lot owners in cases where open space is dedicated to the Town of Coventry, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.

Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

f) Association/Corporation Requirements. If the open space is proposed to be dedicated to an association or corporation of lot owners, then the Commission shall consider the following additional issues in determining whether to approve such proposal:

- 1) The increase in the burden imposed by the proposed open space subdivision on existing and proposed areas of open space.
- 2) Any relevant recommendations of the Town Council, the Inland Wetlands Agency, the Parks and Recreation Commission, the Conservation Commission, the Board of Finance, or any other public or private agencies or authorities regarding the most appropriate disposition and management of the open space.
- 3) The level of access to the areas of open space proposed to be afforded to members of the general public.
- 4) The manner in which the association would manage the open space, and the extent to which proper management would be assured;

In approving any proposed dedication of open space to an association or corporation, the Commission may set additional requirements to assure the proper and continuing management and oversight of the open space, including, but not limited to, the following:

- 1) Creation of the association or corporation prior to the sale of any lot;
- 2) Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and
- 3) Requiring the association or corporation to have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the open space.

SECTION 9. EXCEPTIONS

An applicant may apply to the Commission for an exception to the open space subdivision plan requirements. The purpose of the exception is to provide flexibility with regard to parcels of land for which an open space subdivision plan would be impractical due to existing physical conditions or limitations, would create an undue hardship, or would be substantially detrimental to the character of, or property values in, surrounding areas. In evaluating, approving or disapproving an application for such an exception, the Commission may consider the following criteria:

- a) The nature of the proposed development.
- b) The nature of the resources present on the land.
- c) The size of the subdivision.
- d) Road access.
- e) The shape of the parcel.
- f) Any undue hardships that the creation of an open space subdivision would cause; and,
- g) Any other factors the Commission deems appropriate. **[Amended effective 03/26/08]**

SECTION 10. PROCEDURES

Except as otherwise provided in this Chapter XIII, all open space subdivision plans and applications, as well as conventional subdivision plans and applications submitted under Section 9 of this Chapter XIII, must meet the procedural and substantive requirements of these Regulations and the Zoning Regulations.