

**REGULATIONS GOVERNING THE
SUBDIVISION OF LAND**

TOWN OF LEDYARD, CONNECTICUT



ADOPTED: MARCH 22, 1962

AMENDED: _____2021

LEDYARD SUBDIVISION REGULATIONS

Table of Contents

<u>Section 1.0:</u>	Purpose and Authority.....	1
<u>Section 2.0:</u>	General Definitions	3
<u>Section 3.0:</u>	Application Procedures	7
3.1	Pre-Application Conference/Preliminary Review.....	7
3.2	Establishing Day of Receipt.....	7
3.3	Application Fees.....	7
3.4	Referrals and Notification	8
3.5	Zoning Conflicts.....	8
3.6	Adjacent Property Owner Notification	8
3.7	Commission Action on Application.....	9
3.8	Final Filing	10
3.9	Appeals	10
3.10	Performance Security Requirements	11
3.11	Release of Performance Security	11
3.12	Maintenance Security	11
3.13	Display of Lot Numbers	11
3.14	Waiver of Requirements	11
3.15	Digital Map Submissions	12
<u>Section 4.0:</u>	Subdivision Design Requirements	13
4.1	General Requirements	13
4.2	Streets	14
4.3	Lots	16
4.4	Flood Protection	18
4.5	Coastal Site Plan Review	18
4.6	Energy Efficiency and Conservation	19

4.7	Cultural Resource Preservation	20
4.8	Conservation and Open Space Subdivisions	21
<u>Section 5.0:</u>	Improvements	26
5.1	Notification	26
5.2	Streets	26
5.3	Stormwater	26
5.4	Boundary Monumentation and Lot Markers	26
5.5	Requirements of Shared Driveways	27
5.6	Sidewalks	27
5.7	Time for Completing Improvements	28
5.8	Certification of Improvements	29
<u>Section 6.0:</u>	Parks, Playgrounds and Open Spaces	30
6.1	Open Space.....	30
6.2	Size of Open Space and/or Recreation Area for Conventional Subdivisions	30
6.3	Dedication of Open Space Provided by the Division of Land	32
<u>Section 7.0:</u>	Erosion and Sedimentation Control	35
7.1	Erosion and Sedimentation Control Plan	35
7.2	General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities	36
<u>Section 8.0:</u>	Requirements for Approval of Subdivisions Not Including New Public Streets.....	37
8.1	Written Application.....	37
8.2	Fees.....	37
8.3	Legal Descriptions.....	37

8.4	Maps	37
8.5	Water and Sewage	39
8.6	Statement of Intended Use for Undeveloped Portions of a Tract	41
8.7	Disposition of Open Spaces	41
8.8	Parcel History Map.....	41
<u>Section 9.0:</u>	Requirements for Approval of Subdivisions Involving Creation of New Streets or Improvement of Existing Streets.....	42
9.1	Requirements for Approval of Subdivision Involving Creation of New Streets or Improvement of Existing Streets	42
9.2	Permit to Connect Public Streets to State Highways	42
<u>Section 10.0:</u>	Validity.....	43
<u>Section 11.0:</u>	Amendments.....	44
<u>Appendix A:</u>	Subdivision Application Form	47
<u>Appendix B:</u>	Guidelines for Solar Orientation	49
<u>Appendix C:</u>	Digital Mapping Specifications.....	50
<u>Appendix D:</u>	Application Fee Schedule.....	55
<u>Appendix E:</u>	Engineering Fee Schedule	56
<u>Appendix F:</u>	Town of Ledyard Flowchart for Subdivision Applications	57

With minor changes accepted

SECTION 1.0: TITLE PURPOSE AND AUTHORITY

- 1.1 **Title:** These regulations of the Ledyard Planning and Zoning Commission shall be known as the "Regulations Governing the Subdivision of Land, Town of Ledyard, Connecticut" which are herein called "these regulations".
- 1.2 **Purposes:** These regulations are designed to provide that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety; that proper provision shall be made for water, drainage and sewage and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures; that proposed streets are in harmony with existing and proposed thoroughfares; that open spaces, parks, and playgrounds shall be provided; that streets shall be graded and improved and public utilities and services are provided in sufficient and satisfactory manner; that proper provision be made for sediment and erosion control; that energy efficient patterns of development, solar and other renewable forms of energy and energy conservation are encouraged; and that security be given to assure completion and installation of streets, improvements, utilities and services.
- 1.3 **Authority:** Under the authority vested in the Town of Ledyard Planning and Zoning Commission, established pursuant to the charter of the Town of Ledyard and Chapters 124 and 126 of the General Statutes of the State of Connecticut, as amended these regulations cancel and supersede the regulations Governing the Subdivision of Land effective June 18, 1979 and replace previous regulations and regulations changes adopted March 22, 1962, and revised according to the list of amendments listed in Section 11 Amendments. The date of supersession and the effective date of these regulations shall be **February, 07 2023.**
- 1.4 **Approved Plan Required:** No person shall make subdivision within the meaning of these regulations of any land within the legal boundaries of the Town of Ledyard, proceed with any improvements (other than surveying, and assessments for adequacy of sewage disposal or water supply), the construction of streets, or the installation of municipal services therein unless and until a vote approving such subdivision plan has been passed by the Commission, and until such plans have been recorded in the office of the Town Clerk.
- 1.5 **Sale of Lots Within a Subdivision:** It is illegal for any person, firm, corporation or agent to sell or offer for sale any lot within a subdivision, until the applicant's plan has been approved by the Planning and Zoning Commission, appropriate signatures endorsing such plan have been obtained, and the signed plan has been recorded in the office of the Town Clerk within the prescribed filing period. Any person, firm, corporation, or agent that sells or offers for sale any lot within a subdivision prior to final filing shall be fined five hundred dollars (\$500.00) for each lot sold or offered for sale.

SECTION 2.0: GENERAL DEFINITIONS

- 2.1 **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.
- 2.2 **Applicant:** Either the owner of the land stated in the application for subdivision or all owners where title is held jointly, in common or in tenancy by the entirety, including

corporations. An agent or representative may act for an owner, provided written evidence of such facts is submitted with the application. Evidence in the form of a list of officers and designated authority to sign legal documents shall be required for a corporation.

- 2.3 Application:** Shall consist of all required items listed in Section 8 and 9 of these regulations, and all information required by the Town Road Ordinance and/or Drainage Ordinance.
- 2.4 Commission:** The Planning and Zoning Commission, Town of Ledyard, Connecticut.
- 2.5 Conservation Easement:** An easement which perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
- 2.6 Conservation Subdivision:** A subdivision approved in accordance with this Section and with Section 5.4.1 of the Zoning Regulations as amended and which otherwise comply with all municipal requirements of the Town of Ledyard including but not limited to provisions found in the Zoning Regulations for interior and special interior lots (ZR 7.5), driveways (ZR 7.4), minimum lot area (Buildable Area)(ZR 4.1).
- 2.7 Conventional Subdivision:** A subdivision design that is consistent with the provisions of the Ledyard Zoning and Subdivision Regulations that would be applicable in the absence of Sections 4.8 of these Regulations and Sections 5.4.1 of the Ledyard Zoning Regulations, as amended.
- 2.8 Cultural Resources:** Consists of historic and prehistoric archaeological sites and standing structures, cemeteries, human burials, human skeletal remains, and associated funerary objects, and distributions of cultural remains and artifacts.
- 2.9 Drainage Ordinance:** The Town of Ledyard Ordinance Regulating the Management of Stormwater Runoff, as amended.
- 2.10 Easement:** A right established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.
- 2.11 Engineer:** A person registered and legally permitted to engage in civil engineering practice in the State of Connecticut in accordance with Chapter 391 of the General Statutes as amended.
- 2.12 Final Filing:** The act of obtaining signatures of approval on subdivision plans and recording said plans in the Office of the Town Clerk.
- 2.13 Final Plan:** A plan of a proposed subdivision or resubdivision prepared by Engineer or Surveyor and clearly and legibly drawn in black India ink upon Mylar and showing all information consistent with the format required by these regulations.
- 2.14 Land Trust:** A private non-stock, non-profit corporation that has as its purpose the preservation of open space land.

- 2.15 Lot:** The unit or units into which land is divided with the intention of offering such units for sale, lease conveyance, or transfer; either as developed or undeveloped sites, regardless of how they are conveyed. Lot shall also mean parcel, site or any similar term.
- 2.16 Maintenance Security:** A bond, furnished to the Town by the applicant that guarantees all subdivision improvements against defective workmanship or materials for the period of one year.
- 2.18 Open Space:** Land that is subject to a Conservation Easement, or other form of development restriction, including that within Conventional, Conservation and Open Space Subdivisions.
- 2.19 Open Space Subdivision:** A subdivision or resubdivision of land in the Town of Ledyard into individual single family residential building lots with respect to which not less than sixty (60%) percent of the total area of the land subdivided shall be permanently dedicated as active or passive open space, and with respect to which minimum setbacks, minimum lot size, minimum frontage and density shall be based upon the applicable provisions of the Ledyard Subdivision and Zoning Regulations for Open Space Subdivisions, and not upon the bulk requirements found in Chapter 5 for the underlying residential Zoning District, and which otherwise comply with all municipal requirements of the Town of Ledyard including but not limited to provisions found in the Zoning Regulations for interior and special interior lots (ZR 7.5), driveways (ZR 7.4), minimum lot area (Buildable Area) (ZR 4.1).
- 2.20 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.
- 2.21 Performance Security:** A bond, furnished to the Town by the applicant, to be used to complete subdivision improvements if the applicant does not complete the improvements as promised, as required, or as indicated on the application.
- 2.22 Preliminary Plan:** An informal submission of general layout of a proposed subdivision or resubdivision for consideration by the Commission.
- 2.23 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, or (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map. A resubdivision represents a change to the approved layout of an approved or recorded subdivision or resubdivision, which occurs within the recorded boundaries of the approved plan. Addition or extension of the contiguous boundaries of a subdivision do not represent resubdivisions but must be considered as a separate and distinct application for subdivision.
- 2.24 Road Ordinance:** The Town of Ledyard ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard, as amended.

- 2.25 Street:** Any street, avenue, lane or any right-of-way (a) dedicated and legally accepted for the purpose of public travel; (b) on a subdivision duly filed or recorded in the office of the Town Clerk in the Town of Ledyard. As defined in the Town Road Ordinance, streets shall be assigned one or more of the following functional categories as determined by the Planning Commission: arterial, collector, local, or minor local.
- 2.26 Subdivision:** A division of a tract or parcel of land into three 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, and including resubdivision.
- Such a division of any tract of land which was one parcel on the date on which these regulations were first adopted (March 21, 1962) is considered to be a subdivision regardless of present ownership, except that a single first "free split" of the original tract may be made without subdivision application.
- 2.27 Surveyor:** A person registered and legally permitted to practice land surveying in the State of Connecticut, in accordance with Chapter 391 of the General Statutes, as amended.
- 2.28 Unbuildable Area:** The area, expressed in square feet, within a proposed subdivision which is comprised of wetlands, watercourses, FEMA designated flood zones A or AE , existing and proposed streets and highways, easements and rights-of-way for vehicular access, drainage and utilities. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25') feet in width.

SECTION 3.0: APPLICATION PROCEDURES

The following application procedures shall be applicable to all proposed subdivisions of land (Including Conservation and Open Space Subdivisions):

3.1 Pre-Application Conference and Preliminary Review:

To eliminate conflict or misunderstanding during later stages of the subdivision application process, a pre-application conference with the Town's Development Staff and preliminary review by the Commission shall be required prior to formal submission of a subdivision application. The objective of these meetings is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal fees associated with submission of a formal application. No fee is required until submission of a formal application.

3.1.1 Pre-Application Conference: A pre-application conference shall be scheduled with the Director of Planning and may be attended by various members of the Town's Development Staff. At this time, the applicant is advised of pertinent regulations, and staff will provide comment on a preliminary plan.

3.1.2 Preliminary Review: A preliminary review shall be scheduled for a regular meeting of the Commission. At this time, the Commission may provide comment regarding conformance of the proposed subdivision to these regulations. This review is conducted with a clear understanding that preliminary plans enjoy no official status, and that consent about feasibility on the part of the Commission in no way implies approval of the final plan.

3.2 Establishing the Day of Receipt:

The day of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of the completed application to the Director of Planning, or thirty-five (35) days after such submission, whichever is sooner. An application will be accepted only when it contains all required items listed in Sections 8 and 9 of these regulations. Failure to provide any item as required by Sections 8 and 9 of these regulations renders the application incomplete. Incomplete applications shall not be accepted by the commission.

3.3 Application Fees:

The Commission shall charge fees for the processing of subdivision applications (see Fee Schedule, Appendix D). The fee shall be paid at the time of submission of the subdivision application and shall be nonrefundable. When a proposed subdivision or resubdivision involves the creation of new streets and/or public infrastructure such as catch basins or stormwater basins etc., the applicant shall additionally be charged for the cost of engineering fees for the review of road and drainage proposals by the Town (see Engineering Fee Schedule, Appendix E). Such additional fees shall be paid prior to **the signing of the final approved mylars.**

3.4 Referral and Notification to Other Governmental Agencies:

Any subdivision of land that abuts or includes land in one or more municipalities adjacent to Ledyard, or that is located within five hundred (500) feet of the boundary of an adjoining municipality, shall be submitted to the Southeastern Connecticut Council of Governments and to the office of the Town Clerk of the adjoining municipality for review in accordance with Chapter 126 of the Connecticut General Statutes, as amended. Referrals shall be made within seven (7) days of the date of receipt of the application. No hearing may be conducted unless appropriate referrals have been made.

Applicants shall also consult Map #2491 in the Ledyard Land Records to determine if any portion of their proposed development is located within the watershed boundaries depicted on that map. If any portion of the proposed development falls within that watershed boundary the applicant shall notify Groton Utilities and the State Department of Public Health pursuant to Public Act 06-53, Connecticut General Statutes 22a-42f, and Connecticut General Statutes 8-3i as amended. The notification shall be by certified mail return receipt requested and shall include a copy of the subdivision plans that were submitted with the application as well as a copy of any drainage calculations that accompany the plans. A copy of the transmittal should be submitted to the Land Use

Office prior to Commission review of the application. This notification must be made within seven (7) days of the submittal of the application.

3.5 Zoning Conflicts:

The Commission shall not approve any subdivision or resubdivision which conflicts with any applicable Zoning Regulations of the Town of Ledyard, or results in the creation of a non-conforming lot, use or activity as defined by the Zoning Regulations.

3.6 Notification of Adjacent Property Owners:

All abutting property owners surrounding proposed subdivisions containing twenty-five (25) or more lots shall be notified by the applicant of any public hearing conducted by the Commission on the proposed subdivision. If the Commission determines that subdivisions containing a lesser number of lots could have a significant impact on the surrounding area, it may require that the applicant notify all abutting property owners of the public hearing for the proposed subdivision.

If so required, the applicant shall present to the Commission proof that notice of the public hearing has been mailed at least fourteen days in advance of the public hearing, directly to each abutting property owner within 100ft of the property which is proposed for subdivision, as such owners and addresses appear in the Assessor's Records for the Town of Ledyard.

3.7 Action by the Commission on an Application for Subdivision:

There shall be a review period after formal submission of the subdivision application. The intent of the review period is to allow Town Development Staff and other governmental agencies the opportunity to comment on the proposed subdivision, and to allow the applicant sufficient time to revise the application such that it complies fully with applicable Town Regulations and Ordinances. Final revised plans reflecting review comments shall be on file with the Director of Planning not less than ten (10) days prior to the start of the public hearing , or in the event that no hearing is scheduled, ten (10) days prior to the meeting, at which the application will be discussed and action taken.

3.7.1 Without Public Hearing: If in the judgment of the Commission no public hearing is required, the Commission shall, within sixty-five (65) days following the day of receipt of the application, approve, modify and approve, or disapprove the application. Notice of the decision of the Commission shall be published in a newspaper having substantial circulation in the Town of Ledyard and sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered. Such notice shall be a simple statement that the application was approved, modified and approved, or denied , together with the date of such action. The Commission shall state the grounds for its action on the record. Failure of the Commission to act thereon shall be considered to be an approval and a certificate to that effect shall be issued by the Commission. The applicant may consent to an extension of time not to exceed a further period of sixty-five (65) days for the issuance of this certificate.

3.7.2 With a Public Hearing: No action shall be taken without a public hearing for all proposed resubdivisions and any subdivision that in the judgment of the Commission, warrants a public hearing due to specific circumstances of the application, . The hearing shall be closed no later than thirty-five (35) days after it commences. Notice of the public hearing shall be published in a newspaper

having substantial circulation in the Town of Ledyard at least twice at intervals of not less than two (2) days – the first, not more than fifteen (15) days, nor less than ten (10) days prior to the date of such hearing, and by sending a copy thereof by certified mail to the applicant.

The Commission shall approve, modify and approve, or deny any subdivision application before them within sixty-five (65) days of the close of the public hearing.

Notice of the decision of the Commission shall be published in a newspaper having substantial circulation in the Town of Ledyard and sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered. Such notice shall be a simple statement that the application was approved, modified and approved, or denied, together with the date of such action and any conditions imposed. Failure of the Commission to act thereon shall be considered as an approval of the application and a certificate to that effect shall be issued by the Commission. The grounds for its action shall be stated in the records of the Commission.

For applications with a public hearing, an applicant may consent to an extension of time to start the public hearing, complete the public hearing, and/or render a decision provided that the combined total of all such extensions does not exceed sixty-five (65) days.

3.8 Notifying Town Agencies of New Streets:

Notice of approval of subdivision involving new roads shall be given to the Public Works Director, Town Engineer, Building Official, Zoning and Wetlands Officer, the Ledyard Emergency Services (fire companies, police, emergency services dispatcher), and the Ledyard and Gales Ferry Post Offices. Notification shall include subdivision name, road name(s), number of building lots, and approximate location.

3.9 Final Filing:

One (1) Mylar and two (2) blue-line copies of final plans shall be delivered to the Director of Planning. Plans shall contain all modifications or stipulations required by the Commission as a condition of approval. All Mylars shall contain the raised seal and live signature of the engineer and/or surveyor preparing the plan.

Upon receipt of final plans and the posting of any performance security required in Section 3.11, the Chairman or Secretary of the Commission will endorse the final plans, which will then be made available to the applicant for recording in the office of the Town Clerk.

The filing or recording of such plans without endorsement by the Chairman or Secretary of the Commission shall immediately render the plan void. Failure of the applicant to file the approved plan in the office of the Town Clerk within ninety (90) days of the termination of the mandatory appeal period shall render approval null and void, except that the Commission may extend time for final filing for two (2) additional periods of ninety (90) days, during which the plan shall remain valid until the expiration of such extended time.

3.10 Appeals:

Any person aggrieved by an official decision of the Commission including a decision to take no action under these regulations may file an appeal to the New London Superior Court within fifteen (15) days from the date when notice of such decision is published in a newspaper in compliance with the provisions of Section 3.7 of these regulations. In those situations where Commission approval must be inferred due to the Commission's failure to act on an application, any person aggrieved by such approval may appeal within twenty (20) days after the expiration of the sixty-five (65) day period prescribed in Section 3.7 of these regulations.

3.11 Performance Security Requirements:

Before subdivision approval is granted to any applicant, the Commission may direct that a performance security be paid in amount necessary for all construction and installation of such improvements, as may be required by these regulations, the Town Road Ordinance, or the Town Drainage Ordinance.

A. **Release of Performance Security:** The performance security may be released in whole or in part at the discretion of the Commission, subject to provisions of the Town Road and/or Drainage Ordinances.

3.12 Maintenance Security:

Prior to the release of the performance security in its entirety, the applicant shall deliver to the Town Treasurer a maintenance bond with security in amount and with conditions satisfactory to the Commission. The maintenance security shall be in effect for a period of one (1) year from the acceptance of completed improvements in order to maintain the improvements.

3.13 Display of Lot Numbers:

Lot numbers for each lot in an approved subdivision must be posted in a location that is easily visible from the road until the performance security is released, or until a certificate of occupancy is issued for the lot.

3.14 Waiver of Requirements:

Where the Commission finds that extraordinary hardship or practical difficulties may result from compliance with these Subdivision Regulations, it may, by a 3/4th vote of all members, approve waivers to these regulations, provided that such waivers shall not conflict with the intent and purposes of these regulations. The Commission shall not approve a waiver unless it finds in each specific case that:

- A. the granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety;
- B. the conditions upon which the request for a waiver is based, are unique to the proposed subdivision for which the waiver is sought and are not applicable generally to other potential subdivisions; and
- C. the waiver will not create a conflict with the provisions of the Zoning Regulations, Plan of Development, Road Ordinance, Drainage Ordinance, or applicable regulations of other Town Boards or Commissions.

A request for any such waiver shall be presented in writing by the applicant at the time when the subdivision application is first submitted. The request shall include such

information as the Commission finds necessary to make a fair determination of the request.

3.15 Digital Map Submissions:

At the time approved plans are recorded in the Town Clerk's Office, the applicant shall submit a hardcopy table or printout of all distances and bearings, and/or all coordinates based on the state plane coordinate system to the Land Use Department.

If subdivision plans have been prepared using computer-aided drafting software, a disk in either DXF or DWG file format for ready conversion to the Town's GIS software may be submitted in lieu of the above hardcopy information. Digital submissions shall conform to layering specifications found in Appendix "C" of these regulations. Such submissions are not mandatory if the surveying or engineering firm does not have access to appropriate software.

SECTION 4.0: SUBDIVISION DESIGN REQUIREMENTS

4.1 General:

When reviewing a Conventional, Conservation or Open Space Subdivision application, the Commission shall take into consideration the Plan of Conservation and Development,. Specifically, the review shall take into consideration subdivision design and layout, protection of health, public safety, environment, and such other factors falling within the scope of responsibility of the Commission as defined in Chapter 126 of the General Statutes, as amended.

4.1.1 Suitability of Land Use: Land shall be suited to the purpose for which it is to be subdivided. All lots in a proposed subdivision must conform with the minimum lot area requirements found in Section 4.1 of the Zoning Regulations.

4.1.2 Open Spaces and Land Reserved for Special Use: The Commission may specify that such land as it deems proper be reserved for open spaces, parks or playgrounds and may specify the extent to which improvements on such land shall be completed by the applicant. Allocation of such lands shall be in accordance with Section 6.0 of these regulations and Section 5.4.1(E) (Open Space and Conservation Subdivisions) of the Zoning Regulations as applicable, and shall be shown on the approved subdivision plans. No narrow strips preventing access to land dedicated or to be dedicated to public use, including open spaces, parks, or playgrounds, will be permitted.

4.1.3 Benchmarks and Survey Stations: No National Geodetic Survey Stations, U.S. Geological Survey Benchmarks, or associated reference points shall be disturbed. Where encountered, such points will be protected by deeded restrictive covenants to prevent property owner disturbance.

4.1.4 Trails: All hiking and bicycle trails shall be preserved in situations where feasible, or otherwise rerouted. Subdivision of land, which contains officially designated hiking or bicycling trails, or trail routes identified in the Town's Plan of Conservation and Development, shall provide right-of-way for these trails in accordance with the Town Road Ordinance.

4.2 Streets:

Vehicular traffic to be generated by the proposed subdivision shall not cause hazardous or unsafe conditions upon existing town roads or streets, or upon new streets proposed by the applicant. All street construction and related drainage shall conform to provisions of the Town Road Ordinance and Drainage Ordinance.

4.2.1 Traffic studies, prepared by a certified traffic engineer, shall be submitted by the applicant for all subdivisions containing thirty (30) or more lots or fifty (50) or more dwelling units. In the case of resubdivision or phased development, previously approved lots or dwelling units shall be considered as part of the total in determining the need for a traffic study. Traffic studies for subdivisions containing less than thirty (30) lots or fifty (50) dwelling units may be required, provided that the Commission determines that hazardous or unsafe conditions may be created or exacerbated by the proposed development. Traffic studies shall cover basic traffic issues including traffic characteristics and level of service (LOS) of existing Town streets affected by the subdivision; impacts of traffic

from the proposed subdivision upon operation of existing streets; effects of any planned phasing of the proposed subdivision; and trip generation rates for the proposed subdivision.

- 4.2.2** Where the proposed subdivision abuts an existing Town road which does not meet minimum criteria of the Road Ordinance, the applicant shall convey to the Town sufficient land along such road as to permit its widening to conform to the Road Ordinance standards.
- 4.2.3** New streets shall be laid out in a manner that provides safe and efficient access to properties and does not result in the hazardous concentration of traffic in any part of the proposed subdivision or on existing roads and streets. Adjacent subdivisions or resubdivisions shall not be designed in a manner that local streets become arterial or collector roads unless otherwise specified in the Town Plan of Conservation and Development.
- 4.2.4** Streets shall be laid out to obtain as many building sites as possible at or above grade of the street. Curvilinear street arrangements following natural contours are preferable to gridiron systems.
- 4.2.5** Subdivisions shall be designed to connect with existing streets on adjoining properties and/or any proposed streets envisioned in the Plan of Conservation and Development where practicable. When a subdivision adjoins undeveloped land, proposed streets shall be laid out to enable suitable future connection with the adjoining land where future subdivision is probable.. Future street rights-of-way shall have a minimum width of fifty (50) feet and shall be conveyed by warranty deed to the Town of Ledyard. The Commission may require that slope rights on parcels abutting the right-of-way be conveyed to the Town of Ledyard and be reflected in applicable property deeds. The Commission may require that a professional engineer or a licensed surveyor determine the width of such slope rights, based on specifications of the Town Road Ordinance.
- 4.2.6** All subdivision streets shall connect directly to one or more accepted Town roads or State Highways. Subdivisions containing more than thirty (30) lots shall have at least two (2) direct connections to one or more accepted Town roads. In the case of resubdivision or phased development, previously approved lots shall be considered as part of the total in determining the need for a second direct connection. The Commission may require subdivisions containing more than fifty (50) dwelling units to have at least two (2) direct connections to one or more accepted town roads provided that the Commission determines that hazardous or unsafe conditions may be created or exacerbated by the density of the proposed development.
- 4.2.7** Except where impractical due to topography, or where reverse frontage lots are used, blocks shall be of sufficient depth to permit two tiers of lots.
- 4.2.8** Streets, which join or are in alignment with streets of an adjoining or neighboring property, shall bear the same name.
- 4.2.9** No duplication of street names shall be permitted except as indicated in item 4.2.8 above, and similar sounding names shall be avoided. All street names are subject to the approval of the Commission.

4.2.10 No new street or any existing street being brought up to standards of the Town Road Ordinance (as applicable) shall be constructed below the base flood elevation of a flood hazard area.

4.2.11 If any section of these Regulations conflicts with the Town Road Ordinance in effect on the date of formal subdivision application, the provisions of the Town Road Ordinance shall govern.

4.3 Lots:

4.3.1 All lots shall have frontage on either an existing approved street or upon a new street to be created as part of an approved subdivision plan except in the case of special interior lots approved as part of an Open Space subdivision.

4.3.2 Frontage lots shall be shaped rectangularly except when prevented by irregular boundaries or where a road curve or cul-de-sac may make a trapezoidal shape appropriate. Other shapes shall be avoided. Side lot lines should be at right angles to the street on which the lot faces, radial to curves of the street, or radial to the cul-de-sac turn-around on which the lot faces except as provided in subsection 4.6.2.

4.3.3 Driveways: To minimize pedestrian and traffic hazards, the commission requires that proposed subdivisions minimize, to the greatest extent possible, the number of driveway curb-cuts on arterial and collector streets. All driveways entering State highways and town roads shall be designed with an unobstructed stopping sight distance as specified in the Town Road Ordinance.

4.3.4 Reverse Frontage: Wherever practicable, the frontage for lots adjacent to a state highway or the arterial or collector streets listed below shall be provided on a street one lot depth removed from the state highway or major town road, or on an intersecting side street. Reverse frontage lots that back on a state highway or major town street shall have a buffer zone at least ten (10) feet wide along the property line abutting the road right-of-way. Buffer zones shall contain a fence, wall, stream, hedge, or other suitable deterrent to access.

Avery Hill Road	Lantern Hill Road	Shewville Road
Christy Hill Road	Long Cove Road	Spicer Hill Road
Church Hill Road	Mathewson Mill Road	Town Farm Road
Colonel Ledyard Highway	Military Highway	Vinegar Hill Road
Gallup Hill Road	Pumpkin Hill Road	Whalehead Road
Lambtown Road	Sandy Hollow Road	

4.3.5 Interior Lots: The Commission may approve creation of new interior lots as an integrated part of an overall subdivision design in conformance with Section 7.5 of the Zoning Regulations, where such interior lots can provide suitable building sites without interference with conventional subdivision layout. Interior lots may be appropriate at the end of a proposed cul-de-sac street to reduce the overall length of the cul-de-sac, thereby avoiding unnecessary future road maintenance and reducing stormwater runoff. Interior lots may also be appropriate when the

character of a tract of land is such that a suitable building site can be established at least one lot depth from the road without detriment to conventional lots located on the road. In no case shall interior lots be "stacked" or "nested" one behind another. (See Section 5.4.1(D)(3)(b) for restrictions on stacking)

All interior lots shall meet the following criteria:

- a) All interior lots must meet the minimum criteria set forth in the Zoning Regulations of the Town of Ledyard for interior lots;
- b) If interior lots are "flag-shaped", no more than two driveway strips may be located adjacent to one another. Each driveway strip shall serve no more than one lot except in the case of a *Special Interior Lot* stacked above an Interior Lot in an Open Space Subdivision,
- c) The Commission may require that interior lots proposed at the end of a cul-de-sac have side lot lines radial to the cul-de-sac turn-around;
- d) No interior lot driveway access strip shall be located in such a manner as to impede future development or use of land through which it passes;
- e) All shared driveways created to serve interior lots shall meet the requirements of Section 7.4 of the Zoning Regulations and 5.5 of these regulations;
- f) Permanent property markers shall be installed on both sides of a driveway access strip at intervals of no greater than one hundred (100) feet;

4.4 Flood Protection:

The provisions of this section shall apply to Special Flood Hazard Areas, as determined by information formally provided to the Town of Ledyard by the National Flood Insurance Program.

- 4.4.1** All proposed subdivisions greater than five (5) acres, whichever is the lesser, shall include base flood elevation data.
- 4.4.2** The Commission shall require that any proposed subdivision be designed consistent with the need to minimize flood damage. When a subdivision is proposed for land subject to flooding, adequate drainage systems shall be provided to reduce exposure to flood hazards.
- 4.4.3** The application for a subdivision of land subject to flooding shall be accompanied by assurances that the flood carrying capacity is maintained within any altered or relocated portion of any watercourse.

4.5 Coastal Site Plan Review:

All subdivisions of land located fully or partially within the Coastal boundary, as defined in the State Coastal Management Act Title 22a-90 through 112, Chapter 444, and indicated on the Coastal Boundary Map, shall be subject to the coastal site plan review requirements, procedures and definitions set forth in the Act, and with the following requirements of these regulations.

- 4.5.1** In addition to requirements set forth elsewhere in these regulations, coastal site plans must include the following information:

- a) A plan showing the location and spatial relationship of coastal resources on and contiguous to the property proposed for subdivision;
- b) A description of the location, design, and timing of construction of any subdivision improvements;
- c) An evaluation of the capability of resources to accommodate the proposed use;
- d) An evaluation of the suitability of the subdivision for the proposed site;
- e) An evaluation of the potential beneficial and adverse impacts of the subdivision and a description of proposed methods to mitigate adverse effects on coastal resources.

4.5.2 The applicant shall demonstrate that the adverse impacts of the proposed subdivision on coastal resources and future water-dependent development opportunities are acceptable and that such activity is consistent with the goals and policies of Section 2 of the Coastal Management Act.

4.6 Energy Efficiency, Energy Conservation, and the Use of Solar Energy:

Pursuant to Section 8-25 (b) of the Connecticut General Statutes, the applicant shall utilize passive solar energy techniques in subdivision design which maximize solar heat gain, minimize heat loss during the heating season, and provide for natural ventilation during the cooling season, provided that use of such techniques will not significantly increase the cost of housing to the buyer after tax credits, subsidies and exemptions. These passive solar energy techniques shall include but are not limited to the following: (See Appendix B for illustrations.)

- 4.6.1 Encourage East-West Layouts:** The street and lot layout plan shall, as far as practical, provide for east-west street orientations to facilitate the development of properly oriented passive solar buildings. An east-west street refers to any street with its axis within 30 degrees of true east.
- 4.6.2 Provide for Flexible Lot Layouts:** Side lot lines shall be perpendicular to the street line unless the purpose of lot line orientation is to provide greater solar access gain or protection.
- 4.6.3 Encourage Solar Orientation of Proposed Buildings:** The "footprint" of proposed principal buildings for each lot within a subdivision should, wherever practical, be located and oriented so that the longest side of the building is within 30 degrees of true east.
- 4.6.4 Consideration of Energy Impacts of Other Buildings, Vegetation and Natural Features:** Proposed buildings should be located to avoid shadows cast by other buildings, vegetation or natural and man-made topographical features wherever practical. Solar access should be available to the south wall of the principal building between 9:00 a.m. and 3:00 p.m. local time on December 21st. Where possible, new plantings shall concentrate evergreen trees and hedges on the north side of a structure, and deciduous trees on the south side of a structure.
- 4.6.5 Encourage Location of Septic Systems on South Side of Structure:** When permitted by soil and topographic conditions, primary and reserve leaching fields

should be located to the south of proposed building locations whenever such location will enhance solar access to septic system drainage fields.

4.7 Cultural Resource Preservation:

Subdivisions and resubdivisions shall be laid out to preserve significant cultural resources and unique natural features. Suitable public access to any cemetery may be required by the Commission.

4.7.1 Cemeteries and Human Burials: Only towns and ecclesiastical societies may procure and hold lands for burial grounds. Cemeteries may be acquired, owned and managed and controlled by such towns and ecclesiastical societies, and by cemetery associations heretofore incorporated or incorporated per CGS 19a-295-296, and by no other persons, firms or corporations. Cemeteries shall be deeded along with a twenty (20) foot protective buffer, as measured from stone walls surrounding a cemetery, or from any identified human burial in the absence of walls or other demarcated boundary. A burial ground authority shall have the right to properly maintain an ancient burial place, cemetery or burial place in accordance with CGS 19a-315c.

4.7.2 Archaeological Assessment: An on-site archaeological assessment shall be required, if in the opinion of the Commission, there is a likelihood that significant cultural resources or undetected human burials will be adversely impacted by construction activities associated with the proposed development. The assessment shall be conducted in accordance with standards outlined in the Environmental Review Primer for Connecticut's Archaeological Resources. Permanent reference copies are on file at the State Historic Preservation Office and the Ledyard Planning Office.

4.7.3 Determination of Need: The Commission's determination of need for an archaeological assessment shall be based on:

- A. proximity to identified cemeteries, human burials, archaeological sites, historic sites; and/or
- B. natural terrain features such as proximity to wetlands or watercourses, soils, slope, aspect or rock shelters, where these factors reflect scientifically documented settlement pattern preferred by Native Americans or European Colonists.

In making this determination, the Commission shall seek advice and comment from the office of State Archaeologist and/or State Historic Preservation Officer. A letter seeking such advice shall be mailed within two (2) working days after the Commission's subdivision preliminary review, as defined in Section 3.1.2 of these regulations.

4.7.4 Management Plans: Cultural resource management plans submitted to the Commission by the applicant shall consist of:

- A. a written investigative report prepared by a professional archaeologist, containing appropriate historic documentation, a description of research design methods and techniques, and a description of sites, features and artifacts discovered because of the archaeological investigation. A list of accredited professional archaeologists is maintained by the State Historic Preservation officer;

- B. an evaluation of the impact of the proposed subdivision on identified cemeteries, human burials, archaeological sites, and historic sites;
- C. a description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities on an identified cultural resource. This may include an estimate of mitigation costs and time required for more extensive investigations. Measures may include open space dedication; conservation easements; redesign or relocation of roads, drainage features, or buildings to minimize adverse impacts; or excavation and removal of cultural remains supervised by a professional archaeologist;
- D. copies of all investigative reports and management plans shall be submitted to the Office of State Archaeologist and State Historic Preservation Officer for review and comment prior to any Commission public hearing. Comments received from state officials shall be incorporated into the public hearing record.

4.8 Conservation and Open Space Subdivisions

4.8.1 Applicability: Conservation and Open Space Subdivisions are permitted in the R40 and R60 Districts in accordance with the Town of Ledyard's Subdivision Regulations *and* all applicable Zoning Regulations (including relevant portions of Chapter 4 *Dimensional Requirements*; 5.4.1 *Conservation and Open Space Subdivisions*; 7.4 *Residential Driveways*; and 7.5 *Interior Lots*).

- A. Any proposed single family residential development containing total area of ten (10) acres or more has the option of being developed as a Conservation Subdivision
- B. Any proposed single family residential development containing total area of forty (40) or more acres has the option of being developed as an Open Space Subdivision.

4.8.2 Purpose:

- A. **Conservation Subdivisions:** The purpose is to provide flexibility in clustering of residential units on areas of a project site best suited for development and to protect the remaining land as open space. The creation of a minimum of open space is accomplished by permitting flexibility in the minimum lot size and frontage normally required in specific zones for residential development. A Conservation Subdivision shall contain a minimum of forty (40%) percent of the total pre-subdivided area of the parcel as permanently protected open space.
- B. **Open space subdivisions: (august 9, 2012) : the purpose is** to provide additional flexibility in clustering of residential units on areas of a project site with surficial characteristics which are suited for reduced lot area in a manner which can provide greater amounts of contiguous open space than is contemplated by conservation subdivisions. An open space subdivision shall contain a minimum of sixty (60%) percent of the total pre-subdivided area of the parcel as permanently protected open space.

4.8.3 Referrals: the commission may refer any subdivision plan and proposal for the provision of open spaces and/or recreation land to the ledyard inland wetlands and watercourses commission, the conservation commission, the historic district commission, or any other appropriate agency for review and comment

4.8.4 Yield Formula:

A. Conservation Subdivision: The maximum number of lots in a conservation subdivision shall be determined by Section 5.4.1C(1)(a) of the Zoning Regulations as amended.

B. Open Space Subdivision: The maximum number of lots in an open space subdivision shall be determined pursuant to the provisions of Section 5.4.1C(1)(b) of the Zoning Regulations as amended.

4.8.5 Water Supply: Open Space and/or Conservation Subdivisions may be serviced by on-site wells, public water systems or community water systems in accordance with 5.4.1C(3-4) of the Zoning Regulations, as amended

A. For Open Space Subdivisions, in the event that a potable water supply for residential building lots located in an open space subdivision is provided by either onsite or community wells, the applicant shall, as a component of the open space subdivision application, provide to the Commission for consideration a water budget analysis prepared by a registered professional engineer in the State of Connecticut which shall evidence the fact that there is sufficient groundwater recharge located within or contributing to the area of the open space subdivision to support the number of water supply wells, including community wells, which will be drilled in conjunction with the development of the open space subdivision and all other existing potable water supply wells located within the sub-watershed in which the open space subdivision is being proposed. In the event that the water budget analysis indicates that there is insufficient groundwater recharge to support the density of development proposed by the applicant, the number of residential building lots in the open space subdivision shall be reduced to that number of lots equal to the number of water supply wells which can be adequately supported by the groundwater recharge available within or contributing to the open space subdivision, without compromising the recharge of existing potable water supply wells located within the sub-watershed, as demonstrated by the water budget analysis submitted therewith.

4.8.6 Design Guidelines:

A. The Commission reserves the right to require the involvement of a licensed landscape architect in the design of any Conservation and/or Open Space Subdivision.

B. Building lots and all structures shall be located on the most suitable portion of the parcel being subdivided and in compliance with the Connecticut Public Health Code, applicable Zoning regulations and the open space requirements contained in these Regulations.

- C.** The dimensional requirements for lots in a Conservation and/or Open Space Subdivision shall be as specified in Section 5.4.1D of the Zoning Regulations as amended. In designing a Conservation/Open Space Subdivision, the applicant shall consider the purposes set forth in Section 5.4.1B of the Zoning Regulations and Section 6.1 of these Regulations; the provisions and standards set forth in Section 5.4.1 of the Zoning Regulations, and the following:
1. Proposed lots and improvements should be designed and situated to minimize alteration of natural site features to be preserved.
 2. Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and significant geological features.)
 3. Proposed open space must have reasonable access points for maintenance and to facilitate connection with other dedicated open space, existing or planned, to complete trails and wildlife corridors in accordance with the Plan of Conservation and Development. The access may be in conjunction with abutting dedicated open space.
 4. 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 access and travel.
 5. Dwelling units shall be grouped allowing a portion of the parcel to remain as open space.
- D.** Lots in a Conservation and/or Open Space Subdivision shall be laid out to achieve the objectives listed below in order of priority, with the understanding that not all objectives may be achieved; and, on some sites, the objectives may conflict.
1. To place single family residential dwellings and septic systems on more compact lots to increase the amount of the parcel being subdivided which is available for open space dedication;
 2. To locate lots on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
 3. To design lots such that any woodland areas or open fields contained in the parcel being subdivided, will provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features;
 4. To cluster proposed lots to achieve a community setting which will increase opportunities for socialization and community activities and enhance community pride, all of which are less likely to occur in more disparate development patterns;
 5. To locate lots and structures in areas reasonably separated from, and least likely to block or interrupt scenic vistas as seen from existing public

roadways, and clustered in a manner which will enhance the aesthetic effect of the increased open space areas;

6. To design and locate the greatest number of units in order that they may take maximum advantage of solar heating opportunities.
 - E. The required open space shall be of such shape, dimension, character and location as required in Section 5.4.1E of the Zoning Regulations, as amended, and wherever possible ponds, streams, wetlands should be adjacent, contiguous or included in the open space. Shade should be preserved within wetland areas and at least twenty-five (25) feet from ponds and streams.
 - F. Unless prevented by ledge or other natural restraints, all proposed utilities shall be required to be underground in Conservation and Open Space Subdivisions per Section 5.4.1C(2).
 - G. Subsurface leaching areas associated with and forming a component of a community septic systems operated and maintained by either a public entity or a homeowner's association, may, at the discretion of the Commission be permitted in dedicated open space areas provided that the open space function enumerated in Section 4.8.10D of these Regulations and Section 5.4.1E of the Zoning Regulations is maintained.
 - H. Each subdivision plan submitted to the Commission for consideration as a Conservation or Open Space Subdivision must delineate the building envelope within which development on the lot can occur. All development on each lot in an Open Space Subdivision (other than the driveway) must occur within the building envelope as evidenced by the subdivision plan approved by the Commission and filed for record in the Ledyard Land Records.
- 4.8.7 Cultural resource preservation:** cultural resources shall be evaluated and preserved in accordance with section 4.7 of these regulations.
- 4.8.8 Environmental considerations:** prevention and mitigation to protect the environment from potentially negative impacts caused by subdividing and construction shall be in accordance with the provisions of these regulations and current environmental law.
- 4.8.9 Common Driveways:** Common driveways are permitted in conformance with Section 7.4C of the Zoning Regulations and Section 5.5 of these regulations.
- A. **Indemnification:** If a Conservation or Open Space Subdivision contains a common driveway, a note shall be placed on the final Conservation Subdivision plan, and in the deed to the property stating: "This subdivision is serviced by a common driveway. The Town of Ledyard will provide no maintenance, repair or school bus service along this common driveway."
- 4.8.10 Open Space:** In addition to the requirements provided in Section 5.4.1E of the Zoning Regulations and Section 6.3 of these Regulations (as applicable), the following additional requirements apply to all Conservation and Open Space Subdivisions:
- A. The open space in any Conservation and/or Open Space Subdivision shall be located entirely within the undivided parcel and shall be in one contiguous

piece except where the Commission finds that the purposes of Section 5.4.1B would be more effectively served by separated parcels. All provisions of 5.4.1D of the Zoning Regulations regarding Open Space Requirements shall apply.

A. Access: Each open space area in an open space subdivision shall be accessible to the public either by virtue of frontage on a town or state dedicated street or highway or via a permanent easement memorialized by a grant of easement filed for record in the Ledyard Land Records. See also Section 5.4.1E(8) of the Zoning Regulations.

B. Parking: In the event that either a maintained park or active or passive open space area(s) are proposed, accessory parking shall be provided to facilitate use of the open space areas and such accessory parking area(s) shall be considered open space for purposes of complying with the minimum open space requirements contained in Section 4.8.2 of these Regulations.

C. Dedication of Open Space: Required Open Space shall be dedicated to an appropriate entity in accordance with Section 6.3 of these Regulations

4.8.11 Submission: An application for the approval of a Conservation or Open Space Subdivision shall be in accordance with Section 3 of these regulations. In addition, the application must be accompanied by copies of the proposed Certificate of Incorporation, if any, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation or Open Space Subdivision; copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of open space, including obligations for maintenance of common facilities.

4.8.12 Modification or Exception: The Commission may grant a waiver to the Subdivision requirements of a Conservation or Open Space Subdivision in accordance with the provisions for waivers in Section 3.14 of these regulations. Applicable provisions of the Zoning Regulations may not be waived by the Commission.

SECTION 5.0: IMPROVEMENTS

5.1 Notification:

Prior to actual construction or the installation of any required improvement (other than surveying), the applicant shall notify the Director of Public Works, the Building Official, and the Zoning Officer of the Town of Ledyard.

5.2 Streets:

Streets shall be constructed in accordance with requirements of the Town Road Ordinance and as set forth in Section 4 of these regulations.

5.3 Stormwater Management:

No subdivision shall be laid out in a manner which will obstruct or prevent the efficient drainage of the land or surrounding lands or cause flooding in downslope areas. Drainage easements shall be required where necessary.

For all subdivisions involving the creation of new streets and/or other stormwater drainage infrastructure (i.e. catch basins; detention/retention basins; water quality basins, etc.), each application shall include a mapped and written description of all drainage measures. This mapped and written description shall include all information required by the Town Drainage Ordinance. All stormwater control measures shall be designed in accordance with the standards set forth in the Drainage Ordinance.

5.4 Boundary Monumentation and Lot Markers:

5.4.1 Permanent Monuments shall be installed at all points of change in direction or curvature of new streets and at other points as shown on the final plan and where, in the judgment of the commission, permanent monuments are necessary. These monuments shall be installed along the line separating the street "right-of-way" and the adjoining property. This Permanent Monument shall be granite or concrete at least thirty (30) inches in length, dressed to at least four (4) inches square at the top and with a cross or a 3/8-inch hole drilled to a depth of 1/2 inch in the center of the top, shall be set to a height of four (4) inches above the finish grade as shown on plans. No such monuments shall be installed until all construction, which could destroy or disturb the monuments, has been completed.

5.4.2 In cases where large boulders or stone walls are present, a one-inch long 3/8-inch diameter brass pin inserted in a rock may be substituted for the monuments described in this section.

5.4.3 Lot Markers: Permanent monuments as described above in Section 5.4.1 and 5.4.2 shall be installed at one (1) front and one (1) rear corner of all lots. For the remaining front and rear corners and at other points of change in direction along property lines The applicant shall have a choice of 36-inch permanent pipe markers set to a height of four (4) inches above grade, drill hole, or permanent monument described in 5.4.1.. During construction, it is permissible to use temporary surveyor's stakes or pipe markers to delineate lot boundaries. (Note all monuments/lot markers must be in place prior to the issuance of a Certificate of Zoning Compliance for any structure built and shown on the Site Plan submitted for development.)

5.4.4 Monuments, permanent pipe markers or brass pins shall be installed at all corners and at intervals no greater than one hundred (100) feet along the boundaries of all

open space parcels. Rights-of-way to open space parcels, which are fifty (50) feet in width or less, shall also be marked at intervals no greater than one hundred (100) feet.

- 5.4.5** Driveway access strips for all interior lots shall be marked with permanent pipe markers, monuments or brass pins on both sides at intervals of not more than one hundred (100) feet for the length of the access strip.

5.5 Requirements of Shared Driveways:

- A.** In order to minimize adverse environmental impacts of development, reduce the need for new driveway cuts, and provide access to developable land, which is otherwise inaccessible due to topographic conditions, the Commission may allow the construction of common or shared driveways designed to serve no more than three (3) building lots in conformance with Section 7.4(C) of the Zoning Regulations. The deed for any lot, which utilizes a shared driveway, shall include all appropriate easements to pass and repass and to install utilities as necessary, and shall contain the provision that the access driveway shall not be used for access to any other property except for agricultural purposes, and that the Town of Ledyard shall not ever be required to plow, maintain, assume ownership of, or provide school bus service or other services along the driveway access to such lot. Prior to sale of subdivision lots using shared driveways, the applicant shall prepare an agreement for maintenance of the driveway by the owners of property which is accessed, thereby, which agreement shall become part of the conditions of sale, and which shall be binding on all future owners of the lots.
- B.** The applicant shall construct the shared driveway in accordance with applicable Zoning and Subdivision requirements, prior to the sale of the lots.

5.6 Sidewalks:

In order to promote pedestrian safety for residents of new subdivisions, and to reduce the number of vehicle trips on existing and/or proposed roadways generated by the subdivision, enhance connectivity, and provide enhanced multi-modal means of transportation, the Commission shall require construction of sidewalks within the right-of-way of state highways and/or local roadways for those portions of a subdivision that meet the following criteria:

- ☐ Located within Ledyard Center Development District (LCDD), Ledyard Center Transition District (LCTD) and the Multi Family Development District (MFDD)
- ☐ Located within Resort Commercial Cluster District (RCCD);
- ☐ Located within Gales Ferry Development District (GFDD);

The Commission may also require construction of sidewalks within the right-of-way of state highways and/or local roadways for those portions of a subdivision that meet the following criteria:

- ☐ Adjacent to State Highways;
- ☐ Adjacent to Local Arterial Streets; and
- ☐ Adjacent to Local Collector Streets within Conservation and/or Open Space Subdivision Developments, as defined in Section 5.4.1 of the Zoning Regulations.

To determine whether sidewalks should be required in these areas, the Commission should consider whether sidewalks are necessary for public safety, whether the construction of the sidewalk will disrupt the rural character of the area and unique site characteristics, whether the possibility exists to enhance pedestrian connectivity to an existing sidewalk system or enhance connectivity to a public and/or community facility. The need for sidewalks will be determined by a majority opinion/vote of the Commission.

A street hierarchy defining Local Arterial and Local Collector Streets is found in Part I of Ledyard's "Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard," as amended. All sidewalks shall be built according to specifications found in Part VIII of this Town Ordinance.

5.7 Time for Completing Improvements:

Any person, firm, or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision. Failure to complete all approved improvements within a five (5) year period following the date of subdivision final approval shall result in the automatic expiration of the approval of the subdivision plan provided that the Commission shall file on the land records of the Town of Ledyard notice of such expiration on the subdivision plan on file in the office of the Town Clerk. No additional lots in the subdivision shall be conveyed by the applicant or his successors except with the approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five (5) year period, the Town shall call the bond or other security on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

5.8 Certification of Improvements:

When seeking release of final portions of the performance security and official acceptance by the Town of Ledyard of subdivision improvements, the applicant shall provide written confirmation by a licensed professional engineer or land surveyor that all streets, stormwater management systems, and other features such as sidewalks, incidental fills, walls and plantings, comply in all aspects to approved subdivision plans.

SECTION 6.0: PARKS, PLAYGROUNDS AND OPEN SPACES

6.1 Open Space:

For any subdivision of land under these Regulations, the Commission may require of the sub-divider the conveyance and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this Section, “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 the 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, boulder trains, 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 open space, and it may reject or modify any area proposed by the applicant.

6.2 Size of Open Space and/or Recreation Area for Conventional Subdivisions (Section not Applicable to Conservation and/or Open Space Subdivisions):

Where open space and/or recreation area dedication is deemed appropriate for a conventional subdivision, Required open space and/or recreation areas shall be a minimum of ten percent (10%) of the area of the undivided property under consideration, 1/10 of an acre per building unit, or one (1) acre in size, whichever is greater. 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 ten percent (10%) or less 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. 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. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

6.2.1 Fee in Lieu of Open Space: As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission 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 other land to the Town or Land Trust 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.

Note: (Steps a, b, and c 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. (Note: If applicant is the owner of one of the lots in the subdivision and will retain ownership, the first fractional payment shall be paid prior

to the filing of the Mylars.) If the “fractional payment” 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.

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 passive recreational or agricultural purposes.

6.3

6.3 **Dedication of Open Space Provided by the Division of Land:**

The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject parcel and its specific characteristics to the Plan of Conservation and Development, 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. Conveyance in fee simple to the Town.
2. Conveyance in fee simple to the State of Connecticut.
3. Conveyance in fee simple to a land trust.
4. Conveyance in fee simple to a homeowner’s association.
5. Conveyance of an agricultural easement to the Town, the State, Federal Government or a private, non-profit farm preservation entity.
6. Any combination of the above or any suitable alternative approved by the Commission.

6.3.1 The preferred recipient of all open space dedications shall be the Town of Ledyard. The Town of Ledyard may decline to accept the proposed open space dedication in favor of a dedication of the open space to a land conservancy or homeowner’s association; subject, however, to the approval of the Ledyard Commission. Any application which proposes a homeowner’s association as the recipient of an open space dedication must be accompanied by a draft of the proposed certificate of incorporation, if any, by-laws, rules and regulations of the homeowner’s association, the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners and copies of the draft common interest community declaration. Such documentation shall contain restrictions and covenants satisfactory to the Commission to ensure that the open space purposes and goals of this Regulation shall be satisfied.

6.3.2 Modification by the Commission of Designated Open Space: The Commission may modify any application to designate open space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the

proposed open space, or whether to require open space in locations different from those proposed, the Commission shall consider the following factors: The ownership of any existing open space on adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future; the proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the open space might provide to residents of the Town or the State if it were accessible to them; the size, shape, topography, and character of the open space; the recommendations of the Ledyard Plan of Conservation and Development; the reports or recommendations of any State or Town agencies, including, but not limited to, the Town Council, the Inland Wetlands and Watercourses Commission, the Conservation Commission, the Parks and Recreation Commission, the Southeastern Connecticut Council of Governments, and the Connecticut Department of Energy and Environmental Protection.

- 6.3.3 Alteration of Open Space:** Any excavation, filling or alteration of open space, any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of open space subsequent to the date of approval of the Subdivision (Conventional, Conservation and Open Space Subdivisions) shall require an amendment to the approval granted under this section in accordance with the applicable Sections of the Regulations and shall be for the enhancement of the open space use only.
- 6.3.4 Evidence of Acceptance:** If open space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Ledyard, 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.
- A.** If the proposed recipient of the open space is a locally recognized 501(c)(3) qualified charitable corporation whose primary purpose and function is the ownership and maintenance of open space, the application shall be accompanied by a commitment of such qualified 501(c)(3) charitable corporation to accept a dedication of the open space in the event that the open space/conservation subdivision is approved by the Commission.
- 6.3.5 Required Provisions:** 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: the continued use of such land for the intended purposes; the continuity of proper maintenance for those portions of the open space requiring maintenance, and when appropriate the availability of funds required for such maintenance; adequate insurance protection; and recovery for loss sustained by casualty, condemnation, or otherwise.
- 6.3.6 Boundary Lines:** 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 Subdivision and at such other points as may be required by the Commission to insure sufficient identification in the field.(See Section 5.4)

6.3.7 Recording: At the time the approved Subdivision plan is filed, the applicant shall record on the Ledyard land records all legal documents required to ensure the aforesaid guarantees.

6.3.8 Enforcement: Any deed of conveyance shall contain language providing the holder of the Open Space parcel and, or any associated Conservation Easement with the right to obtain reimbursement of all costs it reasonably incurs, including attorney's fees, in any action to enforce the required provisions in Section 6.3.5 and or any Conservation Easement, in which it is the prevailing party.

6.3.9 Association Requirements: If the open space is to be dedicated to an association or corporation of lot owners, then the Commission may set additional requirements, including, but not limited to, the following:

- A. Creation of the association or corporation prior to the sale of any lot;
- B. Mandatory membership of the association or corporation by all original lot owners and any subsequent owner; and
- C. The association or corporation shall have the power to access 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 7.0: EROSION AND SEDIMENTATION CONTROL

7.1 Erosion and Sedimentation Control Plan:

In accordance with Section 22a-329 of the General Statutes, whenever plans for a subdivision show construction of improvements or buildings related to the subdivision that will result in the disturbance of more than one-half acre of land, the applicant will submit, as part of the subdivision plan, an Erosion & Sediment Control Plan that presents, in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The Erosion & Sediment Plan shall be based on best available technology as set forth in "Connecticut Guidelines for Soil Erosion and Sediment Control", available from the Connecticut Department of Energy and Environmental Protection.

The Erosion and Sediment Plan shall include the following:

- a) A written description of the project and a schedule of the major activities to be constructed on the land.
- b) Locations of areas to be stripped of vegetation.
- c) Locations of areas to be regraded and contour data *indicating existing* and proposed grades.
- d) A schedule of operations, *including the* sequence of major improvement phases such as clearing, grading, paving, and installation of drainage features.
- e) Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- f) Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures and debris basins. The narrative shall indicate design criteria used in the design of control measures.
- g) A description of procedures to be followed to *maintain* sediment control measures.
- h) Name, address and telephone number of person responsible for maintaining control measures during construction.
- i) The plan map shall show the words: "Erosion and Sediment Control Plan certified by vote of the Ledyard Planning Commission on (date)" and a space for the signature of the Chairman or Secretary of the Commission.

After review of the Erosion and Sediment Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a subdivision plan shall imply approval of the Erosion & Sediment Plan.)

The Commission, through its members, agents and consultants, shall periodically inspect construction projects for which Erosion & Sediment plans have been certified to verify that Erosion and Sediment Controls are consistent with the certified plan.

The performance bond required for improvements in connection with the proposed subdivision shall be sufficient to include the costs of Erosion & sediment Control measures.

7.2 General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities:

Pursuant to Section 22a-430b of the Connecticut General Statutes, as amended, it is the obligation of the Applicant to register the project with the Department of Energy and Environmental Protection's Bureau of Water Management, Engineering and Enforcement Division, if proposed construction activities will result in the disturbance of five or more total acres land area on a site. If required by the Department of Energy and Environmental Protection, the Applicant shall develop and adhere to a Construction Activity Stormwater Pollution Control Plan.

SECTION 8.0: REQUIREMENTS FOR APPROVAL OF SUBDIVISION NOT INCLUDING NEW PUBLIC STREETS

8.1 Written Application:

A written application (see Appendix A) shall be made to the commission requesting approval of submitted plane(s) and map(s). All information required in this section shall be submitted at the time of application.

8.2 Fees:

A fee shall be filed in accordance with Section 3.3 of these regulations.

8.3 Legal Descriptions:

A legal description of the tract or parcel to be subdivided, as contained in the Land Records of the Town of Ledyard, shall accompany the application. If only a portion of the tract is to be subdivided, the legal description shall include the external boundaries of the entire tract.

8.4 Maps:

Information on the proposed subdivision shall be provided on maps with an overall dimension of 24" x 36". Three blue-line copies of all maps shall be provided as part of the completed application. The Commission may require additional copies if referrals to outside parties are indicated.

If more than one (1) sheet is required, each sheet shall be sequentially numbered in the form "Sheet _____ of _____." An index of all supporting detail maps sheets shall be included on the first sheet. Revision dates shall be shown if plans are updated or revised during the review process.

8.4.1 Key Map: A Key Map showing the relationship of the proposed subdivision to the surrounding neighborhood. The Key Map shall show all public streets, lands reserved for special use, and major subdivisions located within one-half mile of the boundaries of the tract to be subdivided. All proposed property lines within the tract to be subdivided shall be shown on the Key Map. The scale of the Key Map shall not be less than one inch equals one thousand feet (1":1000').

8.4.2 Boundary Survey Map: A Boundary Survey Map of the entire tract to be subdivided, prepared by a registered land surveyor. The Boundary Survey Map shall show names of all abutting landowners and public streets, the layout of all lots within the tract to be subdivided, and all lands to be dedicated as open space, parks or playgrounds. Scale of the Boundary Survey Map shall be one inch equals one hundred feet (1":100'). The Boundary Survey Map shall contain the name of the subdivision, the date prepared, north arrow, scale, and the words, "Approved by the Ledyard Planning Commission as to compliance with the Regulations Governing the Subdivision of Land. All improvements shall be completed by _____(date)," followed by a designated space for the signature of the Chairman or Secretary of the Planning Commission and the date of such signing. The 1":1000' scale Key Map described above should be included as an insert on the sheet containing the Boundary Survey Map. The Boundary Survey Map should show the Connecticut State Coordinate System as taken from the Town Assessor's Tax Maps.

8.4.3 Detailed Layout Maps: Detailed layout maps shall be at a scale of one-inch equals forty feet (1":40') unless otherwise permitted by the Commission. In no case shall maps be at a scale less than one-inch equals one hundred feet (1":100'). Where it is not possible to fit the entire subdivision plan on one sheet, more than one sheet may be used, provided that match lines are indicated. All maps shall be executed by a registered land surveyor who shall state thereon that it is in conformance with class A-2 of the Code of Recommended Practice for Standard of Accuracy of Maps prepared by the Connecticut Technical Council. At the time of final filing, all detailed layout maps shall contain the raised seal and live signature of the surveyor.

A. All detailed layout maps shall contain the following signature blocks:

- a) The words: "Lot numbers assigned by the Assessor", followed by a designated space for the signature of the assessor and the date of signing.
- b) A signature block, signed and dated by the Zoning and Wetlands Officer, as follows:

IWWC Application # _____	
_____ APPROVED _____	(Date)
_____ No Permit Required (Not within a regulated area.)	
_____ Not Applicable at This Time. (Within a regulated area; no regulated activity proposed at this time)	
_____	_____
ZONING & WETLANDS OFFICER	Date

- c) The words:

"Approved by the Ledyard Planning Commission as to compliance with the Regulations Governing the Subdivision of Land. All improvements shall be completed by _____(date).", followed by a designated

space for the signature of the Chairman or Secretary of the Planning Commission and the date of signing.

- d) The words: "Erosion and Sediment Control Plan certified by vote of the Ledyard Planning Commission on _____ (date)."

B. The following information shall be provided on each detailed layout map:

- a) The subdivision name or title.
- b) The zoning district or districts in which land to be subdivided is located.
- c) The date, north arrow, and graphic scale. Wherever possible, the north arrow shall be oriented towards the top of the map sheet.
- d) Subdivision boundary lines; property lot lines for residential lots and other parcels; dimensions and bearings or angles of boundary lines and lot lines, including boundaries of areas reserved for open space or recreation purposes, shall be given. All dimensions shall be given in feet and decimals of a foot. The location of all property markers and monuments as required by Section 5.4 and 6.3.6 shall be shown.
- e) Building setback lines as required by the Zoning Regulations.
- f) All existing and proposed easements and rights-of-way, including width and stated purpose.
- g) Existing buildings located within the boundaries of the land to be subdivided, including any partially completed buildings or excavations.
- h) Lot numbers as assigned by the Assessor.
- i) All adjoining property owners, subdivisions, and streets abutting external boundaries of the subdivision.
- j) Contour lines at intervals of not more than five (5) feet.
- k) The boundaries and location of all inland wetlands, water bodies or stream courses as designated by a certified soils scientist. Live signature required for initial and final plans.
- l) Locations of all exposed ledge outcrops within the parcel.
- m) Locations of all known significant cultural resources and/or unique natural features.
- n) Locations of all deep observation pits excavated to assess suitability of subsurface sewage disposal systems.
- o) To assure that lots are buildable, the Applicant shall show a suitable location of the building footprint, driveway, location and required sight lines, well and septic system primary and reserve areas.

8.5 Water and Sewage:

A written report from Ledge Light Health Districtor an official of the Town so designated to act as the Town Health Officer, shall be submitted to the Commission concurring with the adequacy of plans for water and sewage disposal facilities.

8.5.1 Water Supply Facilities - General Requirements:

GLOSSARY of TERMS: (CT DPH Drinking Water Division)

Community Water System: A Public water system that serves at least twenty-five (25) residents throughout the year.

Public Water System: Any water company supplying water to fifteen (15) or more customers or twenty-five or more persons, based on the “Design Population” as defined in Section 16-262m-8(a)(3) of the regulations of Connecticut State Agencies, daily at least sixty days (60) of the year.

It is the intent of these regulations that the term “Public Water Systems” be restricted to those that are municipally or Water Authority owned.

1. For Subdivisions of ten (10) or more lots, if a public water system supply is within one thousand (1,000) feet of the subdivision boundary as measured along a street or existing or proposed easement, the water supply lines shall be extended to serve the subdivision.
2. The public water system shall have sufficient capacity to handle the necessary flow for domestic demand as well as fire demand.
3. When a public water system supply is more than one thousand (1,000) feet from the subdivision boundary, the Commission may require connection to a public water system capable of providing domestic water use and/or fire protection if it finds that the size of the proposed development requires public water to insure the public health and safety. Lots shall be served by a public water system where the Commission determines such service is both practical and economically feasible. In making its determination, the Commission shall consider:
 - a. location and size of existing water lines;
 - b. adequacy of the water pressure and service;
 - c. need for fire protection;
 - d. number of lots in the proposed subdivision; and
 - e. potential for private wells in the proposed subdivision.
4. **Fire Hydrants** - Where public water is available or required, fire hydrants are required to insure the public health and safety. Fire hydrants shall be located no more than one thousand (1000) feet apart and their location shall be approved by the Ledyard Fire Marshall. To eliminate future street openings, all underground utilities for fire hydrants and all supply improvements shall be installed before any final paving of a street shown on the subdivision plan.

8.5.2 If a community water system is proposed to serve the subdivision, design efforts should be initiated very early in the project's planning stages. No subdivision proposed to be served by a community water system shall be approved unless the following criteria have been met:

1. **New system:** A Certificate of Public Convenience and Necessity has been issued, pursuant to Sections 8-25a and 16-262m of the General Statutes;

2. **Extension of existing system:** A written water main extension agreement has been approved by the water company designated to serve the proposed subdivision. This agreement shall state that the water company guarantees the adequacy and availability of the water supply, and that the water company agrees to maintain elements of the system to be built by the applicant;
3. Pursuant to Section 19-13-B51m of Connecticut Public Health Code, all proposed parcels located within two hundred (200) feet of an available existing community water supply system, as measured along a street, alley or easement shall be served by that water supply system. Exceptions to this requirement may be granted only by the Commissioner of the State Department of Health services.

8.5.3 If private water supply wells for individual lots are proposed, a written statement from Ledge Light Health District or an official of the Town designated to act for the Health Officer, stating the adequacy of the lot to contain a well in compliance with Connecticut Public Health Code (19-13-B51m), shall be submitted.

8.5.4 Water studies, prepared by a certified geohydrologist, shall be submitted by the applicant for all subdivisions containing thirty (30) or more lots in which private water supply wells are proposed. Water studies shall address the adequacy of ground water supplies and the effect of the proposed subdivision on existing surrounding wells (impact on both the quality and quantity of water shall be addressed). All subdivisions supplied by a community water system shall be subject to section 8.5.2 of these regulations (above) to ensure that an adequate supply of potable water is available to meet the subdivision's water demands.

8.5.5 If shared or community septic systems are proposed, written notification of conceptual approval by the State Department of Health Services or Department of Energy and Environmental Protection is required prior to Planning Commission approval. Community septic systems serving more than one parcel of land or building lot shall be operated by the Ledyard Water Pollution Control Authority. Written proof of agreement of acceptance by WPCA is required prior to approval by the Commission.

8.5.6 If private subsurface sewage disposal systems on individual lots are proposed, a percolation test and a deep observation pit shall be required on each lot in vicinity of the primary and reserve leaching areas. A percolation test and deep observation pit test will not be required on undeveloped portions of the tract as identified in Sections 6.0 and 8.6 of these regulations. These tests shall be conducted to conform to requirements of the Connecticut Public Health Code. Deep observation pits shall be to a depth required by the Ledge Light health District official. These tests shall be witnessed by the Ledge Light Health District official or an official designated to act as Town Health officer, whose findings and recommendations shall be submitted to the Commission. All proposed lots shall provide for a one hundred percent reserve area. When results of deep observation/test pits and percolation tests indicate a need for larger lots, final approval of the subdivision plan shall not be granted until such required larger lots are shown on the maps. Results of deep observation pits and percolation tests shall be shown on sheets that contain the detailed lot layouts

8.6 Statement of Intended Use for Undeveloped Portions of a Tract:

If only a portion of the tract to be subdivided is proposed for building development, a letter of intent stating the tentative or proposed future use of the undeveloped portion signed by the applicant shall accompany the application.

If it is the intent of the applicant to develop a tract in two or more phases, a map of the entire property shall be provided as part of the application. This map shall show the approximate location of future resubdivisions, including proposed street locations, approximate lot layouts, and the location of areas to be designated as open space. This map is for informational purposes only and shall not be binding on either the applicant or the Commission.

8.7 Disposition of Open Spaces:

If the subdivision includes lands reserved for open spaces, parks, or playgrounds, a recommendation for the disposition of such lands in conformance with the provisions of Sections 6.0 and 4.8.10, as applicable, of these regulations shall be submitted with the application. Prior to the final filing, all legal documents required for disposition in compliance with Section 6.0 shall be submitted to the Commission for review.

8.8 Parcel History Map

A parcel history map depicting the parcel as of the effective date of the adoption of Subdivision Regulations for the Town of Ledyard (March 22, 1962) shall be required for all subdivision, resubdivision, or boundary modification applications. The map shall be at a scale of at least "1=200" and shall indicate all divisions, additions, subtractions, or modifications of the property of which it was formerly a part of since March 22, 1962. A table shall also be provided that contains the dates of any changes in the parcel configuration and the grantors and grantees of any parcels created or adjustments made.

SECTION 9.0: REQUIREMENTS FOR APPROVAL OF SUBDIVISIONS INVOLVING CREATION OF NEW STREETS OR IMPROVEMENT OF EXISTING STREETS

9.1 Requirements for approval:

For a subdivision involving creation of a new street or improvement of existing streets shall include all requirements of Section 8.0 with the following additions to the detailed layout map:

- A. The length of all straight lines, the deflection, angles, radii, length of curves, central angles of all curves, tangent distances and tangent bearings for each proposed street.
- B. Proposed finished elevation of all proposed streets at each change of grade, as well as rates of grade of all streets and elevations indicated at intervals not greater than 100 linear feet. Elevations must be referred to a permanent benchmark which is described on the plan. Where practical, U.S.G.S. datum shall be used.
- C. The name and width of all streets.
- D. The location of all monuments and markers required by Section 5.4.
- E. Contour lines at intervals of not more than two (2) feet in areas associated with drainage improvements and road construction.
- F. Cross-section and profile drawings for all proposed streets or existing streets to be improved at horizontal scale of one inch equals forty feet (1:40) and a vertical scale of one inch equals four feet (1:4). Such drawings shall include existing ground surface on the center line and the proposed center grades and may be included as inserts on the detailed layout map sheets or as separate sheets of the layout map sequence.
- G. The words "Approved by Director of Public Works or Town Engineer for Public Way Layout" with a designated place for the signature of the Director of Public Works/Town Engineer and the date of signing.
- H. Location and capacity of all drainage control measures including all pipes, catch basins, culverts and underdrains. Location, capacity and cross sections shall be provided for all proposed swales, diversions or detention areas.

9.2 Permit to Connect Public Streets to State Highways:

Where a proposed public street joins with an existing state highway, a permit for such connection or a letter indicating intent to issue such a permit shall be obtained by the applicant from the appropriate state agency and accompany the application prior to Commission approval.

SECTION 10.0: VALIDITY

If any part of these regulations shall, for any reason be held to be invalid or unconstitutional, the validity of any other section or remaining portion of these regulations shall not be affected or impaired.

**SECTION 11: AMENDMENTS TO THE REGULATIONS GOVERNING THE SUBDIVISION OF
LAND TOWN OF LEDYARD, CONNECTICUT**

Revised August 23, 1962

Revised September 8, 1964

Revised July 16, 1969

Adopted March 24, 1972 Cancellation and supersession of previous regulations after separation of combined Planning and Zoning Commission, November 27, 1967.

Revised March 12, 1975

Revised February 18, 1977

Revised September 29, 1977

Adopted May 3, 1979, effective date: **June 18, 1979**

Revised March 1, 1980 added **4.1.E** new streets and drainage to comply with Road Ordinance; **5.3** requires mapped and written drainage measures; **7.1.J** location of drainage measures; and **7.2** requiring written drainage plan

Revised June 5, 1980

Revised August 15, 1980

Revised March 1, 1981 revisions to Section **4.4**, Flood Protection; added **4.6** on energy

Revised January 15, 1982

Adopted 1983, effective date: **January 1, 1984** new Section **4-3D** Interior Lots

Adopted July 11, 1985, effective date: **August 11, 1985** Cluster Development

Revised April 16, 1987

Adopted June, 1987, effective date: **July 2, 1987** Section **6.2** Fees Related to Section 3.7

Revised November 19, 1987 Section **4-3D** Interior Lots; Section **5-9** Requirements of Shared Driveways

Adopted May 5, 1988, Sections **3-1**, **6-4 (C) (1) (b)**, and **6-4 (C) (2) (n)**

Adopted July 21, 1988, Section **3-7** Fee Structure

Revised August 9, 1989

Adopted June 6, 1991, effective date: **June 11, 1991**, revisions to Sections **2.0** General Definitions; **4.7** Cultural Resource Preservation; **5.5** Requirements for Shared Driveways; **8.4.3.2 (c)** North Arrow Orientation; **8.4.3.2 (m)** Mapping of Cultural Resources; and **8.5.1** Community Water Supply System

Adopted August 9, 1992, effective date: **August 13, 1992** Section **3.5** Zoning Conflicts, Section **3.15** Digital Map Submissions; Sections **3.7.3** and **9.1(g)** Town Engineer Review of Subdivision Plans; and **Appendix C** GIS Layering Specifications

Adopted February 16, 1995, effective date: **March 8, 1995** new Section **5.6** Sidewalks on State Highways and Certain Local Streets that abut New Developments; new Section **7.2** General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

Adopted June 19, 2003, effective date: **June 19, 2003** Section **3.3** Application Fees

Adopted February 19, 2004, effective date: **March 8, 2004** Sections **3.7.2** Public Hearing Time Frames; **4.2.1** Addition of 50 or more dwelling units as parameter for traffic studies; **4.2.6**, Addition of 50 or more dwelling units as parameter for two connections to Town Roads; **6.1** Addition of 10 or more dwelling units as parameter for open space; **6.2** Addition of 20 dwelling units as parameter for open space; **6.6.2** Timing change for submission of warranty deeds; new Section **6.6.4** To allow fractional interests in open space; and **8.7** Timing change for submission of open space documents

Adopted September 8, 2005, effective date: **April 15, 2006** (the requisite Zoning Regulations were approved 3/23/2006 and noticed 3/30/2006); added the following general definitions: **2.1** Active Recreation, **2.5** Conservation Easement, **2.6** Conservation Subdivision, **2.7** Conventional Subdivision, **2.14** Land Trust, **2.17** Normal Lot Size, **2.18** Open Space, **2.19** Passive Recreation, **2.27** Unbuildable Area; added new section **4.8** Conservation Subdivisions; replaced Sections 6.1 to 6.6.4 with Sections **6.1 to 6.4.8.3** Parks, Playgrounds, and Open Spaces

Adopted July 20, 2006, effective date: **August 7, 2006** Amended language of Section **4.8.13** Modification or Exception to Conservation Subdivision Regulations; amended Section **4.3.5** Interior Lots

Adopted November 16, 2006, effective date: **December 7, 2006** Amended **Appendix D & E** Application Fees and Engineering Fees; amended Section **3.4** Referral to Regional Planning Agency and Adjoining Towns (and renamed this section “Referral and Notification to Other Governmental Agencies”)

Adopted June 7, 2007, effective date: **June 30, 2007** Amended **Section 5.6** Sidewalks.

Adopted December 6, 2007, effective date: **December 28, 2007**. Amended the following sections: **Section 1.3** Authority; **Section 4.3.1** Lots; **Section 4.3.2** Lots; **Section 4.8.6.1** Requirements for Submitting a Conservation Subdivision Design.

Adopted May 1, 2008, effective date: **May 22, 2008**. Added the following section: **Section 8.8** Parcel History Map.

Adopted June 6, 2012, effective date: **August 9, 2012**. Added the following section: **Section 2.19 Definition “Open Space Subdivision”** Sections 2.19 - 2.27 of the Ledyard Subdivision Regulations sequentially renumbered as Sections 2.20 – 2.28 of the Ledyard Subdivision Regulations. Added Section 4.9 to the Town of Ledyard Subdivision Regulations in order to enable open space subdivision

Adopted August 22, 2013, effective date: September 30, 2013: Amended Section 8.5; Water and Sewage

Adopted _____, 2023. Effective date _____, 2023: Comprehensive re-write and reorganization to match revised Zoning Regulations.