

**SUBDIVISION REGULATIONS
CITY OF MIDDLETOWN**

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SUBDIVISION RULES AND REGULATIONS
CITY OF MIDDLETOWN, CONNECTICUT

CHAPTER 01. GENERAL PROVISIONS

1.01 HISTORY

Subdivision Regulations for the City of Middletown, Connecticut were first authorized by Section 12 of Special Act, No. 135, approved by the General Assembly on April 1, 1931. Regulations were first adopted by the Planning and Zoning Commission on November 27, 1941.

1.02 AUTHORITY

The Planning and Zoning Commission of the City of Middletown, Connecticut, in exercise of its Planning Commission powers as authorized by the Connecticut General Statutes Chapter 126, as amended, hereby adopts these regulations which shall hereafter be known, cited, and referred to as the Subdivision Rules and Regulations of the City of Middletown. These Regulations supersede Subdivision Regulations previously in effect and adopted November 27, 1941. Any subdivision already authorized by the Commission's approval shall be completed in accordance with the regulations in effect at the time of authorization.

1.03 DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of this regulation, have the meaning herein indicated. All other terms shall be defined by "A Survey of Zoning Definitions" published by the American Planning Association or the "Subdivision and Site Plan Handbook" published by the Center for Urban Policy and Research, both are available in the Planning and Zoning Department.

ADT (Average Daily Traffic). The average number of cars per day that pass over a given point.

Applicant. A developer submitting an application for development.

Application for Development. The application form and all accompanying documents required by this regulation for approval of a subdivision or re-subdivision plan.

Berm. A mound of soil, either natural or manmade, used to obstruct views.

Boulevard / boulevard entrance. A boulevard or boulevard entrance shall mean a right-of-way of sixty-six (66) feet having two travel lanes eighteen (18) feet wide separated by a landscaped island ten (10) feet wide and flanked on both sides by areas of ten (10) feet for sidewalk purposes as defined in these Regulations and the Department of Public Works. Openings, for turning, in the landscaped island shall be spaced not more than three hundred (300) feet apart.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Caliper. The diameter of a tree trunk measured in inches, six (6) inches above the ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

Capped System. A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

Cluster Development. Means a building pattern concentrating units on a particular portion of a parcel so that at least one third (1/3) of the parcel remains as open space to be used exclusively for recreational, conservation, and agricultural purposes.

Concept Plan. A preliminary presentation and attendant documentation of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

Construction Plan. A plan and profile drawing of all proposed improvements to be constructed, maintained, and installed as part of the proposed subdivision development. Such construction plan shall include methods of conveying the required information, including supportive documentation and calculations. All construction plans shall bear the seal of a qualified professional engineer registered in the State of Connecticut.

Cul-de-Sac. A local street with only one outlet and having the other end for the reversal of traffic movement. See Street. Cul-de-sacs shall be measured from the point of intersection to the center of the turnaround.

Curb. A vertical or sloping edge of a roadway.

Date of Receipt. The day of the next regularly scheduled Commission meeting immediately following the day of submission of an application, request, or appeal; or 35 days from the date of submission, whichever is sooner.

Date of Submittal. The day an application, request or appeal, including appropriate fees or forms, is submitted to the Commission or its authorized agent.

Dedication. An act transferring property or interest thereto.

Density. The permitted number of dwelling units per area of land.

Design Standards. Standards that set forth specific improvement requirements.

Detention Basin. A man-made water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development or the holder of an option or contract to purchase or any other person having enforceable proprietary interest in such land.

Development. A construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

Drainage. The removal of surface water or groundwater from land by drains, grading or other means.

Drainage System. The system through which water flows from the land, including all watercourses, waterbodies and wetlands.

Driveway. A paved or unpaved area used for ingress and egress of vehicles, and allowing access from a street to a lot or other structure or facility.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures which interfered with the intended use of the right of way.

Environmental Constraints. Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice or gravity.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials.

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

Ground Cover. A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Improvement. Any man-made immovable items which becomes part of, placed upon, or is affixed to real estate.

Island. In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting.

ITE. Institute of Transportation Engineers.

Lot. A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon now or in the future.

Lot Area. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot Frontage. That portion of a lot extending along and parallel to a street line.

Maintenance Security. A Security deposit, furnished to the City by the developer, that guarantees all subdivision improvements against defective workmanship or materials for a period of time after the date of acceptance.

Median. That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Moving Lane. Any traffic lane where traffic movement is the primary if not sole function.

Mulch. A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

Off-Site. Located outside the lot line of the lot in question that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Open Space. Any parcel or area of land, including parks and playgrounds, and bodies of water essentially unimproved and set aside, dedicated, designated, or reserved for public use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Pedestrian Walkways. A bituminous or concrete walkway in a right of way and used to link subdivisions with schools, open spaces, other subdivisions or other public amenities. Need not run parallel to a public road.

Perc Test. (Percolation Test.) A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

Performance Security. A security deposit, furnished to the City by the developer, to be used to complete subdivision improvements specifically required by these Regulations.

Plan of Development. The Plan of Development is a comprehensive plan for the most desirable use of land for residential, recreational and open space, commercial, industrial, and other purposes; and contains the Commission's recommendations for population density, streets and other public ways, municipal development, public utilities, public housing and redevelopment; pursuant to Chapter 126 of the General Statutes of Connecticut, as amended.

Potable Water Supply. Water suitable for drinking or cooking purposes in accordance with all applicable Public Health Codes.

Pre-Application Conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

Public Open Space. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

Resubdivision. A change in a map of an approved or recorded subdivision or resubdivision if such change:

- 1) affects any street layout shown on such map;
- 2) affects any area reserved thereon for public use;

or

- 3) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have conveyed after the approval or recording of such map.

Retaining Wall. A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin. A pond, pool, or basin used for the permanent storage of water runoff.

Right-Of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Screen. A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Sedimentation. A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

Septic System. An underground system with a septic tank used for the decomposition of domestic wastes.

Sewer. Any pipe conduit and appurtenances used to collect and carry away sewage or storm water runoff from the generating source to municipal treatment plants or receiving streams.

Sidewalk (area). A paved path provided for pedestrian use and usually located at the side of a road within the road right-of-way.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Significant Tree. Trees identified with historical, cultural or physical significance because of species, size or form.

Street. Any road, highway, avenue, lane, or other public right-of-way dedicated to the movement of motor vehicles and that is shown on a subdivision plan approved by the Commission; or any existing street that is an accepted State or City road. Private rights-of-way and discontinued, unimproved, abandoned, or impassible streets are excluded.

Stub Street. A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved on the subdivision plan.

Subdivision. The division of a tract or parcel of land into three (3) or more parts or lots, made subsequent to the adoption of subdivision regulations on November 27, 1941; for the immediate or future purpose of sale or building development, and includes resubdivision; and expressly excludes the division of land for development for municipal, conservation or agricultural purposes.

For purposes of this definition, a subdivision of a tract or parcel of land under one ownership on November 27, 1941 into three (3) or more parts or lots shall be considered a subdivision whether such division was effected simultaneously, or successively by a single owner or by several successive owners of the tract or parcel of land.

Types of Subdivisions:

- 1) *Minor Subdivision* – entirely along an existing accepted street using the traditional lot-by-lot layout.
- 2) *Major Subdivision* – involving one or more new streets and using the traditional lot-by-lot layout.
- 3) *Open Space Subdivision* – replacing the traditional lot-by-lot layout with a flexible pattern of development intended to minimize changes to the existing terrain.
- 4) *Industrial Subdivisions* – contain lots upon which industrial or commercial buildings may be erected.

Subdivision Expiration Date. The date which is defined by the Connecticut General Statutes, as amended.

Topsoil. The original upper layer of soil material to a depth of six (6) inches which is usually darker and richer than the subsoil.

Trip. A single or one-way vehicle movement to or from a property or study area. “Trips” can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Use. The purpose or activity for which a piece of land or its building is designed, arranged, or intended.

Work. “Work” shall mean all physical improvements required by the approved plan, and including but not limited to the construction of roads, storm drainage facilities and water and sewer lines; the setting aside of open space and recreation areas; the installation of telephone, electric, cable TV service; the planting of trees or other landscaping; street lighting and the installation of retaining walls or other structures.

Zoning Code. The current City of Middletown Zoning Code.

1.04 PURPOSES

It is the intent of these regulations that all land to be subdivided shall be of such character so that it can be used for building purposes without danger to the health or the public safety; that proper provisions shall be made for water, drainage, sewerage and all other necessary community facilities; and in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision shall be made for protective flood control measures; and that the proposed streets are in harmony with existing or proposed thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs; and that the Commission may require the provision of open spaces, parks and playgrounds; and that proper provision be made for soil erosion and sediment control and the promotion of energy efficient patterns of development including solar access; and to ensure proper legal descriptions and monumenting of subdivided land.

These regulations are also designed to protect the character and the social and economic stability of all parts of the City, to establish standards of design and the orderly layout of the land; and to prevent the pollution of air, rivers, streams, and ponds; to safeguard the City’s management of natural resources throughout the community in order to preserve the integrity, stability, and beauty of the community and the value of the land.

1.05 JURISDICTION

These regulations shall apply to the subdivision and re-subdivision of land, as herein defined, located within the corporate limits of the City of Middletown, Connecticut. No subdivision or re-subdivision of land shall be made by any person, firm, or corporation until an application for such

subdivision or re-subdivision has been submitted to and approved by the Middletown Planning and Zoning Commission, and a map thereof has been endorsed by the Commission and filed by the Planning and Zoning Department in the Middletown Office of the City/Town Clerk.

1.06 INTERPRETATION, CONFLICT AND SEPARABILITY

1.06.01 Interpretation

The interpretation and application the provisions of these regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary for the promotion and protection of the public health, safety and general welfare.

1.06.02 Conflict

These regulations are not intended to interfere with, abrogate, or annul, any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these Regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

1.06.03 Separability

If any part of provision of these regulations is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of these regulations.

1.07 Waiver

The Commission, upon written request from the applicant submitted prior to the scheduling of a public hearing, may waive specific requirements of these regulations with respect to a subdivision where conditions exist which affect the subject land and are not generally applicable to other land in the area. No waiver shall be granted that would conflict with the Zoning Regulations, or any other City, State or Federal regulation, or that would have a significant adverse effect on adjacent property or on the public health and safety. In granting a waiver of specific requirements of these regulations,

the Commission shall find that the waiver shall be the minimum deviation from the requirements of these regulations and may attach such conditions that it deems necessary to preserve the purpose and intent of these regulations. The Commission shall state upon its records the reasons for which a waiver is granted.

The Commission may grant a waiver of any of the specific requirements without a written request if it deems such a waiver will enhance the development, and be in the interest of the public health, safety and welfare.

1.08. Amendments

For the purpose of providing for the public health, safety and general welfare, the Commission, and exclusively the Commission, may from time to time amend these Regulations in accordance with the provisions of the Connecticut General Statutes, as amended.

1.09 Conformity

All subdivision plans shall conform to the City of Middletown Zoning Regulations in effect at the time of formal submission of the subdivision application.

Unless specified and approved in the subdivision plans, construction shall be done in accordance with the City of Middletown, Public Works Department Standard Specifications and the State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 814.

1.10 INSPECTION; MODIFICATION; INDEMNIFICATION; ENFORCEMENT; PENALTIES AND APPEALS

1.10.01 Inspection

Upon the submission of a subdivision application, the owner, applicant and/or other authorized agent of the owner/applicant hereby grants to the members of the Planning and Zoning Commission and/or its agents permission to enter upon the property proposed for subdivision periodically for the purpose of inspection and enforcement of the regulations of the City of Middletown.

1.10.02 Modification

Applications for subdivision modifications which are necessitated by site conditions or which are deemed to be in the public interest shall be approved by the Commission; except that modifications which are found to be of minor nature and do not materially alter the subdivision may be authorized by the Planning Director with the concurrence of other pertinent City officials.

Minor Modifications – include, but are not limited to, minor deviations from the approved grading plan, minor changes in water lines, sanitary sewers and the storm water system. Minor modifications in no way effect the number of lots or permit deviations from city standards and specifications.

1.10.03 Indemnification of City and Commission

Each applicant and/or owner of land who consents to an application, as outlined in these Regulations, shall be deemed to agree, by making or consenting to such application, to indemnify and hold harmless the City, its officers, agents, servants and employees, the Commission, and authorized representatives acting within the scope of authority vested by these Regulations, from all claims, demands, and liability, for any and all personal injuries, damages, losses and expenses, of whatever kind and nature incurred by any person arising out of or in connection with the performance, correction, re-execution, cessation, or any related delays of work that are part of the subdivision plan approved under these regulations.

Nothing in these regulations is intended to require any work to be performed under the supervision, direction, or control of the City or the Commission.

The Commission and the City of Middletown accept no responsibility for an individual's financial loss or hardship due to the illegal sale of a lot prior to the granting of final approval.

1.10.04 Enforcement

These regulations and the Middletown Code of Ordinances, Section 21-2, as amended, designate the Zoning Enforcement Officer to serve as the Enforcement Officer who shall enforce the provisions of these regulations. Additionally, the Public Works Department and the Water and Sewer Department shall be responsible for the proper installation and dedication of any public improvements. The enforcement officer may order any place, premises, or work to be inspected or examined by appropriate City staff; order the cessation of any work when any condition is found to violate these regulations; and order the remedy of any such condition. The Enforcement Officer and the Commission may institute an action or proceeding to prevent or restrain any such work, or to correct or abate any such condition. In addition to any civil or criminal penalties or other remedies as may be provided by law, a violation of these Regulations may be enforced by mandatory or other injunctive relief.

1.10.05 Penalties

Any person, firm or corporation found by the Zoning Enforcement Officer to be making any subdivision of land without the approval of the Commission shall be fined, as provided for in the Connecticut General Statutes, as amended.

1.10.06 Appeals

Any person aggrieved by an official action or decision of the Commission may appeal, in accordance with the Connecticut General Statutes, as amended.

1.11 Effective Date

Subdivision Regulations were first adopted by the City of Middletown on November 27, 1941. These Regulations which supersede all previous Subdivision Regulations will be effective on October 30, 1992.

1.12 MORATORIUMS

Considering the demonstrated negative impacts on the public school system including but not limited to overcrowded schools, the need for modular class rooms and increasing budget constraints from the rapid residential growth which resulted in over one hundred and fifty (150) homes per year for the last five (5) years and over two hundred (200) homes projected for the upcoming year a zoning moratorium is declared with respect to residential subdivisions or re-subdivisions in excess of three (3) lots for the purpose of engaging in a comprehensive land use planning process to determine the ideal rate of growth and the ideal future population within the City.

For a period not to exceed nine (9) months following the adoption of this amendment, no proposal for subdivision or re-subdivision may be considered or approved.

During the nine (9) month period the Planning and Zoning Commission shall engage in a comprehensive land use planning process and shall produce and adopt a new Plan of Conservation and Development as required in CGS 8-23. The Plan, as authorized by CGS 8-23, shall determine the ideal future population and identify a schedule of open space acquisitions using the recently approved \$3 million open space bond. The Planning and Zoning Commission shall also, if needed, propose zoning text and/or map amendments, which would lead to implementation of the Plan of Conservation and Development.

(adopted effective 2/19/03)

CHAPTER 02. APPLICATION REQUIREMENTS AND PROCEDURES

2.01 Pre-Application Conference

For all subdivisions the applicant is strongly encouraged to have a pre-application conference with Planning and Zoning staff and other staff regarding the proposed subdivision. The purpose of the pre-application conference is to provide for the exchange of ideas between the applicant and pertinent City staff and to ensure the orderly and expeditious processing of applications. Discussing subdivision design in the formative stages will provide the opportunity for coordination with the Plan of Development and an opportunity for the applicant to become aware of all pertinent regulations and other considerations. Information to be used in the informal discussion should be submitted to the staff at least five (5) days prior to the meeting. The accuracy of the information for the informal discussion, including both conventional and cluster schematics, is expected to be of clear and understandable quality. A City topography map for the area, available from the Public Works Department is also recommended. This procedure in no way constitutes a formal submission to the Planning and Zoning Commission. All discussion is only advisory.

2.02 Who May Apply

An application for approval of a subdivision or re-subdivision plan may be made by:

- a. All of the owners of the land to be subdivided, or their duly authorized agent; or
- b. The purchaser or all the purchasers under a written contract or option to purchase the land to be subdivided provided that the written consent of the owner or all owners of said property to the filing of such application shall accompany the application.

2.03 Submission

All applications, maps, plans, documents, fees and data required by these regulations shall be filed with the Commission by submitting same to the Planning and Zoning Office. The day of receipt of such applications by the Commission shall be determined in accordance with the Connecticut General Statutes, as amended.

2.04 RECEIPT AND ACCEPTANCE OF APPLICATION

Prior to submission of preliminary plans, the applicant must acquire Public Works Commission approval of all proposed street names. Only approved street names shall be on the submitted plans.

The application for approval of a proposed subdivision or re-subdivision shall be considered complete when the Commission, at the regular meeting at which the application is scheduled as New Business has made the determination that all of the application requirements of these regulations have been fulfilled by the applicant.

Upon finding that the application is complete the Commission may hear a brief presentation of the proposal and may schedule a public hearing.

2.05 APPLICATION REQUIREMENTS

In order to make formal application for approval of a subdivision or re-subdivision, the applicant shall submit the following:

2.05.01 Application

A complete application to the Planning and Zoning Commission for subdivision, re-subdivision and special exception shall include an application, the required fee, plans and written approval, conditional approval, or denial obtained by the applicant of the final revised plans from the City of Middletown Departments of Health, Public Works, Water and Sewer, Police and Fire. The Planning and Zoning Commission is not bound by any departmental comment.

Further, no application for special exception, subdivision or re-subdivision shall be deemed complete without the submission of a notice of decision of an Inland Wetlands Permit as issued by the Middletown Inland Wetlands Agency, provided such a permit shall be required under regulations adopted by said Agency. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans which were approved, or modified and approved, by said Agency.

(Section amended effective 3/15/02)

2.05.02 Planning and Zoning and Wetlands Coordination

All applications for subdivision or re-subdivision shall be reviewed by the Inland Wetlands Agency Staff prior to formal submission to the Planning and Zoning Commission. Should the Inland Wetlands staff determine that a permit is required

or that an Inland Wetlands Agency review is required the applicant shall delay submission to the Planning and Zoning Commission until that time when an application for permit has been filed with the Inland Wetlands Agency or a determination that no permit is required is rendered by the Agency. The Planning and Zoning Commission shall in no case make a decision on any subdivision or re-subdivision involving a wetlands permit prior to receiving a report from the Inland Wetlands Agency. Failure to comply with this section constitutes grounds for denial.

2.05.03 Application Fee

All application fees shall be paid by check or money order made payable to the City of Middletown and are in accordance with Section 15.10 of the Middletown Code of Ordinances, as amended.

2.05.04 Topography Map

The proposed subdivision plan shall be shown on a print of the "Topographic Map of Middletown, Connecticut, Showing Drainage Systems and Inland Wetlands Superimposed" date of photography April 17, 1980." For minor subdivisions one (1) copy of such a print is required. For major subdivisions two copies of such print shall be submitted and a print highlighting the subdivision shall be affixed to a board and available at the hearing. These maps are available for purchase in the Public Works Department. If a subdivision appears on more than one sheet, the sheets shall be properly affixed to one another.

2.05.05 Required Plans and Other Information

Due to the varying complexity of the various types of subdivisions the submission requirements will vary for each type of subdivision, as listed below. The submission requirements can be found in Section 4 of these regulations;

- 1.) Minor – Subdivisions on an existing street;
- 2.) Major – Any number of lots requiring the layout and construction of new streets;
- 3.) Industrial Subdivision – Non residential subdivisions;
and
- 4.) Open Space subdivision – replacing the traditional lot by lot layout with a flexible pattern of development intended to minimize changes to the existing terrain.

2.06 CONSIDERTATION OF PROPOSED SUBDIVISIONS

Upon finding by the Commission that the application requirements have been met, the Commission shall consider the application in accordance with the Connecticut General Statutes, as amended, and the following procedures:

2.06.01 Submission to Regional Planning Agencies and Adjoining Towns.

Regional Planning Agencies and adjoining towns shall be notified by the Commission of the pendency of any applications as required in Sections 8-26b and 8-26f of the Connecticut General Statutes, as amended.

2.06.02 Hearing

Public Hearings shall be required for all re-subdivisions. The Commission may require a public hearing for subdivisions, however the Commission may waive the requirement for a public hearing if the Commission determines that a public hearing is not necessary. When a public hearing is required, the application will first be scheduled as New Business on the agenda and at that meeting, a public hearing shall be scheduled. Hearings and extensions of hearings are allowed which are consistent with the Connecticut General Statutes, as amended.

2.06.03 Public Hearing Notice

Notice of any public hearing for any reason authorized by this Code shall be given as required by the Connecticut General Statutes, as amended. Additionally, the applicant shall cause to be posted a sign or signs and written notice to be given notifying the public of a public hearing related to an application for all such hearings. The signs and written notice shall be the responsibility of the applicant and posted subject to the following conditions:

- 1) The sign shall be posted seven (7) calendar days prior to the date of the public hearing (Eight (8) days if the seventh day is a holiday) and shall not be removed by the applicant until the hearing is closed;

- 2.) The sign shall be firmly secured to the ground or structure to prevent vandalism and shall be along the most visible portion of road frontage. The sign shall be erected in a manner so as to be visible to traffic moving in both directions and be perpendicular to the roadway, except in the case of signs at the end of cul-de-sacs. If there is more than one frontage of the parcel on an improved street or streets, one sign for each frontage shall be posted; (Section amended effective 7/15/2001)
- 3.) The composition of the sign shall be of a durable material (wood or metal) forty (40) inches by forty (40) inches in size painted white with black lettering having a minimum height of four (4) inches with a letter stroke of one (1) inch;
- 4.) The signs shall advertise the date, time, and place of the public hearing;
- 5.) The Zoning Enforcement Officer shall file a report with the Commission that the sign was observed in place in accordance with the above;
- 6.) A proponent who fails to display the sign shall be required to withdraw and file a new application and fee;
- 7.) The sign shall be taken down one (1) week after the public hearing is closed;
- 8.) Any sign not removed shall be ordered to be removed by the Zoning Enforcement Officer, who is authorized to rescind and revoke any approval for non compliance;
- 9.) Applications shall include a list, prepared by the applicant, of the names and mailing addresses of the owners of all parcels of land included within the application and abutting the subject property as shown on the most records on file in the City Tax Assessor's Office (or the actual owners of record if otherwise known by the applicant). If a condominium project abuts such property, the applicant shall list the owners of such units which abut such property directly and the condominium association (all owners not required). The applicant shall mail notification of said pending application to at least one (1) owner of each said property not more than fifteen (15) days or less than ten (10) days before the public hearing, by transmitting the text of the public hearing notice as provided by the Commission;

- 10.) Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Planning Office along with the above said list of property owners, not less than five (5) calendar days prior to the hearing date. Failure to comply with any of the procedures required herein, shall be deemed valid basis for denial of the subject request; and
- 11.) These requirements shall apply to any amendment proposed by the Commission unless the project would require the mailing of greater than fifty (50) certified letters or the posting of more than two (2) signs.

(Section amended effective 10/1/96)

2.06.04 Review by Others

Plans and maps may be transmitted to the Health Department Public Works Department, Water and Sewer Departments, Police Department, Fire Department and the Conservation Commission, when appropriate, for comment and recommendations. When appropriate or required, the Commission may refer the application to other local, regional or state agencies or utility companies for their comments and recommendations or may seek the advice of private independent experts or consultants.

2.06.05 Decision

The Commission shall approve, modify and approve, or disapprove, any subdivision or re-subdivision application, maps and plans submitted therewith within sixty-five (65) days after the close of the public hearing. Extensions consistent with the Connecticut General Statutes, as amended, are allowed.

2.06.06 Conditions

In granting approval the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans or documents, and to preserve the purpose and intent of these regulations. All required revisions must be reflected on a revised plan submitted to the Planning and Zoning Department after the granting of preliminary approval and prior to commencement of construction.

2.06.07 Denial

In the event a subdivision application is denied, no work on said proposed subdivision may be undertaken, nor improvements made or constructed, nor contract for sale of or an offer to sell any lots in such subdivision negotiated, nor any permit for the erection of any structure issued or granted, until such time as a new subdivision application concerning said subdivision has been submitted to the Commission and reviewed and approved in accordance with these Regulations and the Connecticut General Statutes, as amended. Applications may be denied by the Commission if the application failed to conform to the purposes and requirements of these regulations.

2.06.08 Notice of Action

Notice of all official actions shall be published in a newspaper and mailed to the applicant as required in the Connecticut General Statutes, as amended.

2.07 Expiration of Approval

All work, as work is defined in the Connecticut General Statutes Section 8-26c, as amended, with respect to any subdivision or re-subdivision requires that an subdivision or re-subdivision shall be completed within the time period specified in the statute after the date of the first approval of the subdivision plan (whether preliminary or conditional final). Failure to complete all work within such period shall result in automatic expiration of the approval of such plan, provided the Middletown Planning and Zoning Commission shall file on the land records, if any form of final approval has been granted, in the Office of the Town/City Clerk, notice of such expiration and shall state such expiration on the subdivision plan of file in the office of the Planning and Zoning Department. If final approval has been granted and lots have been conveyed during such five (5) year period, the municipality shall call the bond on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

CHAPTER 03 APPROVAL AND ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3.0 Preliminary Approval

Upon request by the developer the Commission may grant preliminary approval to the proposed subdivision to allow work to begin, if the Commission finds that the subdivision map, plans and accompanying documents and data conform to the requirements and are consistent with the purposes of these regulations. At this stage in the approval process no map shall be filed in the Town/City Clerks Office and no part of the property shown on the map may be conveyed. Building permits may be issued in accordance with the approved phasing plan. No building permits will be issued for a subsequent phase until the prior phase has received conditional final approval in accordance with Section 3.02. Certificates of Occupancy shall be withheld by the Zoning Enforcement Officer until that time when Certificates of Occupancy may be granted in accordance with Section 3.10 of the Regulations and conditional final approval has been received.

(Amended effective 8/1/95)

3.01 Final Approval

Final approval shall be granted when all required work as set forth in the approved application has been completed to the satisfaction of the City. At this point, a final plan of the approval may be filed in the City's land records and lots may be conveyed and building permits issued. Final approval also constitutes an affirmative Connecticut General Statutes 8-24 review. Prior to the granting of final approval and the filing and recording in accordance with this section, all pertinent departments shall submit affirmative reports to the Planning and Zoning Commission. Reports shall indicate that all required work has been completed. If there are no public improvements involved in the subdivision, final approval may be granted without prior preliminary or conditional final approval.

Requirements for final approval include a final Mylar, all required As-Built plans, an acquisition agreement and deeds for the public right of way and any utility or drainage easements, in such form as may be prescribed by the Commission, and a letter from a licensed Land Surveyor noting that all property corners have been pinned or monumented.

3.02 Conditional Final Approval

In lieu of the completion of the required improvements, the Commission may accept a performance bond together with a contractual agreement, a final mylar, an acquisition agreement and all deeds for the public right of way and utility and drainage easements in such form as may be prescribed by the Commission.

Upon receiving said materials, the Commission may grant conditional final approval and authorize the filing of a plan with final approval endorsed thereon. Any such conditional final approval, which has not earlier become final, shall lapse two years from June 30th of the year upon which it was granted. Prior to the granting of conditional final approval, and the filing and recording in accordance with this section, all pertinent departments shall submit affirmative reports to the Planning and Zoning Commission. The Commission may grant renewal of such conditional final approval for up to one additional two (2) year time period if it determines such extension is necessary and it does not extend the completion date as outlined in Section 2.07.

3.03 Performance Bonds

Upon the granting of conditional final approval the Commission shall accept a performance bond in an amount sufficient as determined by the developer's engineer and approved by the Public Works Department. This performance bond agreement shall guarantee the completion of all required and remaining subdivision improvements.

A separate performance bond may be required for major subdivisions which require a substantial amount of landscaping and/or erosion and sediment control measures.

For purposes of this section a performance bond shall mean one of the following: 1.) a cash deposit in the form of a certified check; or 2.) an irrevocable letter of credit from a bank or other similar, financially stable and reputable institution subject to the approval of the Planning and Zoning Commission, the City Attorney and the Director of Finance. For the purposes of determining financial stability, the Director of Finance may request financial information from the developer of the bank issuing the letter of credit. Additionally, all letters of credit upon expiration shall be renewed automatically by the issuing bank.

3.04 Escalation of Costs

All performance bonds shall include an amount to cover the escalation of all costs over a two (2) year period for all construction and all other work included in the subdivision approval.

3.05 Easements, Rights of Way and Public Land

All easements, rights of way, or open space to be deeded to the City shall have a written geometric description prepared, based on survey data and an acquisition agreement and deeds for the public right of way, in such form as prescribed by the Commission.

3.06 Contract and Schedule for Completion of Improvements

Contracts for bonds shall be duly executed on forms approved by the City Attorney, with proper reference to all maps and plans showing the streets, drainage and other improvements covered by the bond. The completion date shall be June 30th no more than two (2) years from the issuance of conditional final approval. To conform to section 3.01, one extension of such time period is permitted.

In addition to the contract, the developer shall provide a "Schedule for the Completion of Improvements". This schedule shall outline the anticipated time frame for completion. It is within the authority of the Public Works Department to order the adherence to such schedule or call the required performance to install any improvement.

3.07 Clean Up

It shall be a condition of the performance bond that the developer shall be required, at least every 30 days, to clean up construction debris and to remove from the subdivision site or adjoining areas all construction materials or equipment no longer needed for the work.

Any and all material falling on a public street from vehicles or construction equipment shall be cleaned up at the end of each working day, or more frequently, depending upon the nature of the work and the nuisance created. Failure of the developer to comply with the above as determined by the Zoning Enforcement Officer shall be sufficient reason for the City to take action under the performance bond.

3.08 CONTRACT APPROVAL PROCEDURE

- 1.) The developer shall submit three (3) signed original copies of the proposed contract and the required performance bond to the City Attorney's Office and one copy to the Planning and Zoning Department.
- 2.) The City Attorney shall review and process the contract and required performance bond.
- 3.) The City Attorney shall review and transmit the letter of credit and/or certified check to the Director of Finance for review and approval.
- 4.) The City Attorney shall transmit the contracts to the Mayor's Office for his signature.
- 5.) The contracts will then go to the Planning and Zoning Department to obtain the signature of the Chairperson of the Planning and Zoning Commission.
- 6.) The fully executed contracts will be returned to the City Attorney's office and signed copies will be distributed accordingly.
- 7.) Upon receiving a signed copy of the contract the Planning and Zoning Department will process the final mylar as outlined below.

3.09 ENDORSEMENT AND FILING OF PLANS

A mylar, a digital (.DWG, .DXF) file based on the State Plane Coordinates (NAD1927), and four (4) paper prints of the final or conditionally finally approved subdivision plan shall be submitted to the Planning and Zoning Department to determine whether they comply with the Planning and Zoning Commission's motion approving the subdivision plan. If found that the conditions of approval have been met, the Chairperson of the Commission and the Director of Planning and Zoning shall sign all copies. The mylar original copy is to be filed in the Middletown Town\City Clerk's office within ninety (90) days after the mylar is signed by the Chairperson. Any plan not so filed or recorded within the prescribed time shall become null and void. Extensions in accordance with the Connecticut General Statutes, as amended are permitted. In the event of an appeal the recording must occur ninety (90) days after the termination of such appeal by dismissal, withdrawal, or judgment in favor of the developer. No such plan shall be recorded or filed by the

Middletown Town\City Clerk until its approval has been endorsed thereon by the Chairperson of the Commission and the Director of Planning and Zoning. The endorsement shall also state the date of expiration in accordance with Section 2.07 of these regulations. Any filing or recording of a subdivision plan without such approval shall be void. No changes, erasures, modifications or revisions shall be made on any final subdivision plan after the Commission has approved and endorsed the final subdivision plan. In the event that any subdivision plan contains any changes when recorded, the plan shall be null and void and of no legal standing. One copy of the final plan is to be returned to:

1. Planning and Zoning Office;
2. Department of Public Works;
3. Water and Sewer Department (if applicable); and
4. Health Department (if applicable).

Commission endorsement of final plans shall not be deemed as acceptance by the Common Council, of any street or other land shown as offered for dedication to public use. (Section amended effective 11/15/99)

3.10 CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be approved by the Zoning Enforcement Officer for a principal building on an approved Subdivision lot unless and until the drainage, water and sewer lines and laterals and subgrade, base course, and pavement binder course for the new subdivision road has been installed, inspected and approved by the Public Works Department and Water and Sewer Department. Upon the granting of the first C.O. the road shall be kept passable and accessible for automobiles and emergency vehicles.

3.11 CERTIFICATE OF INSURANCE

Public liability coverage protecting the City against claims for which the developer is legally responsible in an amount and form acceptable to the City's Risk Manager shall be filed with the City Attorneys Office prior to conditional final approval.

3.12 FAILURE TO COMPLETE IMPROVEMENTS

Where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City of Middletown may thereupon, in accordance with the terms of the Agreement for Completion of Subdivision Improvements, declare the

performance bond to be in default and require that all improvements be installed, using the money in the bond, regardless of the extent of building development at the time the bond is declared to be in default. Additionally or alternately, the City can revoke its conditional final approval which will halt the sale of any lots and the issuance of any building permits for any lots within the subdivision. The revocation of the conditional final approval shall be recorded in the Middletown Town/City Clerk's Office.

3.13 Partial Release of Performance Bonds

The developer may apply in writing to the Commission for one partial release of the performance bond provided at least 75% of cost of improvements has been completed. The site will be inspected by the Public Works Department, the Water and Sewer Department and the Zoning Enforcement Officer. Each will notify the Commission if a reduction is warranted.

3.14 Final Release of Performance Bonds

The final release of performance bond constitutes an affirmative Connecticut General Statutes 8-24 and the issuance of formal final approval.

The performance bond shall be released only at that time when the Commission or city officials receive the following:

- 1.) All pertinent departments shall submit reports to the Planning and Zoning Commission stating that all required subdivision improvements have been completed;
- 2.) The developer shall submit all required "as built" plans and supporting documentation to the Director of Public Works and/or the Director of Water and Sewer and a letter to the Director of Public Works stating that all property corners have been pinned or monumented;
- 3.) A maintenance Bond, if deemed necessary, and as described in section 3.13.01 of these regulations is filed with the City;
- 4.) The developer has submitted all necessary materials to the City Attorney for formal acceptance of all public improvements.

3.15 Maintenance of Improvements

The developer may be required to maintain all improvements until acceptance of said improvements by the Common Council of the City of Middletown.

3.15.01 Maintenance Bond

The developer may be required to file a maintenance bond covering all work that was covered by the subdivision improvements performance bond prior to the release of said bond. This bond will be filed with the City prior to dedication in an amount determined by the Public Works Department in order to assure the satisfactory condition of the required improvements, for a period of one (1) year after the date of their acceptance by the City. In not case shall the maintenance bond be less than 10% of the cost of improvements and shall be of such form as described in Section 3.06 of these regulations.

CHAPTER 04. STANDARDS FOR MAPS AND PLANS

4.01 General

Due to the varying complexity of the different types of subdivisions, the submission requirements, for each type of subdivision, as listed below, may vary. The developer should consult the Planning Director or Planner as to the required information.

- 1.) Minor Subdivisions – are located on an existing city street;
- 2.) Major Subdivisions – are ANY number of lots requiring the layout and construction of new streets; and
- 3.) Open Space Subdivisions (See Section 44 of Zoning Code)
- 4.) Industrial and Commercial Subdivisions

In general minor subdivision applications shall entail a subdivision plan and a site development plan if any physical development is proposed. Major subdivisions shall require all necessary information mentioned in these regulations.

In order to demonstrate that the cluster design alternative has been considered developers of major subdivisions shall have available two (2) concept plans during the pre-application conference with one showing a conventional subdivision and the other showing how the property could be developed using the cluster design regulations in Section 44 of the Zoning Code. The final determination of which subdivision shall be submitted with the formal application is exclusively the developers.

When a major subdivision covers only a part of an existing tract or only a part of the developer's holdings, a concept plan of the prospective future street system, lot arrangement and system of open spaces for the remainder of the holding or tract shall be submitted as part of the formal application.

4.01.01 Scale and Number of Plans Required

All subdivision plans, with the exception of the grading plan, shall be drawn to a scale of not less than 1" = 100' and shall be on sheets 24 by 36 inches. The plan shall show the information and be prepared in accordance with the standards hereafter specified. Required plans may be combined as long as the plan is clear and understandable. Twenty (20) blue line or black line prints of all required plans shall be submitted to the Planning and Zoning Department.

(Amended effective 12/1/01)

4.01.02 Required Professionals

All pertinent plans submitted under these regulations shall be prepared by either a licensed engineer, architect, landscape architect and/or land surveyor that is registered in the State of Connecticut. The names and license numbers of engineers, architects or surveyors used in preparing the subdivision plan shall appear on all plans.

4.01.03 Surveyors Certification

Survey Information: All pertinent maps shall contain certification that the accuracy of the information on the map meets the standards for a Class A-2 Survey as established by the State of Connecticut Board of Registration for Professional Engineers and Land Surveyors. Such certificate shall bear the personally endorsed signature of the land surveyor and his seal. Such certification shall generally be in the lower left hand corner of the sheet and shall read as follows:

I HEREBY CERTIFY THAT THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE STANDARDS OF CLASS A-2 SURVEY AS DEFINED IN THE CODE OF PRACTICE FOR STANDARDS OF ACCURACY OF SURVEYS AND MAPS, ADOPTED SEPTEMBER 13, 1984, AS AMENDED, BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC.

SIGNATURE OF SURVEYOR

In addition, all maps containing other information require to be prepared by a land surveyor shall bear the official seal and the personally endorsed signature of the land surveyor responsible for the preparation of such information.

4.01.04 Engineers Certification

All maps containing information required to be prepared by a professional engineer shall bear the official seal and the personally endorsed signature of the professional engineer responsible for the preparation of such engineering information.

4.02 Subdivision Plan

The subdivision plan shall be the plan which is filed in the Town/City Clerks Office. This plan shall contain the following information:

- a. Title Block – Including the title of the subdivision, which shall not duplicate the title of any previously submitted subdivision in the City of Middletown, the name and address of the owner of the land to be subdivided, name and address of the developer if different from the owner, and the tax map, block and lot information;
- b. Date, north arrow, graphic and word scale, city, state, zone, frontage and area requirements, setbacks and lot coverage;
- c. Date of original and all revisions with sufficient space to describe each revision;
- d. The location of all boundary lines of the subdivision, existing and proposed dimensions and all bearings or angles on all property and street lines, easements, rights of way (including private utility rights of way), parks, recreation areas and open spaces.
- e. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radius, arcs, chords and central angles for all center lines and rights of way and centerline curves on streets;
- f. Existing and proposed monuments, any municipal boundary line and zoning districts.
- g. Development phases and a narrative description of the phasing plan;
- h. The survey relationship of proposed streets to nearby monumented City streets or State highways where practical;

- i. The error of closure, which shall not exceed 1 in 5000;
- j. The names of all adjacent subdivisions or property owners of record at the date of the map submission, including those directly across the street from the subdivision;
- k. The proposed layout of lots, lot numbers in a circle symbol;
- l. Total lot area in acres and the areas and frontages of all proposed lots and open spaces within each lot and in tabular form;
- m. Existing and proposed inland wetlands and watercourses, flood elevation date, and both 100 and 500 year flood plain lines, and the area encompassed within each;
- n. Existing and proposed open spaces, including conservation areas and easements, for parks and playgrounds; and the location and limits of all easement of reservation areas for the protection and conservation of natural and historic resources;
- o. Certifications by the licensed engineer, architect, or surveyor that the lots in the proposed subdivision meet all the zoning requirements in the City of Middletown Zoning Code and all required information is displayed and all proposed improvements meet the specifications of these regulations and various city departments;
- p. An index map, if the proposed subdivision is divided into section or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, street, street names, and delineation of areas covered by the section or sheet;

- q. The words “ THE SUBDIVISION OF LAND DEPICTED ON THIS SHEET WAS GRANGED FINAL APPROVAL BY THE MIDDLETOWN PLANNING AND ZONING COMMISSION AT ITS MEETING ON _____ AND IS THEREFORE ELIGIBLE TO BE FILED IN THE OFFICE OF THE TOWN CLERK.”

COMMISSION CHAIR

CITY PLANNING DIRECTOR

- r. The words “WORK COMPLETION DATE” with a designated place for the five (5) year expiration date as explained in Section 2.07.02 of these regulations.
- s. Any other information deemed necessary and appropriate by the developer or requested by the Commission or its designated agent.

4.03 SITE DEVELOPMENT PLAN

In general, the site development plan shall show existing conditions and the proposed layout of lots, public improvements for the proposed subdivision and all contiguous land of the developer that may be subdivided in the future. This plan is designed to allow the Commission to complete a general planning review of the proposed subdivision including its relationship to the future subdivision of contiguous land of the developer. The Site Development Plan shall contain all the information shown on the subdivision plan and the following data:

- a) A location map at 1” – 1200’ showing the area within 1000 feet of the subdivision and the subdivisions relation to the existing roads in the community and any other property owned by the developer;
- b) Adjoining property lines, open spaces and park areas for a distance of 200 feet;
- c) Existing (dashed lines) and proposed contours (solid lines) at intervals not exceeding (2’) feet based upon a field or aerial survey and using official Town, State of U.S. bench marks, which shall be noted on the plan. Contours shall extend at least 200 feet beyond the subject property;

- d) All existing buildings and structures with specific identity of all buildings appearing in the Greater Middletown Preservation Trust – Historical and Architectural Resources;
- e) Existing and proposed inland wetlands and watercourses including those within 200 feet of the site as defined on the “Topographic Maps of Middletown, Connecticut, Showing Drainage Systems and Inland Wetlands Superimposed” detailed soil type designations with wetland soils highlighted, base flood elevation date, and both 100 and 500 year flood plain lines;
- f) Location of any proposed wells, appropriately sized septic systems, and the appropriate separating distance arcs; including the location of any existing wells, septic systems and other buildings on subdivision land and adjoining land within 200 feet and if homes are to be serviced by private sewage disposal systems the number of bedrooms per home;
- g) The location and data for pit locations, boring data, and percolation test data (when necessary);
- h) General location of proposed houses and driveways displaying parking in conformance with Section 40 of the Zoning Code. Schematic locations shall not be binding upon the site plan review process and are required only to display that the proposed lot can accommodate a home;
- i) Existing and proposed streets, storm drains, retention and detention basins, groundwater drains, sanitary sewers, septic systems, water wells, public water lines, catch basins, manholes, ditches, headwalls, proposed utility easements for telephone, electric and cable T.V., high pressure gas lines and electric high tension lines, sidewalks, gutters, curbs and all other structures pertaining to streets, drainage, sewers and utilities;
- ii) Fire alarm boxes as required in Chapter 9 of the Middletown Code of Ordinances, as amended. (Added effective 8/1/95)
- j) Site identification signs, traffic control signs and equipment, street name signs, stop bars and directional signs, and notes indicating the design speed of each street;

- k) Vehicular and pedestrian circulation patterns;
- l) Sight triangles displaying existing and proposed sightlines at all intersections;
- m) Proposed width of all streets, street names, and width of all easements and rights of way;
- n) Spot elevations on both existing and proposed roads to indicate tentative grading;
- o) Location and type of any existing or proposed exterior street lighting including provision for shading of such lighting;
- p) The limits of any areas proposed for regarding by excavation or filling, and the limits of any areas proposed to be reserved and protected from excavation or filling;
- q) Notes indicating sanitary sewer and water use calculations, identification of lots requiring sanitary sewer grinder pumps or water booster pumps and the potential need for any type of blasting;
- r) The extent of forested areas including the delineation, on the required city topography map, and brief description of each forested stand and particular narrative reference to all trees outside of a forest stand which are in excess of 18 inches in diameter;
- s) Proposed and existing trees, shrubs and forested areas to remain and methods of protection as required in Section 5 of these regulations and the location of existing and proposed buffer strips and screening with notes displaying the type, size and species of shrubs, trees, and other plantings;
- t) The approximate location of any ledge outcrops, ravines, vistas and existing stone walls and fences;
- u) If applicable, a boulevard landscape plan shall also appear on this plan with notes displaying the type, size, and species of shrubs, trees, and other plantings and the materials and cultural practices proposed to control weed growth;
- v) Location of any existing or proposed underground storage tanks; and

- w) Any other information deemed necessary and appropriate by the developer or requested by the Commission or its designated agent.

4.04 Construction Plans

When applicable, plan and profile drawings of all proposed streets, storm drains, water lines, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs and other structures shall be submitted and drawn to a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. Profile drawings and elevations shall be based on City, State or U.S. benchmarks or other permanent benchmarks approved by the Public Works Department. The benchmarks used shall be noted on the plan. Plan-profile drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision or re-subdivision.

- a) Title of the subdivision or re-subdivision, date, scale, City and State;
- b) For streets, the existing grades at the center lines and both street lines and the proposed grade at the center line and both street lines; width of pavement, and typical City of Middletown cross section of roads with correct specifications depending on the type of subdivision;
- c) Depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and water course cross sections;
- d) Approximate location of lot lines intersecting the street line; lot numbers and street names;
- e) Sidewalks, curbs, gutters and special structures to include street lights and guide rails;
- f) Detail drawings of any bridges, hydrants, catch basins, box culverts, deep manholes and other special structures;
- g) Intersection detail drawings may be required to insure adequate pavement grading in order to control runoff. The plan shall be at a scale of one inch equals ten feet and have contour interval of one half foot.

The plan shall show a minimum of 75 feet of each leg of the intersection as measured from the point of intersection, and all catch basins or other surface water collection devices and top of frame elevations;

- h. The complete proposed storm drainage system and sanitary sewer system, including pipes, structures, outlets, and existing features which are to be incorporated into the design;
- i. The existing grades at the centerline and both street lines of proposed streets, including spot grades. The cross section and/or profile of the proposed street, including the center line stationing, at 50 foot intervals, stations and elevations of all vertical control points, stations and elevations of all vertical high and low points, length of vertical curves, the grade of tangent sections, elevations at 50 foot stations on tangent sections and 25 foot stations on vertical curve sections;
- j. The centerline profile and spot grades of any existing street to which the proposed subdivision streets connect, for a distance of 300 feet beyond the proposed road;
- k. Minimum centerline radius for subdivision roads shall be not less than 150 feet. For through roads, radii shall conform to ASHTO standards;
- l. All appropriate details and dimensions necessary, as determined by the Public Works Department and the Water and Sewer Department, to clearly explain the proposed construction, including the type of construction and materials; and
- m. Any other information deemed necessary and appropriate by the developer or requested by the Commission or its designated agent.

4.05 Grading and Soil Erosion and Sediment Control Plan

When applicable a grading and soil erosion and sediment control plan shall be submitted. This plan shall be at a scale not less than 1" = 40'. The area shown on the grading and soil erosion and sediment control plan may be limited to the portion of the subdivision or re-subdivision affected by the proposed regarding, cuts, fills, and/or soil and/or rock removal.

As a part of the grading plan all developers shall provide, using the best available technology proper provisions for soil erosion and sediment control. A soil erosion and sediment control plan shall be submitted with any application for subdivision when the disturbed area is cumulatively more than one half acre. The Planning and Zoning Commission may also require that a bond be posted assuring that the Grading and Soil and Erosion Control Plan is implemented. The Planning and Zoning Commission may petition the Middlesex County Soil and Water Conservation District for a study to establish that a Grading and Soil Erosion and Sediment Control Plan complies with the minimum standards as set forth in this Section.

- a) Minimum Standards for Soil Erosion and Sediment Control Provisions.

The developer is requested to use the publication, Connecticut Guidelines for Soil Erosion and Sediment Control (latest edition), as amended, as a tool in providing all the minimum information required for soil erosion and sediment control, peak flow rates, and volumes of water runoff.

The Grading and Soil and Erosion Control Plan shall include but is not limited to, the following:

- 1) A narrative describing the development, the schedule of major activities on the land, (including start and completion dates, sequence of grading and construction activities, sequence for installation of erosion and sediment control measures, and sequence for final stabilization measures); the design criteria and construction and installation procedures for soil erosion and sediment control measures and storm water management facilities; and an ongoing maintenance program for erosion and sediment control measures and the storm water management system;
- 2) A site development plan as described in Section 4.02 showing the following additional information:
 - a) Areas of major regarding, cuts, fill and/or soil and/or rock removal with the estimated amount of material to be added or removed and calculations of proposed cuts and fills;

- b) Existing (dashed lines) and proposed contours (solid lines) at an interval not exceeding two (2) feet based on field and aerial survey as well as existing spot elevations (where appropriate);
- c) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- d) Areas in excess of 25% natural slope highlighted with cross hatching;
- e) Existing and proposed drainage swales, wetlands and water courses;
- f) Existing permanent buildings and structures, including well and septic locations;
- g) Notes indicating if blasting will be required;
- h) Cross section drawings covering proposed excavation areas;
- i) Hydraulic computations for all culverts and bridges, stream crossings and detention/retention structures; and
- j) Any other information deemed necessary and appropriate by the developer or requested by the Commission or its designated agent.

4.05.01 Certification

Approval of the subdivision shall constitute certification that the Grading and Soil Erosion and Sediment Control Plan complies with the requirements and purpose of these regulations. After approval of the subdivision, no site development shall begin unless the soil erosion and sediment control measures and facilities in the plan scheduled for installation prior to site development are installed, functional, and maintained until the development is complete.

4.05.02 Inspection and Enforcement

The Zoning and Inland Wetlands Enforcement Officer (ZEO) and the Public Works Department shall make periodic inspections to ensure compliance with the approved plan and that control measures and facilities are properly performed or installed and maintained. Upon finding improper installation or

maintenance, the City has the authority to require compliance to the plan and / or order the contractor / developer to stop work. The Commission may ask for progress reports from the developer and/or the Zoning Enforcement Officer.

4.06 Storm Water Runoff Control Plan

The Planning and Zoning Commission shall require that the developer furnish projections of the increase in stormwater runoff created by major subdivisions. If necessary, minor subdivisions may also be required to conform to these requirements.

All major subdivisions shall submit a Stormwater Quantity and Quality Control Plan which is in accordance with Section 5.23 and Public Works specifications. If the Planning and Zoning Commission or City staff conclude that adjoining lands or streets will receive an increased flow or that downstream watercourses are incapable of accommodating such flow increase, a Stormwater Runoff Quantity and Quality Control Plan may be required for minor subdivisions.

When required, the facilities shall be designed and located so as to minimize the danger to the life and property of area residents. All storm drainage controls shall be designed by a registered professional engineer.

Measures for the retention and/or detention and controlled release rate of stormwater runoff from the development shall meet the standards of the Public Works Department and the City of Middletown Ordinances, as amended.

All retention and/or detention structures shall be dedicated to the City as part of the street right of way and overall storm water management system. The commission may consider alternatives to dedication if clear access and maintenance is assured.

The developer shall be responsible for adhering to the Middletown Code of Ordinance, Section 26-7. Acceptance and Maintenance of Stormwater Surface Runoff Facilities, as amended. The Public Works Department shall be responsible for maintenance of any such facility after acceptance of the facility by the City.

4.07 Health Certificates

When the subdivision is not to be served by sanitary sewers and/or a public water supply, a letter from the City Health Department shall be submitted to the Commission certifying that: 1) the land to be subdivided and the subdivision plans are satisfactory for private sewage disposal and/or water supply systems; or 2) the design plans for engineered septic systems have been reviewed and approved, or a statement indicating that “engineered systems are required” must be noted on the approved plan.

In determining the suitability of the land, the Health Department may require a Sanitary Report prepared by a professional engineer. The report shall demonstrate the feasibility of the ground for sub-surface disposal of septic tank waste.

The report shall contain test results and engineering evaluation of test results based on an extensive sub surface investigation and a statement by the engineer that, in his professional opinion, the area is suitable for the installation of individual sanitary sewage disposal systems of the general type and size considered necessary by the engineer.

The Health Department may also require water quality testing and the construction of test wells at various locations to determine potability of private well water supplies.

4.08 Additional Evidence

The Planning and Zoning Commission or its staff may require the submission of additional evidence to establish to the satisfaction of the Commission that the land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision will be made for water drainage and sewerage; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers, or other bodies of water subject to flooding; that open spaces for parks and playgrounds will be established in places deemed proper by the Commission; that significant and historic resources are protected; that existing and proposed streets can adequately accommodate the increase in traffic volume; and that any proposed street shown on the subdivision plan is in harmony with existing or proposed thoroughfares shown on the Plan of Development, especially in regard to safe intersections with such thoroughfares.

4.09 As Built Plans

Upon the completion of all subdivision improvements, “as-built” maps, on Mylar, shall be filed with the Public Works Department and the Water and Sewer Department within sixty (60) days of installation and prior to final approval. As-Built Plans shall meet the requirements of the appropriate department.

In the case of subdivisions involving septic systems, the design engineer must submit an “as-built” map, certifying the installation of a private sewage disposal system, as soon as possible prior to the Certificate of Occupancy being signed.

Should a developer deviate from his originally approved construction specifications, he does so at his own risk. The Planning and Zoning Commission is not under any obligation to ratify construction changes of subdivision improvements and as such the Commission may refuse to endorse the final subdivision map. The Commission may require the developer to construct or reinstall any improvements that do not conform to city specifications or the approved construction specifications prior to the release of any bonds, the issuance of any certificates of occupancy or the endorsement of the final subdivision map.

CHAPTER 05 DESIGN STANDARDS

5.01 Cost of Subdivision Improvements

The developer shall bear the full responsibility for the cost and installation of any and all required improvements in the proposed subdivision.

5.02 Site Design Standards

5.02.01 Site Analysis

For all major subdivisions an analysis shall be made of the characteristics of the development site, such as site context; geology and soil; topography; existing vegetation; structures and road networks; visual features; wetlands; wildlife habitat and the past and present use of the site. The assessment shall include the mitigation measures for minimizing environmental impact and shall pay particular attention to lots containing large percentages of sensitive land. (i.e. wetlands, flood plains, steep slopes).

5.02.02 Subdivision Design

a.) Development of the site shall be based on the site analysis. Development lots should be determined by consideration of the following factors: protection of public health and safety, preservation of the natural features of the site, making the best use of the natural terrain, avoidance of environmentally sensitive areas, and minimizing negative impacts and alteration of natural, historical and/or archeological features.

Except for playlots or other open space specifically approved by the Commission, no area that is rendered useless for building due to easements, watercourses, wetlands, shape, topography, or failure to meet water supply or sewage disposal needs shall be shown as a lot on any subdivision plan.

b.) The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

c.) The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage and aesthetics.

5.03 Plan of Development

Subdivisions shall be planned and designed in general conformity with the Plan of Development for the city adopted by the Commission pursuant to the authority of Chapter 126 of the Connecticut General Statutes, as amended, particularly with regard to:

- a. Location and Classification of Streets
- b. Sanitary Sewer and Water Supply
- c. Reservation of land for Parks, Recreation, Sidewalks, Open Space and natural resource protection.

5.04 Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision. The principal road in the subdivision shall bear the same name as the subdivision.

5.05 Plats Straddling Municipal Boundaries

As a general policy all subdivisions should be accessible from the City of Middletown without the need to cross a municipal boundary. Whenever access to the subdivision is required across land in another local government, the Commission may request assurance that the access is legally established, and that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

5.06 Lot Dimensions

Lot dimensions shall comply with the minimum standards of the Middletown Zoning Code, as amended. In general, lots shall be rectangular in shape and shall be capable of containing a buildable square containing the majority of the lot area. The Middletown Planning and Zoning Commission, hereinafter referred to as the Commission, may require the re-arrangement of any proposed lot lines as long as all lots conform to the Zoning Code. Where lots are more than double the minimum required area for the zone in which they are located, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings.

5.07 Lot Arrangements on Existing Streets

Lots proposed for the existing streets shall, in addition to meeting other applicable standards of these regulations, be arranged to conform with the following:

5.07.01

Where no street lines have been established on an existing street, front property lines for subdivision lots shall not be closer than 25 feet from the center of the road or 50 feet from and parallel to, an established street line on the opposite side of the street. The Commission may require that the title to all land between the center of the road and the front property lines of the subdivision lots shall be dedicated to the City of Middletown in accordance with the legal requirements for such a procedure:

- a) Where the grade of the existing or proposed road will be materially higher or lower than the proposed lots front on it, the Commission may, for reason of providing adequate sight distance on driveways, alleviating excessive or hazardous slope, or excessive runoff, require any lot or any part of such lot to be regarded as necessary to be in harmony with the road grade; and/or

b) Where the finished grading of a lot fronting on an existing street will cause drainage problems in that street, the developer shall, at his expense, install drains in the street or make other such provisions as may be necessary to correct the condition

5.08 Double Frontage

Double frontage lots may be required where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

5.9 Lot Access

Where residential subdivisions abut high-order streets (collectors or arterials), adjacent lots shall front on lower-order streets (local). However, where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

5.10 Natural Waterbodies and Watercourses

Lot lines shall be drawn so that natural waterbodies shall be located on an individual building lot or divided so that property lines extend to the mean high water mark.

If a tract being subdivided contains a watercourse or portion thereof, lot lines may be drawn so as to distribute the entire ownership of the watercourse among the ownership of adjacent lots.

Additionally, a conservation easement may be required to be established which creates a buffer area around such watercourse or waterbody or the Commission may require that the buffer be dedicated as open space in accordance with Section 5.17 of these regulations. The Commission may approve any alternative plan whereby responsibility for safe maintenance and access to the watercourse is assured.

5.11 Passive Solar Design

Any person submitting a subdivision shall demonstrate to the Commission that they have designed the street and lot layouts, and used vegetation and natural and man made topographical features so as to maximize and protect solar access within the development while still observing other provisions of these regulations and respecting the natural limitations of the site.

5.12 One Dwelling Unit Per Lot

Not more than one building designed or available for use for dwelling purposes shall be erected, placed or converted to use as such, on any lot in a zone with an R prefix.

5.13 Lot Numbers

All lots shall be numbered beginning with the numeral "1" and shall continue consecutively throughout the entire subdivision with no omissions or duplications. No fractions or letters shall be used, even in the case of re-subdivision, in which case numbers of higher order, such as "101" or "1001" should be used.

5.14 Rear Lots

Deleted (Amended effective 6/13/03)

5.15 Cluster Design

For the purpose of encouraging and promoting flexibility, economy and environmental soundness in layout and design, open space subdivisions utilizing elements of cluster design shall be permitted by Special Exception in accordance with Section 44 of the Middletown Zoning Code, as amended.

In order to demonstrate that the cluster alternative has been considered, developers of major subdivisions shall have available two concept plans during the pre-application conference with one showing a conventional subdivision and the other showing how the property could be developed using the cluster design regulations in Section 44 of the Zoning Code.

5.16 Monuments

Permanent reference monuments shall be placed within the subdivision as required herein.

5.16.01

City road Right-of-Way Merestones, perimeter boundary and lot corners shall conform to Class A-2 of Code of Recommended Practice for Standards of Accuracy of Maps, as amended. A Registered Land Surveyor in the State of Connecticut will certify to the Public Works Department as to the correctness and accuracy.

5.16.02

A minimum of two (2) vertical and horizontal control points will be set within the City right of way at positions designated by the Public Works Department. The markers used for horizontal and vertical control shall be approved by the Public Works Department. Horizontal coordinates will be from the Connecticut State Coordinate System with tie in requirements as above. Vertical Control will be United States Geological Survey, hereinafter referred to as USGS mean sea level datum. The markers used for horizontal and vertical control shall consist of a merestone with a brass cap as required by the Public Works Department.

5.16.03

A registered land surveyor will certify to the horizontal and vertical accuracy of the points set in accordance with Class A-2 of the Code of Recommended Practice for Standards of Accuracy of Maps prepared by the Connecticut Technical Council, Inc., September 13, 1984, as amended from time to time.

5.16.04

Highway lines will be monumented by standard City of Middletown merestones at all points, PC, PT, PRC. The maximum distance between highway merestones will be 500 feet on tangent or curved sections of the highway line. The proposed highway line will be tied into existing highway lines by distance and bearing. Additional highway merestones may be required at locations on the highway line as required by the Public Works Department.

5.16.05

All lot corners shall be permanently located by iron or steel stakes at least three quarter inch in diameter and thirty (30) inches in length.

5.17 Open Spaces

Upon consideration of the type of development proposed and determination of the need created by such a development, the Commission may select and require that a particular area of land be reserved for open space in locations designated on the Plan of Development or otherwise where the Commission determines such reservation would be appropriate. The Commission may ask for an advisory report from the Conservation Commission, regarding any application, as to the need for Open Space dedication using this Section.

The Commission may require the dedication of developed or undeveloped open space as defined below:

Developed Open Space – may include, but not be limited to, the installation of active recreational facilities, taking into consideration: 1) the character of the land; 2) the estimated age and the recreation needs of persons likely to reside in the development; and 3) proximity, nature, and excess capacity of existing municipal recreation facilities.

Undeveloped Open Space – As a general principle undeveloped open space should be left in its natural state. A developer may make or be required to make certain low impact improvements such as the creation of trails for walking or jogging or the provision of benches and resting area. In addition, the Commission may require a developer to make other improvements and provide for appropriate land management and conservation practices such as grading and seeding, removing hazardous trees, and thinning trees or other vegetation to encourage more desirable growth and improve wildlife habitat.

5.17.01 Open Space Objectives

- 1) Any Open Space areas shown on the Plan of Development should be incorporated into the subdivision layout as open space. When applicable, open spaces should be arranged to link with any adjacent permanently preserved open spaces.
- 2) Natural features, including but not limited to, viewsheds along roads, rivers, streams, wetlands, flood plains, lakes, aquifers, steep slopes, forested areas and ridgelines should be conserved and enhanced to promote the public health, safety and welfare and provide visual barriers between areas within the development and between adjacent developments;

- 3) Areas of land for active recreational use should be provided, especially in areas of population concentration;
- 4) The preservation of prime agricultural soils and historically significant sites should be encouraged;
- 5) Important habitats for fish, wildlife and flora, significant trees and archaeologically significant sites should be retained; and
- 6) Natural Drainage ways and natural floodwater retention areas should be retained, and the quality of water bodies should be protected.

5.17.02 Standards for Open Space

- 1.) Each area designated as open space shall be of suitable size, dimension, location, topography and general character for the particular purpose envisioned by the Commission. In a conventional subdivision ten percent (10%) of the total tract proposed for subdivision may be required as open space. In an open space subdivision thirty three percent (33%) of the total tract shall be required as Open Space. The ten percent (10%) figure may be adjusted, as appropriate, for conditions such as population density, existing municipal facilities, topography, socioeconomic characteristics of the prospective population, and other appropriate site and development specific factors;
- 2.) The Commission may also require that the developer provide for areas within individual building lots and designated as "Area no to be Developed". Such areas so designated shall be protected from future development by either a deed restriction or a conservation easement. Such areas included within building lots shall be excluded when calculating the minimum open space requirement for the tract but may be included in calculating the required lot area and yard requirements.
- 3.) The Commission may exclude, proposed stormwater detention and retention facilities and a reasonable percentage of wetlands from the calculation of the required open space areas. However, it is recognized that properly maintained and landscaped detention/retention facilities may be incorporated into and calculated as part of the overall open space plan;

- 4.) Open space areas shall abut a public street or have direct access to a public property through a right of way. The area of such right of way shall not be included in the required open space area. The right of way shall be at least fifteen (15) feet, but no greater than fifty (50) feet wide; and, at the discretion of the Commission, graded in a manner suitable for foot and vehicular traffic, and with a maximum grade of ten (10) percent suitably posted as an access point;
- 5.) Open space parcels shall be convenient to the dwelling units they are intended to serve and shall be accessible to all residents of the subdivision by sidewalks and/or pedestrian walkways or greenbelts;
- 6.) When a property line of a subdivision abuts an existing playground or open space, the Commission may require the new open space lines to be a continuation of the existing open space to form a single, large unified area;
- 7.) Any land dedicated to the City for a public playground or park and that is improved for recreational purposes shall be graded to properly dispose of surface water and landscaped in a manner consistent with the intended use. All brush and debris shall be removed and the land left in an acceptable condition for the purposes intended;
- 8.) All improvements on a parcel to be deeded to the City, including play apparatus and outdoor furniture shall be included in the total amount to be bonded to the City for subdivision improvements. The Commission may also require additional protective measures including fencing;
- 9.) The Commission may require a separate landscape plan for the proposed open space areas which clearly displays the type of vegetation, signs, fencing, play apparatus, trails, and outdoor furniture.
- 10.) Open Space land to be deeded to the City need not necessarily be contiguous with the parcel being subdivided, but it must be within 500' of the subdivision. Other property may be suggested by the developer and accepted by the Commission if, in the judgment of the Commission, the community need is better served. Such land must be in the ownership of the developer.

5.17.03 Methods For Open Space Dedication

The following are acceptable methods for dedicating open space in a subdivision. It may be:

1.) With the approval of the Commission, deeded to the City of Middletown and so designated on the Final Subdivision Approval; or

2.) held in such type of legal entity including but not limited to those created pursuant to Sections 47-200 to 47-293 of the Connecticut General Statutes, as amended, entitled Common Interest Ownership Act, Chapter 828, as amended or Homeowner's Association, as the Commission may deem appropriate. The developer shall submit a suitable legal instrument which, to the satisfaction of the City of Middletown will assure that such land will continue to be used for the conservation, park, or recreational purposes in perpetuity. Each homeowner or absent owner have mandatory membership in the Association which shall be passed on to each subsequent owner. The developer shall also make provision for indemnifying and saving the City of Middletown. Its officers, agents, servants and employees harmless from any legal liability of any nature whatsoever including but not limited to, accident or occurrence in such designated open space. Such developer shall also provide for the insertion in all deeds, in a form approved by the City of Middletown, any and all necessary safeguards and conditions as set forth in these Regulations. Such legal instruments shall also provide that the City of Middletown, its officers, agents, servants and employees may, without liability, enter upon such land held for the conservation, park or recreation and remove or cause to be removed any thing or object which may be deemed to be a nuisance. Such legal instrument shall also contain a provision that no structure may be erected on said conservation, park, or recreational land except that which is approved by the Commission. The legal instrument shall also contain a provision that such area set aside for conservation, park or recreation shall always remain and be under the supervision of the Commission and no change shall be made in the use thereof without first having obtained approval from the Commission. Owners of the land contiguous to the approved development may be included and become part of such legal entity owning the conservation, park and recreation area, provided that approval from the Commission and approval by the owners of the legal entity owning such land has been obtained. The above referred to instrument shall be filed and recorded on the Middletown Land Records together with the final approval in the Middletown Town/City Clerk's Office; or

3.) Conveyed to and accepted by a private, municipal, state or federal recreation or national heritage trust, created and existing for the purpose of acquiring, owning or maintaining land of unusual natural interest for the beneficial use and enjoyment of the public.

5.17.04 Reserved For Payments In Lieu Of Open Space

5.17.05 Deed Restrictions

All lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions ensuring that: a) the open space will not be further subdivided in the future; b) the use of the site will continue in perpetuity for the purpose specified; c) appropriate provisions will be made for the maintenance of the open space, including the submission of a management plan for private open space; and d) common undeveloped open space will not be turned into a commercial enterprise admitting the general public for a fee.

5.17.06 Maintenance of Open Space Areas

The person or entity identified in Section 5.128.03 as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance in accordance with the approved management plan. (see Section 5.18.03 #2 and 5.18.05)

5.18 Landscape Standards and Street Trees

5.18.01 Landscaping

Sufficient landscaping shall be provided as part of the subdivision design. It shall be conceived in a total pattern throughout the site integrating the various elements of the site design, preserving and enhancing the particular identity of the site, and eventually creating a pleasing site character.

5.18.02 Landscape Plan

For major subdivisions the developer shall provide a landscape plan prepared by a state licensed landscape architect or other qualified professional. The Commission retains the right to require a plan from a licensed landscape architect. The plan should emphasize the retention of existing vegetation and native plantings.

5.18.03 Site Grading

To the maximum extent practicable site grading shall be minimized and existing topography and natural vegetation shall be retained.

5.18.04 Topsoil Preservation

Topsoil moved during the course of construction shall be redistributed on all regarded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. The developer is requested to use the publication, Connecticut Guidelines for Soil Erosion and Sediment Control (latest edition), as amended from time to time, as a tool in adhering to this section.

If four (4) inches of topsoil did not originally exist on the site, the developer shall retain all topsoil on site and may be required to bring in additional topsoil. Topsoil shall not be removed from open space or forested areas designated to remain undeveloped. Prior to the removal of any topsoil from the site, the developer shall notify the Zoning Enforcement Officer.

5.18.05 Removal of Debris

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be disposed of in accordance with the law. No tree stumps or portions of tree trunks or limbs shall be buried anywhere in the development. No building materials shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site except in open space / conservation areas where some dead or dying non-hazardous trees may be left for wildlife habitat. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas or for soil stabilization, subject to approval by the Zoning Enforcement Officer. (Amended effective 8/15/93)

5.18.06 Protection of Existing Plantings

Maximum effort should be made to save fine specimens and clusters of native trees. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or under the dripline of trees designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Protective barriers should be outside of the dripline. Barriers shall not be supported by the plants they are protecting but shall be self-supporting. They shall be a minimum of three (3) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers. Minimum standards for acceptable methods of protecting trees during the construction process are available from the Environmental Planner/Planning and Zoning Department.

5.18.07 Slope Plantings

Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.

5.18.08 Buffering

Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It shall include but not be limited to fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

a.) When required.

Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Commission determines that there is a need (1) to shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses such as streets, railroads or changes in land use. In high-density developments, when building design and setting do not provide privacy, the Commission may require landscaping, fences, or

walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.

b.) Amount required.

- 1) Where more intensive land uses abut less-intensive uses, a buffer strip (fifteen (15) feet) in width shall be required.
- 2) Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of (five (5) feet).
- 3) Where residential subdivisions abut high-order streets (collectors or arterials), adjacent lots shall front on lower-order streets (local), and a landscaped buffer area shall be provided along the property line abutting the higher order street. The buffer strip shall be a minimum of fifteen (15) feet wide or wider where necessary for the health and safety of the residents. It shall include both trees and shrubs.

c.) Design.

Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. If planted berms are used, the minimum top width shall be four (4) feet and the maximum side slope shall be 2:1.

d.) Planting specifications.

Plant materials should be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

5.18.09 Shade and Ornamental Trees

The developer is encouraged to retain significant trees along the street and in the front yards; where no trees exist the developer shall plant on both sides of the street shade trees with a minimum of two and one half (2.5) to three (3) inch caliper spaced one (1) every fifty (50) feet maximum of street frontage. Trees shall be selected and planted in order to adhere to the following standards:

- on the property and a minimum of 5 feet from the front property line;
- 10 feet from hydrants utility poles and street lights;
- 15 feet from driveways;
- minimum of 5 feet from underground utilities;
- 25 feet between small trees;
- 35 feet between medium trees; and
- 50 feet between large trees.

Small and medium non-ornamental trees of suitable species and size may be substituted for shade trees subject to the approval of the Director of Planning.

The developer shall be responsible for taking adequate legal safeguards to insure that the developer retains the right to enter upon any lot within the subdivision to complete all required tree planting and all other landscaping.

In major subdivisions the developer shall provide for a separate landscape bond and all trees shall be planted prior to the final release of the performance or landscape bond.

5.18.10 Boulevard and Center Island Landscaping

On any thoroughfare requiring a center island, such as a boulevard, a landscape plan of such island shall be submitted as part of the overall landscape plan. Plantings and landscaping requiring a minimum amount of maintenance and that are salt tolerant shall be proposed for center islands and shall conform to restrictions specified for sight distance. An acceptable fabric landscape weed barrier shall be used on all such center islands.

5.18.11 Maintenance of Buffers, Shade and Ornamental Trees

Trees and other plantings shall be maintained by the developer until the final release of the bond. Trees shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced by the developer during the next planting season. During construction, no temporary buildings, structures, storage of materials, or parking of equipment shall be permitted under the drip line of any tree or within any buffer area. Buffer areas shall be maintained, protected and kept free of all debris, rubbish, weeds and tall grass.

5.19 Streets and Pedestrian Circulation System

The developer shall be fully responsible for the construction of all streets, sidewalks and other facilities associated with the circulation system.

5.19.01 Traffic Circulation Plan

All streets, sidewalks, pedestrian walkways and bikeways shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Transportation portion of the Plan of Development for the City of Middletown. Also, when possible the street, sidewalk, pedestrian walkway and bikeway system shall be so designed or redesigned so as to accomplish goals and objectives in the Plan of Development. Additionally, all thoroughfares shall be properly related to specific traffic generators, such as industries, business districts, schools, churches and shopping centers; to population densities; and vehicular and pedestrian networks should be separated as much as possible while also interfacing in order to encourage the use of mass transit.

5.19.02 Street Access

All lots shall front on an existing City road or state highway or on a road proposed for public acceptance in the subdivision plan. All proposed streets shall have at least one intersection with another City street or state highway. The street shall not be one that is under consideration for discontinuance or major realignment by the Department of Public Works of the City of Middletown.

5.19.03 Rights-Of-Ways

The full width of the road Right-of-Way shall be graded in accordance with the appropriate cross sections shown in Appendix A. This requirement may be modified where, in the opinion of the Commission and upon recommendations of the Middletown Director of Public Works or his/her duly authorized designee, the existing character of the land creates unusual difficulty or hardship or will require removal of desirable natural growth or materials.

1.) When existing right of way widths, as established by old maps, filed deeds, or as established by utility pole and/or wall locations in the field, exceed the minimum required for the street designation, the right of way width shall not be reduced.

2.) When existing right of way widths, as previously established, do not meet the requirements of the Department of Public Works, the developer shall give the City a Warranty Deed for the land between the newly established right of way line and the old line.

3.) When proposed subdivisions abut existing city or state highways which were not built to the standard and/or width contained in these regulations, the developer shall provide proper widening and or other improvements including but not limited to pavement, curbs and drainage.

5.19.04 Street Design Standards

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the developer will adhere to the following design standards, and all other Department of Public Works standards for roads. In case of conflict, Section 1.06.01 of these regulations shall apply.

STREET CLASSIFICATION

	<u>Arter.</u>	<u>Indust.</u>	<u>Collec.</u>	<u>Sub.Collec.</u>	<u>Local Cul-de-Sac</u>
Min. ROW	70	60	60	50	50
Min. Pavement Width	40	30	30	30	30
Maximum Grade	7%	7%	8%	10%	10%
Minimum Grade	1%	1%	1%	1%	1%
Min. Sight Distance	350 ft.	350 ft.	300 ft.	250 ft.	

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- Note: 1.) At the discretion of the Commission collector road widths may be increased.
 2.) Road Cross Sections shall comply with the Department of Public Works Standard Road Details and Specifications.

Rural Road Widths

In the R-30, R-45 and R-60 zones local roads may be reduced as follows:

- Sub Collector – Min. ROW 48 feet
- Min. Pavement 28 feet
- Cul-de-Sac -- Min ROW 46 feet
- Min. Pavement 26 feet

Additionally, in the R-45 and the R-60 zones, the developer may pursue 18 feet private, gravel roads in accordance with Section 44 of the Zoning Code.

5.19.04.01 Street Classifications

- 1.) Arterial Street** - A major through street that conducts relatively high volumes of traffic between communities, and that is not intended to have a residential environment.
- 2.) Industrial** - A road that conducts traffic serving industrial and or commercial development.
- 3.) Collectors** - Collectors convey traffic between local streets and arterials. Collectors have Average Daily Traffic (ADT) volumes in excess of 1000 vehicles. Single family curb cuts and on street parking are discouraged.

4.) Local - Local streets, include sub-collectors and cul-de-sacs, and convey traffic between collectors and individual dwelling units. Sub-collectors carry and ADT volume between 250-500 vehicles. Cul-de-Sacs carry an ADT volume of less than 250 vehicles and generally serve less than 20 lots.

Average Daily Traffic volumes shall be determined using the following Institute of Traffic Engineers trip generation rates:

<i>LAND USE</i>	<i>TRIPS PER UNIT</i>
Single Family	10.06
Retirement Community	3.30
Recreational Home	3.16

<i>LAND USE</i>	<i>TRIPS / 1000 SQ. FT. OF GROSS BUILDING AREA</i>
Industrial Park	6.97
Warehousing	2.61

In case of dispute, specific road classifications shall be determined by the Commission.

5.19.04.03

Roads shall be related appropriately to the topography and as many existing features of the landscape, as possible, shall be preserved. Local roads shall be curved wherever possible, to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and severe curves shall be avoided.

5.19.04.04 Road Pavement

All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City of Middletown Public Works Department.

The installation of bituminous pavement shall not be allowed from October 31 to May 1, inclusive of any calendar year without prior approval of the Director of Public Works.

5.19.05 Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Commission.

5.19.05.01 Proposed New Intersections

Proposed new intersections along one side of any existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Where local streets intersect collector streets, their alignment shall be continuous. Intersections of local streets with collector streets should be at least two hundred and fifty (250) feet apart. Collector intersections shall be at least three hundred (300) feet apart.

5.19.05.02 Curb Radius

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty-five feet; and minimum curb radius at an intersection involving a collector street shall be at least thirty (30) feet.

5.19.05.03 Cross Section and Maximum Grade

At street intersections, the normal cross-section of the main street shall be maintained. The centerline grade of the local street shall begin at the curb line of the collector street and have a maximum grade of 2% for at least fifty (50) feet from said curb line. Maximum may be increased to 4% at the discretion of the Commission, when the proposed road is a permanent cul-de-sac less than 400' in length. Refer to the Public Works Department Standards for additional grading requirements at intersections.

5.19.05.04 Site Lines at Intersections

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent required by the Commission to provide an adequate sight distance. A sight-line easement shall be shown on the subdivision map limiting future plantings within this area to ensure the continuance of adequate sight-lines.

5.19.06 Permanent Cul-de-Sacs

Permanent cul-de-sacs should serve no more than 20-25 lots and shall not exceed the following limits in residential zones:

<u>ZONE</u>	<u>LENGTH</u>
RPZ – R-15	800 FEET
R-30	1000 FEET
R-45 – R-60	1200 FEET

- 1.) In commercial and industrial zones, cul-de-sacs may not exceed 1000 feet and the entrance to cul-de-sacs serving more than 15 lots shall contain a 200 foot boulevard road with a 66 foot right of way, a 10 foot landscaped island and two 18 foot travel lanes.
- 2.) Where in the opinion of the Commission, a cul-de-sac is likely to be extended in the future to another outlet or unique physical conditions prohibit any other type of street arrangement, the above limitations of length may be waived.
- 3.) A turnaround with a minimum right of way diameter of one hundred and ten (110) feet and a pavement diameter of ninety (90) feet shall be provided at the closed end of the cul-de-sac.

5.19.07 Sidewalks, Pedestrian, Walkways, Bikepaths and ...

A continuous pedestrian circulation system is an essential component of higher density residential subdivision. The pedestrian system should be designed to avoid conflicts with the vehicular system, provide for street crosswalks, handicapped accessibility and amenities such as benches and signage. The system should also link all homes to the rest of the development and other amenities on and off site and should be well lit and laid out to maximize security.

5.19.07.01 Sidewalks

Sidewalks constructed of concrete shall be required as follows:

- 1.) Sidewalks shall be required in all residential subdivisions involving the construction of a new street and be on both sides of the street and along the existing street frontage. Depending on site conditions, rural subdivisions in the R-30, R-45 and R-60 zones may not need sidewalks or may be adequately served with sidewalks on one side of the street. The developer may propose to vary the requirement of sidewalks on one or both sides of the street using the waiver provision in Section 1.07 of these Regulations;
- 2.) Sidewalks shall be required when there is a foreseeable continuation of an existing City sidewalk. Foreseeable would be determined by the linear distance from an existing City sidewalk and the subdivision potential of adjoining lots;
- 3.) The commission has the authority to require sidewalks in any subdivision, including industrial subdivisions;
- 4.) Sidewalks shall be constructed in the street right-of-way one (1) foot from the property line. Where a transition is required to connect an existing sidewalk, the location shall be determined by the Department of Public Works. Where an existing street is extended into a subdivision, existing sidewalks shall be extended on the new street;
- 5.) Where driveways cross a sidewalk, the section of the sidewalk in the area of the driveway shall be at least six (6) inches of reinforced concrete;
- 6.) All proposed curbs and sidewalks shall be designed with cuts at all pedestrian crosswalks to provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons;
- 7.) The Commission has the authority to require the developer to repair or replace existing sidewalks within 250 feet of the subdivision property. If there is a school or other major public amenity within 250 feet of the subdivision property, the Commission may require the developer of a major subdivision to extend sidewalks to the amenity; and

5.19.07.02 Pedestrian Walkways and Bikeways

Pedestrian walkways and bikeways having a right-of-way width of fifteen (15) feet or more may be required where deemed essential to provide access to schools, playgrounds, open spaces other subdivisions or other community facilities. The walkways shall be graded and surfaced with a material to be determined by the Commission. Pedestrian walkways, bikeways and greenbelts shall be in the right of way and have any amenities determined necessary by the Commission including but not limited to benches, landscaping and exercise equipment.

5.19.08 Street Trees

See Section 5.18 of these Regulations.

5.19.09 Curbs

Curbs shall be required on all new streets and shall conform to construction and design standards as required in the Public Works Department Standard Road Details and Specifications, as amended, hereinafter referred to as Standards. Where curbing exists on an existing street abutting the subdivision but is not up to City standards due to material deficiencies, alignment, curb reveal, or other conditions which do not conform with the Standards, the existing curb shall be removed and new curbing shall be furnished and placed to conform with the standards of the Department of Public Works. Curbs within the Sanitation District, at intersections along the radius and on the radius of boulevard islands shall be concrete or granite.

5.19.10 Side Slopes

Streets in cut or fill shall be provided with side slopes not steeper than two (2) feet horizontal to one (1) foot vertical.

Where new streets abut private property, necessary slope rights shall be obtained by the developer and transferred to the city when in cut or fill, and these slope rights shall be shown on the final layout submitted to the Commission. The developer shall provide the City with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.

5.19.11 Guide Rails

Guide Rails shall be provided where the side slope on fill is steeper than one vertical to four horizontal. Such rails shall conform to the standards and specifications, as amended, adopted by the City of Middletown.

5.19.12 Driveway

Residential driveways shall have a maximum grade of 12 %; non residential driveways shall have a maximum grade of 8%. Aprons between the curb and sidewalk shall be constructed of reinforced concrete. All workmanship shall be accordance with details and specifications of the Public Works Department, as amended. In an attempt to reduce development costs and increase affordability in the R-15, RPZ and the R-1 the commission may consider waiving this requirement in accordance with the procedure outlined in Section 1.07, provided the sidewalk is not interrupted and runs through the driveway.

5.19.13 Traffic Control Devices

The Developer shall be responsible for the cost and installation of any traffic control devices and signs deemed necessary by the Police Department Traffic Division. The location, type and size of such devices and signs shall be subject to the approval of the Middletown Police Department Traffic Division. Such devices shall meet the appropriate standards set forth in the manual on Uniform Traffic Control Devices for Streets and Highways. The Developer shall bond such traffic control devices with other public improvements. Necessary state permits for work related to state highways shall be the responsibility of the developer and shall be coordinated through the Middletown Police Department Traffic Division.

5.19.14 Street Lighting Facilities

The developer shall be required to install street lighting facilities, as the Department of Public Works shall require, to prevent hazard.

A lighting plan prepared by a public electric utility provider shall be approved by the Department of Public Works prior to installation. The cost of all lighting fixtures, poles, appurtenances, and installation shall be the responsibility of the developer. The developer shall enter into a contract with the utility for all required street light facilities. Final approval will not be granted until receipt of a letter from the utility indicating that the above work is paid in full.

1.) With the exception of public street lights all outdoor lighting shall be installed in such a manner as to insure the highest level of energy conservation and cost efficiency using the best technology available and be so shielded that the cone of light shall fall, substantially, within the perimeter of the property. Through the use of shielding and limitations upon intensity, all sources of ambient light traveling outward and upward, producing a sky glow, shall be reduced to the greatest extent possible without duly interfering with the intent and purpose of the outside lighting in the first instance.

2.) **Illuminated graphics.** Illuminated street graphics, in addition to conforming to all other requirements of this section, shall be shielded in such a manner so that no direct source of light is cast into streets or residential properties. Illuminated street graphics shall not interfere with pedestrian or motorist vision. Said illumination shall not be reflective or phosphorescent and shall be in a steady nonfluctuating or nonundulating manner and placed in a manner that will not create a nuisance to other premises or interfere with traffic.

3.) **Glare.** All lighting shall be so hooded or shielded as to reflect the light in such a manner that no illumination source or glare creates a nuisance to any adjoining property or unreasonably interferes with the lawful use and enjoyment of any adjoining property.
(Section amended effective 4/15/97)

5.19.15 Street Names

All street names shall be shown on the subdivision plan. Proposed street names shall be substantially different from any present names, to avoid confusion in sound or spelling and are subject to approval by the Public Works Commission. Streets that become extensions of existing streets shall generally bear the same name.

5.19.16 Street Name Signs

The Developer shall bear the responsibility for the cost and installation of street name signs. Such signs shall be placed at each intersection with existing streets as well as at each intersection within the development. The location, type and size of such signs shall be subject to the approval of the Middletown Police Department Traffic Division and shall conform to the standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways, as amended. Such street name signs shall be bonded by the Developer with all other public improvements.

5.19.17 Reserve Strips

The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

5.19.18 Future Street Extensions

Where required by the Commission, rights of way shall be provided for extending streets to adjoining unsplit property. Land in such rights of way shall be deeded to the City as part of the street right of way to insure its availability for future street connections. The Commission may require these streets and improvements to be constructed as part of the subdivision.

5.19.18.01 Schematic Plan for Entire Tract

When the proposed subdivision covers only a part of an existing tract or only a part of the developer's holdings, a sketch of the prospective future street system of the remainder of the holding or tract shall be submitted. The arrangement of streets shall provide for necessary fire protection, movement of traffic and the construction of needed utilities.

5.19.18.02 Street Extensions

Where a proposed subdivision abuts an approved subdivision containing a future street right of way, the developer of the proposed subdivision shall construct the street and all required improvements from the proposed subdivision street to the approved street in the existing subdivision.

5.19.18.03 Temporary Turnarounds

The ability to create temporary turnarounds shall be provided between adjacent lots and between all phases. The Commission may limit the length of temporary dead-end streets in accordance with the design standards of these Regulations, as amended.

5.19.18.04 Easements for Temporary Turnarounds

Where a temporary turnaround is provided on a street that is to be extended in the future, the street Right of Way to the subdivision boundary shall be deeded to the City, and the segments of the Turnaround outside the street right of way shall be deeded to the abutting lot owners subject to an easement to the City for street purposes. When such street is extended beyond the turnaround, the developer constructing the extended street shall remove the road construction in the segments of the temporary turnaround, fill with earth and loam and seed in an appropriate manner.

5.20 Underground Utilities

All utilities shall be underground. Prior to installation all utility plans shall be submitted to the Department of Public Works. Underground locations shall generally comply with the following:

- a.) Sanitary Sewers – Center line of Street
- b.) Storm Sewers – Edge of street opposite water line.
- c.) Water line – Within Right of Way above and at least 10' from sanitary sewer line.
- d.) Electric, Telephone, Gas and Cable T.V. – Within Right of Way in the five (5) foot green belt area between the curb and the edge of the sidewalk or within a private utility easement. No private utilities shall be buried in the pavement area of the street unless the Director of Public Works determines that subsurface conditions in the landscaped area prevents burial of private utilities.

For lots in new subdivisions which front on an existing street with overhead wires, the service from the pole to the house shall be underground.

5.20.01 Utility Construction

All utility systems and facilities shall be designed and constructed in accordance with the accepted standards and pertinent specifications of the State of City Codes, as amended, and State Public Utility Commission Regulations, as amended.

5.21 Water Supply

A potable and adequate water supply shall be provided for every lot or dwelling unit.

5.21.01 Extensions

Where a public water system is accessible, as determined by the Middletown Water Pollution Control Authority and the Plan of Development, all necessary water mains and lines to provide water connections for each lot shall be installed and connected to the public water system, by the developer in accordance with City Regulations, as amended, and as approved by the Water Pollution Control Authority.

5.21.02 Required Extensions

Where a public water system is not accessible, as determined by the above, and the developer is required by the Director of Health to connect to a public system, such extension of the public system, as may be necessary in order to connect with proposed subdivision, shall be extended and installed at the expense of the developer and / or developers.

5.21.03 Capped Systems

If required by the Water and Sewer Department and approved by the Planning and Zoning Commission, water system lines and service \ connections shall be installed in all subdivisions requiring new streets, capped, and ready for connection to the availability of the future water main. This may not be necessary if the Water Pollution Control Authority cannot determine invert elevations, gradients and immediate future availability of services after a thorough study by the Water and Sewer Department or if the area of the proposed subdivision is not targeted for expansion of the Public Water System by the Water Pollution Control Authority or the Plan of Development.

5.21.04 Fire Hydrants and Residential Sprinklers

Where a public water main is extended, fire hydrants shall be installed at the expense of the developer. Fire hydrants shall be generally located no more than 1000 feet apart and all dwellings shall be within five hundred (500) feet of a hydrant. The location of hydrants shall be subject to the review and approval of the Fire Chief and Marshall for the particular fire district.

Residential Sprinklers are strongly encouraged. The Commission may consider waivers of other specific standards, such as cul-de-sac length, sidewalks or driveway aprons, as tradeoffs for residential sprinklers provided the developer can demonstrate that public safety is ensured and is in no way diminished.

A developer desiring to install a domestic sprinkler system shall present to the Water Department a plan of such system prepared and sealed by a professional engineer registered by the State of Connecticut who shall incorporate NFPA 13D "Standards for the installation of sprinkler systems in one and two family dwellings", as amended. Such plan shall incorporate the following information:

- a. Street and number of structure to be sprinklered;
- b. Elevation of sill or first floor of structure to be sprinklered;
- c. Relationship of structure to water main in street;
- d. The type and number of sprinkler heads to be installed;
- e. Design flow and operating pressure of a single operating head;
- f. Design flow and operating pressure of two or more operating heads; (Coincident flow)
- g. Size and length of separate sprinkler system service pipe from water main to structure;
- h. Type and size of backflow prevention device to be used on the sprinkler service, if require by State Health Department;
- i. Computation of total head losses (in psi) expected in designed system from water main to most remote head under coincident flow conditions.

5.21.05 Private Wells

In a subdivision which is located where a public water service is not available, a private well shall be permitted for each lot provided that (1) topographic and geological conditions are satisfactory; (2) each well can be designed, located and constructed in accordance with the standards and requirements of the Ct. Department of Health, as amended; and (3) each well shall be the approval of the Middletown Health Department.

5.22 Sewage Disposal Facilities

Every application for approval of a subdivision must include satisfactory evidence that the site has suitable physical characteristics to adequately satisfy the requirements of the State Health Code, as amended, for subsurface sewage disposal or that the proposed lots can be connected to an operational public sanitary sewer.

5.22.01 Extensions

Where a public sanitary sewer system is accessible, as determined by the Water Pollution Control Authority and the Plan of Development, all necessary mains and laterals for connection from the individual lots to the public system shall be installed and connected, by the developer, with the public system in accordance with the City Regulations, as amended, and approved by the Water Pollution Control Authority.

5.22.02 Required Extensions

Where a public sanitary sewer system is not accessible, as determined by the above, and it is required by the Director of Health that the subdivision connect to a public system, such extension of the public system as may be necessary in order to connect shall be extended and installed, at the expense of the developer, in accordance with the City Regulations, as amended, and as approved by the Water Pollution Control Authority.

5.22.03 Capped Systems

If required by the Water and Sewer Department and approved by the Planning and Zoning Commission, sanitary sewer systems and laterals shall be installed in all subdivisions requiring new streets. Where connection of said required sanitary sewers to the City of Middletown sewer system is not feasible at the time of subdivision construction, the developer shall be required to cap the installed sanitary sewer in order to render it unusable until such time as said connection is possible. This requirement may not be necessary if the Water Pollution Control Authority cannot determine invert elevations, gradients and immediate future availability of services after a thorough study by the Water and Sewer Department or if the area of the proposed subdivision is not targeted for expansion of the public sanitary sewer system by the Water Pollution Control Authority or the Plan of Development.

5.22.04 Grinder Pumps

As a general policy grinder pump/force main sanitary sewers are not encouraged and shall be allowed in only unique situations.

5.22.05 Private Sewage Disposal

Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of five (5) years, the developer may install individual sewage disposal systems. The suitability of each lot for a sewage disposal system shall be assured by the Health Department prior to any subdivision approval.

In general, percolation tests are restricted to March 15th through May 30th for new construction. However, the Health Department may change this time period at any time.

5.23 Drainage and Storm Sewers

5.23.01 General Requirements

The Developer shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating within the subdivision area or in a tributary drainage area. All drainage facilities shall be designed by a registered professional engineer and be subject to the approval and final acceptance by the Public Works Department.

- a. The overall drainage system for residential subdivisions requiring new city streets and industrial subdivisions shall be designed such that the runoff rate outside of the subdivision during or after development does not exceed the rate that existed prior to the development. This may be accomplished by retention/detention basins, infiltration basins or other acceptable means as determined by the Department of Public Works. Upon determination by the Public Works Department that direct discharge would be more advantageous this requirement may be waived.
- b. Where the subdivision storm drainage system is proposed to discharge into a City storm drainage system, the developer shall make provisions to accommodate the anticipated additional discharge in the event that the City system is not adequate.
- c. The storm water drainage system shall be separate and independent of any sanitary sewer system.

5.23.02 Location of Storm Water Facilities

Drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements, where necessary. Such easements shall be at least 30 feet in width.

5.23.02.01 Drainage Rights

When a Proposed Drainage System will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the map.

5.23.02.02 Dedication

The developer may be required to dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Commission.

5.23.02.03 Natural Drainage Ways

Low-lying land along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways.

5.23.03 Drainage Discharge

The discharge of all storm water from a subdivision shall be into suitable streams or other acceptable and suitable storm water drainage facilities having adequate capacity to carry the additional water. The drainage design used shall try to improve the quality of the water as much as possible prior to discharge.

5.23.03.01 Installation of Appropriate Facilities

Where a new street intercepts an existing street which has no underground drainage system or has a drainage system of insufficient capacity to carry the additional flow, appropriate facilities shall be installed by the Developer to intercept and dispose of any drainage from the new street which would otherwise be discharged onto the surface of the existing street or into its drainage system.

5.23.04 Under Drains

Adequate under-drains shall be constructed whenever, in the opinion of the Director of Public Works or his/her duly authorized designee, drainage conditions require it. They may be required even though not shown on the approved construction plans. Design shall be as approved by the Director of Public Works or his/her duly authorized designee.

5.23.05 Culverts Under New Streets

Culverts under streets shall be extended at least to the edge of the right-of-way of the street. Headwalls, paving, flared-ends, and/or riprap, adequate to prevent erosion, shall be provided at the ends of all culverts.

5.23.06 Retention and Detention Systems

Measures for the retention and/or detention and controlled release of stormwater runoff from the subdivision shall:

- 1.) Not exceed the rate of runoff for the same site in its undeveloped state for intensities and duration of rainfall as specified in Section 5.24.09;
- 2.) Have the ability to retain and maximize groundwater recharge. Design of the storm water runoff control system shall give consideration to providing groundwater recharge; and
- 3.) Require that all on site facilities be properly maintained by the owner so that they do not become nuisances. The City may require that a fence be installed around such facilities. All runoff control structures, whether dedicated to the City or not, shall be accessible at all times for City inspection. Where runoff control structures have been accepted by the City for maintenance, access easements shall be provided.

5.23.07 Drainage Design

All designs shall be based on the maximum ultimate development of the entire watershed as permitted by the Middletown Zoning Regulations, as amended. All bridges and culverts shall be designed such that the required heads and backwater produced by the structure shall not cause the flooding of abutting property. The following guidelines shall be adhered to for storm drainage design:

- 1.) **Design:** All storm drainage systems shall be designed in accordance with the design standards of the Department of Public Works;
- 2.) **Design Formula:** All design formulas shall adhere to acceptable engineering practice, and the calculations and their method of derivation shall be shown in the material submitted as part of the final application. Drainage computations showing the following shall be submitted:
 - a.) Plans showing the drainage area of the development;
 - b.) Calculations showing the area, time of concentration, intensity, coefficient, flow, velocity, pipe size, and slope of each pipe length; and

- c.) Design Storm criteria: All storm drainage facilities shall be designed based on the standards of the Department of Public Works; and
- 3.) **Rainfall Intensity:** Rainfall intensities used for storm drainage design shall be taken from the U.S. Weather Bureau "Rainfall Intensity-Duration Frequency Curves", as amended, for the New Haven rain gauge.
- 4.) The drainage system within the street R.O.W. must be directly accessible to each and every lot fronting that street. A waiver for certain lots may be made by the Public Works Department when, in their opinion, it is feasible to do so.

5.23.08 Watersheds in Excess of One Square Mile

On watersheds one square mile or over, the design of culverts, bridges and through watercourses shall be based upon not less than a 100 year storm. On watersheds of less than one square mile, the design for the through drainage system shall be for not less than a 50 year storm.

5.23.09 Road Drainage System

The drainage system for roads, including catch basins, inlets, pipes, underdrains and gutters within or abutting the subdivision shall be designed for not less than a 10-year storm.

5.23.10 Private Drains

Sufficient and adequate facilities shall be constructed on private lots wherever necessary to prevent the flow of surface drainage from the property on which it originates onto adjacent property in sufficient quantity, concentration or velocity to cause damage or create a nuisance on adjoining property.

- 1.) The size and location of all private storm drains that connect to the City storm drain system shall be approved by the Department of Public Works prior to installation.
- 2.) Rear yard drains and cellar or foundation drains that are connected to the storm drainage system must be shown on the final "as-built" plan of the drainage system.

- 3.) When storm sewer construction precedes house construction, the piping shall be installed to a point within the lot not less than six (6) feet from the front property line.

5.24 Permanent Easements

Permanent easements that run with the land and burden the premises in perpetuity, or rights-of-way shall be granted or obtained for access to and use of all land associated with subdivision improvements located outside the street right-of-way to include, but not be limited to, the following types:

- 1.) **Construction and Maintenance:** All bridges, culverts, permanent sediment and erosion control measures, storm water retention/detention structures, and recreational facilities shall be located within an easement of right-of-way to the City to allow for necessary repairs and maintenance. The easement or right-of-way shall be large enough to accommodate the entire structure or facility and appurtenance, and to allow reasonable room for appropriate equipment to be maneuvered;
- 2.) **Access:** Bridges, culverts, permanent sediment and erosion control measures, storm water retention/detention structures, and recreational facilities shall have access easements for construction and maintenance equipment. Access easements shall be a minimum of 30 feet wide, and graded and cleared suitably for use by the appropriate equipment;
- 3.) **Utilities:** Water mains, sanitary sewers, all other utilities and all related appurtenances located outside the street right of way shall have utility easements for use and access. The easements shall be substantially centered on the utility and on or parallel to property lines whenever possible and be of such width as determined necessary by the pertinent officials;
- 4.) **Slopes:** Slope easements for grading, maintaining, and repairing roadway slopes shall be required for substantial cuts or fills located outside the street right-of-way. Slope easements shall also be required adjacent to future road extensions;

5) **Sight lines:** Sight easement across corners of lots at intersections shall be required to assure safe lines of sight for motorists. The size of the easement shall be based upon the required sight distance and the site characteristics as determined by the Public Works Department and added to the street right-of-way.

6) **Storm Drainage:** Drainage easements shall be provided for all parts of the storm drainage system located outside the street right-of-way.

a) Where it is necessary to drain a public street across lands included in the subdivision, the plans shall provide an easement for the discharge of water in favor of the City of Middletown. The location of such easements shall be satisfactory to the Director of Public Works.

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Added: Section 4.03 (ii)
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