

***TOWN OF PROSPECT,  
CONNECTICUT***

***SUBDIVISION  
REGULATIONS***

**September 15, 2009**

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# **1. TOWN OF PROSPECT SUBDIVISION REGULATIONS**

## **PREAMBLE**

Pursuant to the General Statutes of Connecticut as amended, the Prospect Planning and Zoning Commission prescribes the following regulations governing the subdivision of land privately or publicly owned in recognition of the intent of the above Acts of the General Assembly.

## **I. GENERAL**

1. No subdivision of land shall be made, nor shall any land in any subdivision be sold or offered for sale, nor shall any construction be started on any subdivision or public or private road therein, nor shall any plan for a subdivision be filed or recorded in the office of the Town Clerk until a final subdivision plan and a bond, if applicable, prepared in accordance with these regulations, has been approved by the Prospect Planning and Zoning Commission.
2. Approval of a subdivision by the Commission shall not constitute approval of the removal of soil, topsoil or any other excavated material from the premises other than that from the road area, and then only to the depths shown on the approved plan.
3. The Commission may, at its discretion, hold a public hearing on any subdivision proposal and shall, in all cases, hold a public hearing on any proposal of resubdivision.
4. These regulations may be amended by the Commission in accordance with the procedure by the Connecticut General Statutes.
5. If any section, subsection, paragraph, clause or provision of these regulations be adjudged invalid or unconstitutional, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.
6. All expenses incurred by a subdivider in the preparation, submission and recording of all applications, plans and certificates required by these regulations shall be the sole responsibility of the subdivider.
7. The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with the provisions of Section 8-26 of the

Connecticut General Statutes, as amended, where conditions exist that affect the subject land and are not generally applicable to other land in the area, the Commission may waive, by vote of three-quarters of the membership, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare. However, such waiver shall not be contrary to the Town Plan of Conservation and Development nor contrary to the purpose and intent of these regulations. In addition, no waiver shall be granted that would have a significant adverse effect on adjacent property. The Commission shall state upon its records the reasons for which a waiver is granted in each case.

8. In their interpretation and application, the provisions of these Regulations shall be held to be adopted for the purpose stated herein. It is not intended by these Regulations to repeal, abrogate, annul, or in any way to impair or interfere with any restrictive covenants or with any existing provisions of law; provided, however, that where these Regulations impose higher standards, or a greater restriction, than are imposed or required by such restrictive covenants, the provisions of these Regulations shall control.

9. These regulations shall become effective September 15, 2009.

## **II. DEFINITIONS**

**APPLICANT** - An individual, firm, association, syndicate, partnership, corporation or the official agent thereof, having recorded title to the land or building, or sufficient proprietary interest to seek development or use of the premises.

**APPLICATION** - An application shall consist of a completed form and fee as prescribed by the Commission including all necessary and required documents / Department approvals.

**BUILDING LINE** - A line parallel to the street line at a distance equal to the required setback.

**COMMISSION** – The Prospect Planning and Zoning Commission.

**CURB CUT** – The providing of vehicular ingress and/or egress between property and an abutting public street.

**DATE OF RECEIPT** – The day of the next regularly scheduled meeting of the commission immediately following the submission to the Commission or its agent or 35 days after such submission, whichever date shall first occur.

**DEVELOPER** - Any person, firm, corporation, or other entity that seeks to develop a roadway. In the case of a subdivision the Developer shall be the subdivider.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DIRECTOR OF PUBLIC WORKS** – The Director of the Public Works Office in the Town of Prospect, Connecticut, or his agent.

**DISTURBED AREA** - An area where vegetation, topsoil, or overburden has been removed, exposing the soil to erosion; or an area where topsoil, spoil or other material has been stockpiled; or in an area rutted or otherwise disturbed by construction activities.

**EASEMENT** - Written authorization by a property owner, for the use by another and for a specified purpose, of any designated part of his or her property.

**EROSION** - The detachment and movement of soil or rock fragments from the land surface by water, wind, ice or gravity.

**FEE SIMPLE** - An estate in land of complete ownership which can be sold by the owner or devised to his heirs.

**FINAL SUBDIVISION PLAN** - A subdivision plan, prepared in accordance with these regulations and in a form suitable for filing with the Town Clerk in accordance with the Connecticut General Statutes.

**FORM 814A** - The "Standard Specifications for Roads, Bridges and Incidental Construction," Form 814A, and its successors, as promulgated by the State of Connecticut, Department of Transportation.

**GRADE:** The level of the finished surface of the ground or pavement at a stated location.

**GRADING** - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition. Does not include normal cultivation associated with a farm.

**LANDSCAPING PLAN** - A plan, drawn to scale, showing dimensions and details for vegetating a property, or a portion of a property, including maintenance and protection measures.

**LAND USE INSPECTOR** - The Land Use Inspector of the Town of Prospect.

**LICENSED LANDSCAPE ARCHITECT** - An individual licensed in the State of Connecticut pursuant to Section 20-396 et seq. of the Connecticut General Statutes, as amended.

**LICENSED SURVEYOR** - An individual licensed in the State of Connecticut pursuant to Section 20-299 et seq. of the Connecticut General Statutes, as amended.

**LINE OF SIGHT** - A visual path emanating from an average eye level adjudged to be five feet above the ground level.

**LOT** – One or more contiguous parcels of land under single ownership or control, designated by its owner, as a tract to be used, developed, or built upon as a unit. It may or may not coincide with the deed description thereof filed for record or the boundaries of the same as shown on a map thereof filed for record or otherwise, and it may subsequently be subdivided into two or more lots, provided all such lots conform to all Regulations of the zoning district in which it is located.

**LOT, CORNER** - A lot at the intersection of two or more streets or a lot whose street lot lines have an interior angle of less than 135 degrees at the intersection of the two lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees. No portion of a main building or accessory use shall be less than 50 feet from the property line of the street, road or way on which it abuts and 50 feet from any property line which does not abut a street, road or way. (See Figure 1 & Figure 2)

**LOT, FLAG** - A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow access easement. (See Figure 1)

**LOT, INTERIOR** - A lot other than a corner, rear, flag or through lot. (See Figure 1)

**LOT, REAR** – A lot, the major portion of which lies to the rear of another lot that separates it from a public street, which is connected to a public street via a private accessway of required width. Any lot which does not satisfy the minimum lot width, measured along the right-of-way line of a public road or measured along the minimum front building setback line, shall be considered a rear lot. Each rear lot shall have fee simple ownership of an access way, which is a minimum of twenty-five (25) feet in width throughout, extending from the lot to the public road. No rear lot shall be permitted to be located to the rear of another rear lot (stacking) unless the access ways of the rear lots front on different streets. The minimum lot size for a rear lot shall be 2.0 times the minimum lot size requirement of the underlying zone.

**LOT, THROUGH** - A lot, other than a corner lot, having frontage on two streets. (Fig 1)

**LOT AREA** – The gross horizontal area contained within the property lines of the lot.

**LOT DEPTH** - The mean distance from the front line of the lot to the rear lot line measured in the general direction of the side lines of the lot.

**LOT FRONTAGE** - The total distance along which a lot abuts a street line.

**LOT LINE** – Any property line bounding a lot.

**LOT LINE, FRONT** – A lot line that abuts a street line or the lot nearest a street line.

**LOT LINE, REAR** – The lot line that is generally opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot comes to a point at the rear, the “rear lot line” shall be deemed to be a line parallel to the front lot line, not less than ten feet long, and lying wholly within the lot and farthest from the front lot line.

**LOT LINE, SIDE** - A lot line that is neither a front lot line nor a rear lot line, and which extends from the street toward the rear in a direction approximately perpendicular to the street

**LOT WIDTH** - The distance, measured in a straight line, connecting the points of intersection of the building line with the side lot lines.

**MINIMUM BUILDABLE AREA** – A contiguous area containing at least 18,000 square feet and bounded by four sides with no side less than 100 feet in length and no angle less than 45 degrees. No wetlands, watercourses, or water bodies shall be present within the Minimum Buildable Area. No more than 25 percent of the Minimum Buildable Area shall contain slopes in excess of 25 percent. Slopes shall be measured from existing topography prior to grading. The Minimum Buildable Area shall be capable of being drawn entirely within the boundaries of a lot and behind the minimum front setback line. All structures greater than 150 square feet shall be located entirely within the Minimum Buildable Area. The Minimum Buildable Area shall apply only to the RA-1 & RA-2 Zones.

**NATURAL FEATURES** – Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

**OPEN SPACE** - The portion of the ground space on the same lot and contiguous to the principal building which is either landscaped, or developed and maintained for recreation or conservation purposes. Open space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes. In general, when the Commission identifies the portion of a site that shall remain as open space, such open space should serve one or more of the following functions:

- a) **Natural Resource Protection**, such as habitat protection for plants and animals, streambelt or riparian corridor protection, shorefront protection, or the provision of greenbelt linkages, forest land, agricultural land and fisheries;
- b) **Outdoor Recreation**, including parks, playgrounds, beaches, and trails for active recreation, and nature preserves for passive recreational uses, serenity and sites that contribute to quiet experiences;
- c) **Protection of Public Health and Safety**, such as floodplains, inland wetlands, unbuildable areas or areas with limitations for development including steep slopes, high water table or shallow depth of bedrock;
- d) **Promotion and Maintenance of Community Character**, such as the development of greenbelts, open space dedication related to development, scenic vistas, and appropriate buffer strips;
- e) **Protection of Historic or Archaeological Sites**, such as historic structures and grounds;
- f) **Environmental Education**, including school-based and citizen-based programs to advance the knowledge of the natural environment and Prospect's cultural heritage.

**PARCEL** – Any legally described piece of land of any size that may or may not be subdivided or improved.

**PLAN OF CONSERVATION AND DEVELOPMENT** – The plan prepared and adopted by the Planning and Zoning Commission pursuant to Section 8-23 of the General Statutes, as amended, including any part of such Plan separately adopted and any amendment to such plan, or parts thereof.

**PRINT** - A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data on the original drawing from which it is made.

**PROFESSIONAL ENGINEER** – An individual licensed in the State of Connecticut pursuant to Section 20-299 et seq. of the Connecticut General Statutes, as amended.

**PUBLIC WORKS OFFICE** - The Public Works office of the Town of Prospect, the municipal agency having jurisdiction over and responsibility for Town roads.

**RESERVE STRIP** - Any strip of land at or near the perimeter of a tract of land through which a subdivider may prohibit access to other land or streets.

**RESUBDIVISION** - Shall mean a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**RIGHT-OF-WAY** - An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system for allowing the free passage of people and goods. Right-of-ways include, but are not limited to, highways, streets, roads, private roads, rail lines, and sidewalks.

**ROADWAY** - The traveled portion of the highway.

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

**SOIL** - The unconsolidated mineral or organic material on the immediate land surface that serves as a natural medium for the growth of plants.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** - A plan and narrative which explains and illustrates the measures which will be taken to control erosion and sediment problems during construction. The plan has a written portion known as a narrative and an illustrative portion known as a map or site plan.

**STANDARD DETAIL DRAWING** - The "Road Ordinance Standard Details," Sheet No. 1 of 1 included at the end of these regulations. Said drawing is hereby made a part of these regulations.

**STREET** - Any existing way, or town highway, or a way shown (a) on a subdivision approved by the Planning and Zoning Commission, or (b) on a subdivision duly filed and recorded in the office of the Town Clerk of the Town of Prospect prior to June 1, 1958 provided such way shall have been suitably improved to the satisfaction of the Mayor after June 1, 1958.

**STREET LINE** - The right-of-way easement line or taking line of any public or private street.

**STREET PAVEMENT** - The wearing or exposed surface of the roadway used by vehicular traffic, including the sub-base and base course.

**SUBDIVIDER** - Any person, firm, corporation, or other entity that seeks to develop or lay out a subdivision.

**SUBDIVISION** - The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

**TOWN** – The Town of Prospect, Connecticut.

**TOWN ENGINEER** – Any engineer that the Town engages to perform engineering work and/or engineering review on the Town’s behalf.

**WETLANDS** - Any wetland as defined by State Statutes.

**ZONING ENFORCEMENT OFFICER** - The Zoning Enforcement Officer of the Town of Prospect.

### **III. PROCEDURE**

#### **A. Preliminary Subdivision Application**

1. Prior to submission of a final subdivision application containing all of the required information outlined elsewhere in these regulations, the applicant may submit a preliminary subdivision plan, for discussion purposes.

2. Submission of a preliminary subdivision plan shall not constitute a final submission within the meaning of the General Statutes, but is preliminary thereto, for the purpose of establishing the basis for and requirements of the final subdivision plan. Discussion of a preliminary subdivision plan indicates only that a final subdivision plan may be prepared in substantial accordance with the preliminary plan, containing all of the information required for said plan. The preliminary subdivision plan shall be submitted to the Land Use Inspector with written notification to the Planning and Zoning Commission Chairperson. The Land Use Inspector may require submission to the Commission. It is recommended that preliminary subdivision plans be presented to the Prospect Inland Wetlands Commission for consideration prior to submission to the Planning and Zoning Commission. Preliminary plans may be referred, by the Land Use Inspector to the Town Engineer for review.

3. If an applicant intends to submit a final subdivision plan for a portion of the available land to be subdivided, submission of a preliminary subdivision plan covering the entire area will be required and shall be submitted with the final subdivision application. Said preliminary plan shall indicate the outline of that portion of land for which final subdivision approval will be sought as well as the sequence in which final approval will be sought for other portions of the available land.

4. Preliminary subdivision plans shall be drawn at a scale not to exceed one (1) inch equals forty (40) feet. The Land Use Inspector may permit a scale not to exceed one (1) inch equals one hundred (100) feet based on the size of the parcel. Five (5) copies shall be submitted to the Commission. Said plans shall be blue or black line paper prints not to exceed twenty-four (24) inches by thirty-six (36) inches in size, and shall contain the following information:

a. Name of subdivision, record owner of the land, adjoining property owners, type of zones and name, address and telephone number of subdivider.

b. Boundaries of the proposed subdivision, with total area indicated.

c. An indication as to the general character of the ground including watercourses, ponds, lakes, swampy areas and areas indicated as inland wetlands, wooded areas, stone walls, visible ledge, outcroppings, structures, soil types taken from the Soil Survey of New Haven County and other similar landmarks within one hundred (100) feet of the proposed subdivision (where possible). Existing contours shall be shown at 2-foot intervals or less.

d. Preliminary layout of new streets, including the layout of storm water drainage and all other proposed utility installations. Preliminary road profiles showing existing and proposed roadway grades.

e. Preliminary drainage computations.

f. Proposed names for all new streets.

g. Layout of lots showing approximate area of each lot in acres and square feet with approximate dimensions noted, the demonstration of the Minimum Buildable Area requirement, as well as a tentative layout of proposed open space, when applicable.

h. Location map at a scale not exceeding one (1) inch equals two thousand (2000) feet.

## **B. Final Subdivision Application**

1. Application for approval of a plan of a subdivision shall be made by the owner(s) of record of the subject property or by an authorized agent, in writing on a form furnished by the Commission.

2. Each application submitted to the Commission must be accompanied with a filing fee of \$375.00 and \$125.00 for each lot, and \$50.00 per 100 feet of road frontage. An additional fee is required per State Statute Section 22a-27j. The Commission may also require a fee in order to retain professional services to review the application if such professional expertise is not available from Town resources. All fees are due when the application is submitted.

3. A final subdivision application shall not be considered complete nor acceptable for action by the Commission until all information and documents required by these regulations and the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities" have been submitted including:

a. Final Subdivision Plan.

i. Result of subsurface soil testing indicating lots requiring engineered septic system.

b. Supplementary Plan

i. Result of all subsurface soil tests and percolation tests.

c. Plan profile drawings.

d. Soil, sedimentation and erosion control plan for roads and land.

e. Drainage analysis and computations.

- f. Written approval of Prospect Inland Wetlands Commission.
- g. Soil strata and percolation test results and written approval of health district for each lot.
- h. Application fee.
- i. See Items 6 through 12 for specific requirements.

4. Surrounding property owners within one hundred (100) feet of the boundaries of the property that is the subject of the pending application shall be notified by certified mail by the applicant of the time, date and place of the impending public hearing. Said certified mailing(s) shall be mailed between ten (10) and fourteen (14) days prior to the public hearing date. The applicant or the applicant's agent shall execute an affidavit of the certified mailings and file said affidavit at least three (3) business days prior to the hearing with the Land Use Office and provide evidence at the time of the public hearing of returned receipts and/or returned letters to the commission as part of the applicant's record.

5. Prior to submission of a final subdivision application to the Commission, the applicant shall present plans for the proposed subdivision to the Prospect Inland Wetlands Commission for consideration. If no wetlands or watercourses exist on the subject property, the subdivider shall provide the Commission with a written statement to that effect from the Prospect Inland Wetlands Commission.

6. No final subdivision application shall be considered complete or accepted by the Commission until said application contains the results of at least (1) one soil strata test to a minimum depth of seven (7) feet (below proposed finished grade) and one (1) percolation test for each proposed lot in the subdivision. Said tests shall be conducted in the immediate area of the proposed primary and reserve sewage disposal system. Said tests shall be conducted in accordance with the provisions in the State of Connecticut Public Health Code and the practices established by the Chesprocott Health District.

Scheduling and fees for all testing shall be the responsibility of the subdivider. The times such tests may be taken will be determined by the soils suitability for development (see Central Naugatuck Valley Regional Planning Table Natural Soil Groups by Suitability for Development, Page 14).

- a. Suitable land category: Feb. - May 31.
- b. Conditionally suitable category: March – May 31.

When a subdivision, or a lot has more than one suitability category indicated, a certified soil scientist will be required to determine soil delineation lines.

In special circumstances, the Chesprocott Health District or the Commission may request an opinion from a Civil Engineer concerning the ability of a lot or lots in a proposed subdivision to safely sustain a water supply well and subsurface sewage disposal system and concerning the environmental impact of the development of said lot or lots. The Commission may request the applicant to install test wells.

6. The final subdivision plan shall be drawn at a scale not to exceed one (1) inch equals one hundred (100) feet using ink on linen transparency or polyester film. The drawing shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. One (1) original drawing or fixed line mylar shall be submitted, accompanied by five (5) copies (blue or black line paper print reproductions).

7. The final subdivision plan shall meet the standards for a Subdivision or Resubdivision Map set forth in Section 20-300b-2 of the Regulations of Connecticut State Agencies as amended and certified under the seal of a surveyor licensed in the State of Connecticut. Distances on the Boundary Survey and on all proposed divisions, shall be to the nearest one-hundredth (100th) of a foot, and bearings to the nearest ten (10) seconds. Sufficient survey data shall be shown to describe clearly the property lines of the land surveyed. Easements and encroachments apparent from a careful inspection of the land records and the subject premises shall be shown.

8. The final subdivision plan shall include the following information:

- a. Seal of a Registered Land Surveyor, licensed to practice in the State of Connecticut.
- b. Names of subdivision, record owner of the land, adjoining property owners, zones and name, address and telephone number of subdivider.
- c. Boundaries of the proposed subdivision, with total area indicated.
- d. Date, scale and north point.
- e. Streets to be constructed with curve data, rights-of-way, easements and proposed names, said names to be approved by the Commission.
- f. Layout of lots showing accurate dimensions, areas in square feet and acres, building lines, and demonstration of Minimum Buildable Area requirement.
- g. Complete existing and proposed watercourses, drainage ways, and bodies of water.
- h. Existing and proposed survey monuments.
- i. All easements necessary for the installation of sanitary or storm sewers, water mains, and other public utilities.

- j. Proposed public land areas and uses, when applicable.
  - k. All areas designated as inland wetlands shall be located by accurate field survey.
  - l. Location map at a scale not exceeding one (1) inch equals five hundred (500) feet.
  - m. House numbers for each lot assigned by the Town of Prospect Assessor's Office in consultation with the Land Use Inspector. All house numbers shall be consecutive. Street names shall be assigned by the applicant and approved by the Commission. Street names which are the same or similar as existing streets shall not be approved unless an extension of an existing street.
  - n. Results of subsurface soil testing indicating lots requiring engineered septic systems.
9. Road plans for all proposed streets shall be submitted with the final subdivision application. Road Plans shall be prepared in accordance with, and shall contain, all information required by the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities" as it may be amended. Five (5) copies (blue or black line paper prints) of the Road Plans shall be submitted.
10. Five (5) copies (blue or black line paper prints) of a "Supplemental Plan" showing the overall development of the property and the feasibility of constructing homes, buildings, driveways and other facilities on each lot. The plan shall be prepared by a professional engineer or a landscape architect licensed to practice in the State of Connecticut at 40 scale, although the Commission may permit a smaller scale but no less than 100 scale. The plan shall be based on a topographic survey meeting the accuracy standards of a Class T-3 or better as set forth in Section 20-300b-11 of the Regulations of Connecticut State Agencies, as amended, and shall include all information required for the final subdivision plan in addition to the following information.
- a. The location of all existing and proposed improvements and utilities, including all buildings, structures and driveways. All buildings shall be located within the Minimum Buildable Area as shown on the final subdivision plan.
  - b. The tentative location of existing and proposed wells, sewage disposal systems and reserve areas, including any land treatment necessary to make lots suitable for subsurface sewage disposal. The location and results of all strata and percolation tests. The location of all topographic features including, but not limited to, the following:  
  
The location of watercourses, ponds, lakes, swampy areas, wooded areas, stone walls, visible ledge outcroppings, structures and other similar landmarks within one hundred (100) feet of the proposed subdivision (where possible).
  - c. Proposed grading for roads, buildings and other improvements for each lot in sufficient detail to illustrate the expected disturbance to the property.

d. The soil types on the property taken from the New Haven County Soil Survey or from field delineation performed by a certified soil scientist.

11. Five (5) copies (blue or black line paper prints) of an “Erosion and Sedimentation Control Plan” prepared in accordance with the standards set forth in the Department of Environmental Protection “2002 Connecticut Guidelines Soil Erosion and Sediment Control”. The plan shall be drawn at the same scale as the Supplemental Plan and shall contain at a minimum the following information.

a. A narrative describing the proposed development, the construction sequence, and a short-term and long-term operation and maintenance program and procedures.

b. The design criteria for the proposed erosion and sedimentation control measures.

c. The construction details and specifications for the proposed erosion and sedimentation control measures.

12. Drainage analysis and computations shall be submitted in accordance with the regulations and specifications of the “Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities” for all existing and proposed drainage facilities and watercourses.

13. The Commission at its discretion may require additional information to assist the Commission in determining compliance with these regulations.

14. Surrounding property owners within one hundred (100) feet of the boundaries of the property that is the subject of the pending application shall be notified by a certificate of mailing by the applicant of the time, date and place of the impending public hearing. Said certificate of mailing(s) shall be mailed between ten (10) and fourteen (14) days prior to the public hearing date. The applicant or the applicant’s agent shall execute an affidavit of the certificate of mailings and file said affidavit at least three (3) business days prior to the hearing with the Land Use Office and provide evidence at the time of the public hearing by submitting receipts of the certified mailings to the commission as part of the applicant’s record.

### **C. Commission Action**

The date of receipt of a petition, application or a request shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such petition, application or request, or thirty-five (35) days after such submission, whichever is sooner.

Within sixty-five (65) days after the close of the public hearing on a petition, application or request thereon, or if no public hearing is held, within sixty-five (65) days after receipt of the petition, application or request, the Commission shall approve, modify and approve, or disapprove for stated reasons, the application. Upon written request of the

subdivider, the Commission may extend the period of consideration beyond sixty-five (65) days but the additional time of all extensions on the petition, application or request is not to exceed sixty-five (65) additional days, as provided in Connecticut General Statutes Section 8-7d, as amended.

#### **IV. GENERAL REGULATIONS**

1. All land to be subdivided shall be of such a character that it can be used for building purposes without danger to health and safety. Proper provision shall be made for water, drainage and sewerage. Land subject to greater than normal flooding, poor drainage, steep slopes, or without adequate means of sanitary sewage disposal or without adequate potable water supply, shall not be subdivided. In areas contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provisions shall be made for protective flood control, and plans therefore submitted with the final subdivision plan.

All land and lots included or shown in a proposed subdivision or any modification thereto must be fully approved for building purposes by the Chesprocott Health District.

2. Due regard shall be given to the preservation and potential enhancement of existing natural features and assets of a community nature such as, large trees, scenic points, etc. The proposed subdivision shall be appropriate to the topography and location, given due consideration to and avoiding unnecessary change to contours.

3. For the purpose of enhancement of property values and for erosion control, the preservation and protection of existing trees and vegetation throughout the subdivision shall be encouraged and may be required by the Commission.

4. The Commission may require that new trees be provided by the subdivider (along the proposed right-of-way) in subdivisions, which lack or are deficient in trees. Such trees shall be of a type approved by the Commission, shall have a caliper of no less than three inches measured six inches above the base of the tree, and shall be planted not more than fifty (50) feet apart on both sides of all streets, located in the front yards of all lots on a line approximately fifteen (15) feet behind the street line. The Commission may permit the street trees to be arranged or located in a manner other than the spacing described herein so long as the total number of trees required is not reduced.

5. No existing watercourse shall be altered or relocated, but shall be preserved in its natural form except where channel alterations are necessary for protective flood control or proper road design. The Prospect Inland Wetlands Commission shall first approve all such alterations. Where it is necessary to cross a watercourse, any alterations shall be the minimum required and all improvements shall be in accordance with the applicable requirements of the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities".

6. Lot sizes and road frontage shall meet the requirements of the Zoning Regulations of the Town of Prospect. Any lot in a proposed subdivision on which an existing building or other improvement is located must meet the front, side and rear yard requirements of the Zoning Regulations of the Town of Prospect, as amended, except where the inability to meet said requirements arises because of the relation of said existing buildings or other improvements to an existing street or property line. Variations from these zoning requirements must be approved by the Prospect Zoning Board of Appeals. Side lot lines

shall generally be at right angles to straight street lines, or radial to curved street lines. Double frontage lots are to be avoided. The Commission may require larger lots than are specified by the Zoning Regulations, where it deems them necessary because of conditions affecting drainage, sanitary sewage disposal, water supply or safe access. All residential lots must meet the Minimum Buildable Area requirement.

7. Corner lots shall have the prevailing front yard set back on both street frontages and have a street corner cut-off with a twenty-five (25) feet radius. The Minimum Buildable Area requirement shall have the front yard setback requirement applied to the street on which the house will face. The remaining front yard setback, for purposes of determining the Minimum Buildable Area requirement shall be treated as a side yard and the fifty (50) foot setback shall not apply.

8. Rear lots, defined as lots without the required street frontage, situated to the rear of another lot fronting (with the required street frontage) on an existing or proposed street, are not permitted unless the following conditions and restrictions are met and approved by the Commission:

a. Each rear lot shall be served by its own driveway, which shall be held in the fee simple by such rear lot owner. The driveway shall be twenty-five (25) feet in width for residential lots, and fifty (50) feet for non-residential lots, and shall be laid out as to be capable of maintaining a driveway which satisfies the requirements of Section IV-25 of these regulations. The length of the driveway shall not exceed five hundred (500) feet.

b. The area of the driveway to a rear lot shall not be included in computing the minimum area requirement of the lot.

c. Not more than two (2) driveways shall be adjoining. Each driveway or pair of driveways shall be separated by two (2) front lots, unless, in the discretion of the Planning and Zoning Commission, the topography of the parcel is such that access to a specific portion of the rear land could be better achieved with a one (1) lot separation without adversely affecting the overall layout of the parcel.

d. In the case of two (2) adjoining driveways the width of each may be reduced to twenty (20) feet, forty (40) feet total for residential lots, and to forty (40) feet, eighty (80) feet total for non-residential lots. Driveways shall conform to Section IV-25 of these regulations with the exception of the required separation distance between the driveways. A single common driveway, eighteen (18) feet in minimum width, shall be permitted if the topography is such that a driveway can be centered, nine (9) feet in each driveway, with a maximum grade of eight (8) percent.

e. A note shall appear on the final subdivision plan stating that the Town's responsibility to provide services to the rear lot ceases at the street line of the public street.

f. The Commission may limit the number of rear lots in a subdivision.

9. Reserve strips shall not be permitted. No parcel, strip or other remnant of land incapable of satisfying the zoning requirements for a building lot shall be left in any subdivision.

a. The commission shall reject any proposed subdivision lot that includes an attached strip or appendage of land connected solely for the purpose of meeting minimum lot size or road frontage requirements.

10. A gas pipe shall be deemed a hazard when carrying an internal pressure in excess of 200 lbs. per square inch gauge, and is located on or within 40 feet of the property. The following requirements are considered as minimum requirements to lessen such hazards:

a. Gas Company approval of all proposed work.

b. 40-foot building setback lines on both sides of the gas line easement.

c. Wells and septic tanks and all appurtenances and connections shall be on the same side of the pipe line as the buildings they serve.

d. Proposed streets shall cross such pipe lines at right angles, or nearly so. In such street crossings, the pipe shall be in a vented casing the full width of the right-of-way, and the distance from the top of the casing to the proposed road surface shall be at least four (4) feet six (6) inches.

11. The Commission may require that a portion of the land to be subdivided be designated as open space. When required, said area shall be a minimum of ten (10) percent and no more than fifteen (15) percent of the total area of the subdivision. Said open space shall have direct access to a public street or public access way dedicated for public use unless the open space is contiguous to existing open space with direct access to a public street or right-of-way dedicated for public use. The width of said access shall be at least twenty (20) feet and shall be so arranged to be passable on foot. The Commission will place a priority on the requirement of an open space area which permits the connection to other open space areas or has the potential for future connections. Final determination as to the location and extent of such open space shall be made by the Commission. The subdivider shall submit to the Commission the proposed manner in which title to the open space land will remain in perpetuity and such authorization from legislative bodies, Boards, Commissions, public or private corporations or associations as are necessary to effectuate the same Conveyance shall be by a legal instrument which shall be prepared and executed in such form and manner as may be required by the Town Attorney, at the expense of the applicant, which instrument shall be provided prior to the granting of approval of the subdivision plan by the Commission. This open space requirement shall not apply if the transfer of all land in a subdivision of less than five parcels is to parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing as defined in Section 8-39a of the General Statutes, where such affordable housing will be

equal to twenty percent or more of the total housing to be constructed in the subdivision.

The Commission may impose a requirement of a fee in lieu of open space for any lot sold within five years of approval of a subdivision without open space preservation as a result of an exemption claimed pursuant to this Section. Such fee shall be applied to each lot sold and calculated as provided in Connecticut General Statutes Section 8-25. A notice, approved by the Town Attorney, shall be placed on the land records with the filing of a record subdivision map, which notice shall include the date of subdivision approval and specifying the transfer of any lot within 5 years of approval will result in imposition of the fee prescribed in this Section.

In accordance with General Statutes 8-25, as amended, the Commission may authorize a subdivider to pay a fee to the Town or pay a fee and transfer land to the Town (the fee is herein referred to as the "Payment") in lieu of providing open space pursuant to the requirement in Section IV.11 herein above. In the event that the Commission grants such authorization, such Payment or a combination of the Payment plus the fair market value of the land transferred shall be equal to 10% of the fair market value of the land to be subdivided prior to the approval of the subdivision. An appraiser, jointly selected by the Commission and the subdivider, shall prepare a written appraisal determining the fair market value of the land to be subdivided, which appraisal shall be paid for by the subdivider. A fraction of the Payment, the numerator of which is one (1) and the denominator of which is the number of approved lots in the subdivision, shall be made at the time of the sale of each approved lot in the subdivision and placed in a fund which shall be used solely for the purpose of acquiring additional land for open space or for recreational or agricultural purposes. The applicant, at his option, may submit the entire Payment in one lump sum prior to the filing of subdivision mylars with the Town Clerk. Fractional payments, as described, shall require the applicant to submit a bond or other security acceptable to the Town equal to the full amount of the Payment prior to the filing of the subdivision maps. All required Payments shall be paid to the Town prior to the release of this bond. Such payments shall be placed in an Open Space Fund.

Prior to purchase of any open space with Open Space Fund proceeds, a nonpartisan group comprised of one representative member of the Planning and Zoning Commission, the Town Council, the Board of Recreation, the Conservation Commission and the Inland Wetlands Commission will act as an Advisory Committee to evaluate "Open Space" potential. These individuals will be selected by members of their representative groups. A recommendation for purchase of Open Space Land by the Advisory Committee will be submitted to the Town Council with a request that a Special Town Meeting be called to act upon a proposal providing for the purchase of real estate by the Town. The Chairman of the Planning and Zoning Commission and Mayor of the Town of Prospect will be required co-signers for the release of funds accumulated under this regulation.

12. Concrete monuments conforming to specifications outlined in the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities" shall be set along the street line at all points of

tangency, angle points and other intermediate points at four hundred (400) foot spacing maximum. The proposed location of said monuments shall be indicated on the final subdivision plan. All lot corners where not otherwise marked with monuments shall be marked with iron pins at least 1/2" diameter, set at least 2 feet, 6 inches in the ground, the tops of which are flush with proposed finished grade.

13. All elements in the design and construction of proposed streets shall be in accordance with the requirements and the specifications of the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities" as amended.

14. Proposed streets shall be in harmony with existing or proposed thoroughfares, especially in regard to safe intersections with such thoroughfares. As far as practicable, streets shall follow natural contours. The arrangement of streets shall, where feasible, provide for their continuation into adjoining subdivisions, or into adjoining land capable of being subdivided. Dead end streets shall be considered only when in the opinion of the Commission, there is no feasible means of connecting to an existing street.

15. The maximum length of a dead end street, whether temporary or permanent, shall be determined by the Commission, taking into consideration, inter alia, the following: topography, drainage (surface water and groundwater), ownership patterns, existing and projected street patterns and traffic volume, and general traffic circulation. The maximum number of lots to be served by a dead end street shall not be greater than twenty-five (25) lots, including interior lots. Dead end branches are allowed, however the maximum number of twenty five (25) lots, within the entire subdivision served by a dead end street will remain. When reviewing the proposed street pattern, the Commission may require intermediate turnarounds at selected locations to control back-and-forth movement within the dead-end street.

16. In the case of temporary dead ends the right-of-way shall be continued to the property line and the land for the right-of-way and a temporary cul-de-sac shall be deeded to the Town. A temporary cul-de-sac shall be installed at the property line; with the segments thereof outside the limits of the right-of-way for the normal travel way designated to revert to the owners of the adjacent lots upon extension of the roadway.

It shall be the responsibility of the subdivider extending the roadway to remove the existing pavement outside the normal travel way and restore said shoulder areas with the required regrading, loaming, seeding and construction of that portion belonging to the Town.

The following language shall appear on all subdivision maps filed in the Town Clerk's Office that include a temporary cul-de-sac:

"Portions of temporary cul-de-sacs outside of the 50-foot right-of-way for the normal travel way shall revert to abutting property owners upon extension of the road and acceptance thereof by the Town".

17. Where the land to be subdivided does not abut an accepted Town street or State road, the subdivider shall provide and construct a street from the subdivision to such Town or State road, to be built in compliance with the requirements and specifications applying to the construction of streets within the subdivision and in accordance with the “Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities”.

18. The Commission may require a wider street right-of-way than specified in the “Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities” for a specific reason, such as safety, or possible future enlargement of the street as a major traffic collector.

19. When land along an existing street is to be subdivided and the right-of-way of said street is less than fifty (50) feet in width, the subdivider shall deed to the Town, for public highway purposes, that amount of land along the existing street necessary to provide one half of the required right-of-way (25 feet) from the centerline of the existing road or centerline of the existing right-of-way, whichever is closer to the subdivision property. For subdivision abutting a State Highway, a proposed right-of-way shall be provided in conformance with State recommendations.

20. Where land along an existing Town road is to be subdivided, the storm drainage disposal facilities inclusive of pipes, drainage channels and swales on said roadway shall be adequate to carry the increased runoff and/or storm drainage flow from the proposed subdivision. Where there are no storm drainage facilities on said existing street, or where said facilities are inadequate to carry the additional runoff or storm drainage to be created by the subdivision, the Commission may disapprove said subdivision unless the legislative body of the Town approves the expenditures for the construction or improvement of said storm drainage disposal facilities, or the construction or improvement of said facilities is included in the application for final approval at no cost to the Town.

21. Where a subdivision, in the opinion of the Commission requires undue expenditure by the Town to improve existing streets to serve the proposed subdivision in a safe manner, the Commission may disapprove said subdivision unless such expenditure has been approved by the legislative body of the Town, or the grading or improvement of said existing street(s) is included in the application for final approval. Said improvements may include but not be limited to, improving or widening of the traveled surface, increasing the available sight distance or the installation of traffic control devices, etc.

22. In the case of subdivisions to which water and/or sewers are to be furnished from a public source, or in the case of a water supply from private or community wells or water systems, all necessary mains, branch service line to each lot, and fire hydrants shall be installed as approved by the municipal department having jurisdiction, and without cost to the Town. Any subdivision with five or more lots shall have either a fire pond from a water source or a cistern holding a minimum of 4000 gallons of water with a dry hydrant connection to the water source.

23. All proposed utilities including electric, gas, telephone and cable shall be installed underground, if physically possible. All expenses for said installations shall be the responsibility of the subdivider.

24. Where in the opinion of the Commission a lot exhibits questionable driveway access due to steep slopes, poor sight distances or proximity to an intersection or where access to the buildable portion of a lot requires the crossing of a watercourse or swale, the proposed design of said driveway shall be shown on the Supplemental Plan. All drainage computations and construction details shall conform to the applicable section(s) of the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities".

25. Driveways serving all lots shall be designed so that their final grade does not exceed twelve (12) percent and shall not be located closer than five (5) feet from any lot line. Sight distance for driveways where they intersect the street shall be a minimum of one hundred and fifty (150) feet.

26. In all special flood hazard areas the following requirements shall apply:

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals which have public utilities if available such as sewer, water, gas, electrical, telephone and T.V. cable systems shall be located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;

d. Subdivision proposals must show base flood elevation and boundaries in Zone A Flood Hazard Areas.

## **V. FILING**

1. As long as the applicant has delivered to the Commission all documentation required by the Commission in connection with an application and such documentation has been reviewed and approved by the Town Attorney, if necessary, the Commission shall deliver the subdivision map to the applicant for filing or recording not more than thirty (30) days after the time for appealing the Commission's action has elapsed or not more than thirty (30) days after the plans modified in accordance with the Commission's approval and that comply with the Connecticut General Statutes Section 7-31 are delivered to the Commission, whichever is later, and in the event of an appeal, not more than thirty (30) days after the appeal terminates, or thirty (30) days after plans modified in accordance with the Commission's approval that comply with Connecticut General Statutes Section 7-31 are delivered to the Commission, whichever is later.
2. All final subdivision plans, upon approval, shall be filed or recorded by the subdivider in the office of the Town Clerk at the subdivider's expense.
3. Any plan approved by the Commission or considered approved by reason of the failure of the Commission to act, that is not so filed or recorded within ninety (90) days following the expiration of the appeal period in Connecticut General Statutes Section 8-8 or if an appeal is taken, within ninety (90) days of termination of the appeal, shall become null and void, except that the commission may extend the time for such filing for two additional periods of ninety days and the plan shall remain valid until the expiration of such extended time.
4. No final subdivision plan may be filed or recorded by the Town Clerk, until the Commission's approval has been endorsed thereon. Any filing or recording of a Subdivision Plan without such approval shall be void and have no effect.

## **VI. BONDING**

1. Prior to final approval of a subdivision, the subdivider shall file with the Commission a bond in an amount and with surety and conditions satisfactory to the Commission, guaranteeing the installation and satisfactory completion of all proposed improvements before an agreed date, not to exceed two (2) years. Said two year period may, in unusual circumstances, be extended by the Commission, with the consent of the surety.
2. Bonds shall be in one or more of the following forms, and shall be acceptable to the Town Attorney and the Commission:
  - a. A certified check payable only to the Town of Prospect, a certificate of deposit, a money market account, or a passbook savings account, which account shall be federally insured. The names of the project owner and the Town of Prospect shall be on the account and a signed withdrawal slip shall be provided.
  - b. An unconditional and irrevocable letter of credit that may be presented at a banking institution office located in the State of Connecticut.
3. Such bond shall guarantee the installation and satisfactory completion of all proposed improvements as required by the Commission, including, but not limited to, improvements required for existing and proposed streets, storm water drainage facilities, (water supply and sanitary sewerage facilities when constructed within the right-of-way) proposed lot grading, landscaping and sedimentation control measures.
4. The amount of such bond shall be equal to one hundred (100) percent of the cost of the proposed improvements. The Commission shall obtain a cost estimate for said improvements from the Town Engineer or Land Use Inspector which may be used to determine the amount of the required bond.
5. Such bond shall not be fully released until the installation and completion of all improvements have been determined by the Commission to be complete and proper, the requirements for as-built drawings as specified in the "Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities" have been met, the street or streets have been legally accepted by the Town, the necessary deeds, easements and right-of-ways have been submitted in a form satisfactory to the Town Attorney and the maintenance requirement of Paragraph 7 of this section has been satisfied. All recording fees shall be borne by the subdivider.
6. Application for approval of portions of the total improvements may be made upon completion of such portions. If such portions are accepted, a pro-rated reduction in the performance bond, as determined by the Commission, will be allowed. However, no bond nor its interest shall be released or partially released on more than two (2) occasions.

7. The subdivider shall keep and maintain all installations and improvements for a period of one (1) year from the date of final completion of said installations and improvements as deemed by the Town Engineer. Not less than ten (10) percent of the original amount of such bond shall be and remain in full force in order to guarantee such maintenance; or in lieu thereof, the subdivider shall file an acceptable surety company bond, or cash, in the amount of ten (10) percent of the original value of such installations and improvements, upon the receipt and approval of which, the one hundred (100) percent bond shall be released.

During the period for maintenance, the subdivider shall, when notified thereof, promptly and at his own expense repair all failures in workmanship and materials of such installations and improvements. If the subdivider fails to remedy such failures within a reasonable time, the Town may, without prejudice to any other remedy and upon written notice to the subdivider and surety, cause the required repairs to be made and bill the subdivider or surety for the cost of the work involved.

**TOWN OF PROSPECT  
STANDARDS FOR ROAD PLANS, DESIGN AND  
CONSTRUCTION OF STREETS AND DESIGN AND  
CONSTRUCTION OF DRAINAGE FACILITIES**

**I. GENERAL**

1. The purpose of these regulations is to set standards for the proper design and construction of roadways serving residential subdivisions in the Town of Prospect. Proposed roadways classified as "Collector Streets," "Commercial Streets" or "Industrial Streets" by the Planning and Zoning Commission will have increased standards of design and construction as designated in each particular case by the Town Engineer.
2. In all cases, these specifications shall be the minimum standards to which road construction shall adhere and may be increased at the discretion of the Prospect Planning and Zoning Commission or the Public Works Office.
3. No construction, including earthwork cuts and fills, shall be permitted for any roadway which shall at any time be expected to be a public way in the Town of Prospect until plans for said roadway conforming to these regulations and the "Prospect Subdivision Regulations" have been submitted to and approved by the Planning and Zoning Commission and the performance bond requirements for such roadway have been met.
4. Exceptions to these regulations may be made under unusual circumstances, at the discretion of the Prospect Planning and Zoning Commission with the approval of the Public Works Office.
5. If any section, subsection, paragraph, clause or provision of these regulations be adjudged invalid or unconstitutional, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.
6. When question(s) arise as to the interpretation of these regulations, said question shall be referred in writing to the Planning and Zoning Commission.
7. These regulations shall become effective September 15, 2009.

## **II. ROAD PLANS**

1. All road plans shall be certified by a Professional Engineer licensed to practice in the State of Connecticut and shall be based on a Class A-2 boundary survey and a Class T-3 or better topographic survey as set forth in Section 20-300b of the Regulations of Connecticut State Agencies, as amended.

2. Plan-profile drawings shall generally be at a scale of one (1) inch equals forty (40) feet in plan and one (1) inch equals forty (40) feet horizontal and four (4) feet vertical in profile. The size of said drawings shall not exceed twenty-four (24) inches by thirty-six (36) inches. All elevations shall be based upon U.S.G.S. (M.S.L.) datum. Plan-profile drawings shall include the following:

a. The layout of proposed streets in both profile and plan. The centerline shall be dimensioned with bearings, distances and stations along all tangent portions, all curves dimensioned to show at least radius, arc length, and central angle. All curves shall be tangent to the adjacent street lines. All easements shall be delineated. Proposed monuments shall be designated at all points as required elsewhere in these regulations.

b. The existing centerline grade of the roadway and the existing grade twenty five (25) feet right and left of the centerline shall be shown in profile. Said elevations shall be shown at not more than fifty (50) foot intervals and shall be based upon actual field measurements.

The profile shall also include proposed centerline grades at fifty (50) foot intervals to be carried one hundred fifty (150) feet beyond the end of cul-de-sac or to the property line in the event of the potential extension of the road. Station pluses shall be used with vertical curve data and percent of grade indicated. All drainage facilities shall be shown in detail in profile. Profile grades to be extended one hundred fifty (150) feet beyond end of pavement.

c. The plan shall show in detail the location and size of all existing and proposed drainage facilities, including pipes, culverts, catch basins, manholes, headwalls, watercourses or open ditches which relate to the proposed work, and shall include the location of all existing and proposed utilities other than drainage. The plan shall also show accurate designations of invert and finished grade elevations for all existing and proposed drainage facilities including elevations at all headwalls and endwalls.

d. Typical roadway cross-sections, indicating extent of paving, curbs, shoulders, and typical utility installation details. If deemed necessary by the Town Engineer, due to the topography, cross-sections of the proposed road at fifty (50) feet stations may be required showing the existing ground, the proposed road, top and toe of slopes, drainage installations, and other items determined necessary. Said cross-sections shall extend a minimum of twenty (20) feet beyond the point where existing grade meets proposed grade.

e. Where deemed necessary by the Town Engineer, grading plans of proposed intersections at a larger scale shall be submitted, showing catch basins, roadway, curb and sidewalk elevations and contours.

f. Details of all proposed drainage structures as required elsewhere in these regulations.

3. Road plans shall be accompanied by a complete hydrologic and hydraulic analysis and supporting computations described in Section V herein prepared by a Professional Engineer licensed in the State of Connecticut.

### **III. DESIGN & CONSTRUCTION OF STREETS**

In general, streets shall be designed to follow sound engineering principles and practices and shall bear a reasonable relationship to the existing topography. Excessive cuts and fills should be avoided. The following standards shall apply to the design and construction of streets:

#### **A. Planning and Design**

1. Streets shall have a minimum width of 50 feet for the right-of-way.
2. A turnaround having a minimum radius of 60 feet for the right-of-way shall be provided at the closed end of all dead-end streets.
3. Streets as defined in the Prospect Plan of Conservation and Development shall be designed to have the following width of pavement measured between curb faces:
  - a. Local Street 24 feet
  - b. Collector Street 28 feet
  - c. Turnaround 50 feet radius
  - d. Industrial Street 32 feet
4. The minimum centerline gradient of any street shall be 1.0% except that a lesser gradient may be permitted as tangents for vertical curves. The maximum grade for any street shall be 10%. The centerline gradient for a turnaround shall not exceed 4%. The centerline gradient may be modified by the Town Engineer based upon specific field conditions in order to avoid ponding of water at low points in the road.
5. All changes in gradient shall be accomplished by means of a vertical curve that are of sufficient length to provide for a smooth transition and ensure adequate stopping sight distance as specified by the Connecticut Department of Transportation Highway Design Manual. The standard design speed shall be 30 miles per hour. Where a street approaches an intersection at a gradient of 4% or more, a transition area shall be provided and shall have a maximum gradient of 2% for a minimum distance of 50 feet measured from the right-of-way line of the intersecting street.
6. Changes in horizontal direction shall be accomplished by means of horizontal curves having a centerline radius of not less than 150 feet in residential streets and 200 feet for industrial streets. Tangents between curves shall be a minimum of 100 feet for residential streets and 200 feet for industrial streets.
7. New road intersections shall be at least 350 feet from any existing or proposed intersection measured from centerline to centerline or shall be part of an existing intersection. The Town Engineer may permit a lesser distance from an intersection on the opposite side of the street from the proposed subdivision giving due consideration to

traffic volumes and safety. Streets shall intersect preferably at an angle of 90 degrees for a distance of 75 feet, but in no instance shall a street intersect at less than 75 degrees.

Right-of-way lines shall be connected by curves having a minimum radius of 25 feet. The edge of pavement at intersections shall have a minimum radius of 35 feet.

Intersection sight distances shall satisfy the requirements of the Connecticut Department of Transportation, Geometric Highway Design Standards, "Minimum Sight Distances for Intersections At Grade," but in no instance shall the sight distance be less than 200 feet.

8. Streets shall bear names that do not duplicate or too closely approximate in spelling or sound existing street names in the Town of Prospect.

## **B. Construction**

1. The area of the right-of-way required to be graded shall be cleared of trees, stumps, brush, roots, large rocks, ledge and other unsuitable material except trees suitable to be retained as street trees may be left standing with the approval of the Director of Public Works.

2. The subgrade of the road shall be brought to true line and grade for a width extending a minimum of two feet greater than the proposed finished roadway of the street. Roadway excavation, formation of embankment and preparation of subbase shall conform to the requirements of Form 814A, Sections 2.02 and 2.09.

3. After the subgrade has been rolled and compacted, a rolled granular base of not less than eight (8) inches thickness shall be applied in two courses, each of which shall not be less than four (4) inches thick and each course shall be fully compacted by a roller weighing not less than 10 tons to 95 percent dry density. Both courses shall be crowned in accordance with the "Typical Road Section" on the Standard Detail Drawing. Material requirements for gravel, and method of placement, shall conform to the requirements of Form 814A, Section M.02.03, Grade A and Section 3.02, respectively. The material shall extend a minimum of two feet beyond the roadway of the street.

After the rolled granular base has been compacted and inspected, a processed aggregate broken stone base having a minimum thickness of (4) four inches for residential streets and (8) eight inches for industrial streets shall be installed. The material shall conform to Form 814A, Section M.05.01. The method of installation shall conform to Form 814A, Section 3.02.

4. Streets shall be surfaced with bituminous concrete to a width (12) twelve inches wider than the travelway of the street. Bituminous concrete shall be applied by machine in two courses, each course having a thickness of (2) two inches after compaction. The material shall conform to Form 814A, Section M.04.06 with Class 1 for the lower course and Class 2 for the finished course. In general, no paving shall be permitted between October 31 and March 1, unless the Town Engineer or Director of Public Works allows exceptions due to unusual weather. Paving shall only be permitted on any day where the

temperature is 40 Degrees F and rising. Pavement shall be crowned in accordance with the "Typical Road Section" on the Standard Detail Drawing.

5. All paving shall conform in materials and methods of placement to the requirements of Form 814A, Section 4.06, except that "mixing plant inspections" may be waived by the Town Engineer or Director of Public Works.

6. Should it be deemed necessary, depth measurements of the completed pavement shall be taken in an approved manner in locations as directed by the Town Engineer or Director of Public Works. Deficiencies in pavement thickness found shall have additional measurements taken to determine the limits of the deficiency. Corrections will be made to bring such deficient pavement up to the required thickness.

7. All pavement shall weather a full winter prior to acceptance by the Town.

8. Where shown on the plans approved by the Town, curbing shall be applied to both edges of pavement. Bituminous concrete lip curbing shall be used except at intersection radii and on permanent cul-de-sacs. All bituminous concrete lip curbing shall conform to the requirements of Form 814A Section M.04.03 Class 3 and shall be installed to the requirements of Form 814A, Section 8.15. The Planning and Zoning Commission may waive specific curbing requirements based upon the specifics of the proposed activity.

Granite stone curbing meeting the requirements Form 814A, M.12.06 shall be installed at intersection radii, on permanent cul-de-sacs, and on all industrial roads in accordance with Form 814A, Section 8.13.

9. Guide rails shall be installed along all streets in accordance with Section 13.2 of the Department of Transportation Highway Design Manual. The type of guide rail shall be approved by the Town Engineer or Director of Public Works and the Planning and Zoning Commission. This requirement may be waived by the Planning and Zoning Commission based upon the specifics of the project.

10. All large rocks, boulders, felled trees, stumps and brush shall be removed from the cleared area of the street right-of-way and shall be disposed in a lawful manner. All disturbed areas shall be restored with a minimum of six inches of topsoil, seeded and mulched, meeting the standards of Form 814A, Section M.13 and shall be seeded in accordance with the requirements of Form 814A, Section 9.44 and 9.50.

#### **IV. DESIGN AND CONSTRUCTION OF DRAINAGE FACILITIES**

1. Drainage facilities shall be designed and constructed in accordance with the standards and procedures hereinafter specified.
2. All roads and highways shall be properly drained in accordance with good engineering practice and as approved by the Town. Construction methods and materials shall conform with the requirements of Form 814A.
3. All roads and highways shall have bridges, culverts, storm sewers, catch basins, channels, swales and other drainage facilities of a sufficient size, number and type to prevent damage to the roadway and adjacent properties due to runoff from the required design storms.
4. Where a drainage facility is tributary to a portion of a Connecticut Department of Transportation, approval by the Connecticut Department of Transportation is required and such approval shall be submitted to the Town prior to approval of the Road Plans by the Commission.
5. The discharge of all storm water shall be into an established watercourse, wetlands or drainage structure as approved by the Inland Wetlands Commission. Where the discharge shall be into or through private property, proper easements or discharge rights in a form acceptable to the Town Attorney, shall be secured for the Town by the developer.
6. Permanent easements in favor of the Town of Prospect, at least thirty (30) feet in width, shall be provided in all cases where storm drainage facilities are installed in land other than the street right-of-way. The centerlines of pipes and top of slope for channels shall not be less than ten (10) feet or more than twenty (20) feet from the boundaries of drainage easements. Easements shall also be provided for storm drainage facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of a proposed development. All easements shall be clearly delineated and described on the final subdivision plan required by the Town's Subdivision Regulations and shall be placed on file in the land records. There shall be no plantings of trees or shrubs or construction of structures within such easements.
7. In all instances, a hydrologic analysis shall be prepared by a Professional Engineer licensed in the State of Connecticut and shall consider the entire watershed area. Predevelopment and post development conditions shall be mapped and analyzed utilizing the NRCS TR-20 model for the 2-year through 100-year storm event. In general, there shall not be an increase in the peak rate of of-site runoff attributable to the development. The use of stormwater detention basins, natural or manmade, is an acceptable and desirable method of attenuating peak rates of runoff. The design computations for such facilities shall include an inflow hydrograph and storage-discharge relationship.
8. The "Rational Method" shall be used for the design of the drainage system. The rainfall intensity value used in the Rational Formula shall be for a rainfall duration equal

to the time of concentration. The "Rainfall Intensity Duration Frequency Curves," published by the United States Weather Bureau are an acceptable source of rainfall data for New Haven County. The time of concentration shall be estimated by one of several methods in current use. The minimum time of concentration shall be five minutes.

9. All storm drainage facilities shall be designed with sufficient capacity to accept the peak rates of runoff from storms with the average return frequencies listed below:

a. 25 year - All enclosed drainage facilities within roads and easements from catch basins to outlets, etc.

b. 50 year - All cross culverts under drives, and for swales and ditches.

c. 100 year - All cross culverts under roads and bridges, and where required by the Town Engineer.

10. The hydraulic capacity of culverts shall be established only after considering both the inlet control and outlet control conditions. The lower of the two flow rates obtained shall be the actual rated capacity. The upstream headwater shall not cause damage to adjacent properties or roadways.

11. Underdrains shall be constructed where required to prevent damage to the roadway pavements and base.

12. Culverts under streets shall extend to the toe of any proposed fill. Bridges and box culverts shall be designed to carry the full right-of-way width.

13. No portion of any road shall drain in one direction more than 250 feet without catch basins on both sides of the road. In cases of extremely steep or flat grades and excessively large drainage areas, the Town Engineer may require installation of catch basins at lesser intervals. Catch basins shall also be located so as to eliminate, as much as practical, stormwater flow across intersections.

14. All catch basins shall be either Type "C" or "C-L" in accordance with the Standard Detail Drawing. All construction shall conform to the requirements of Form 814A, Section 5.07.

15. The hydraulic capacity and the required size and slope of storm sewer pipes and channels shall be established by using the Manning Equation. The friction coefficient for pipes shall be as recommended by the pipe manufacturer.

16. All storm drainage pipe and culverts shall be not less than 15 inches in diameter and shall be either Class IV reinforced concrete pipe (RCP) or corrugated polyethylene pipe (CPP) and shall conform to the requirements of Form 814A, Section 6.51 and 6.52. All installation and construction shall be to the line and grade indicated on submitted drawings, as required elsewhere herein and in accordance with Form 814A, Section 6.51 and 6.52. The minimum cover over all storm drainage within the right-of-way lines shall

be three (3) feet. Where conditions require, and the Commission allows pipe to be set with less cover, "extra-strength" Class V RCP shall be used, but in no case shall cover be less than 18". All pipe placed in areas subject to vehicular traffic loads shall be suitable to carry H-20 loadings.

17. Where bedding of the pipe is to be in unstable material, or where the gradient of the pipe exceeds 8%, ACCMP with a paved invert or ductile iron pipe shall be used in lieu of RCP. No pipe shall be laid on a gradient exceeding 10% unless measures are taken to prevent excessive scour and erosion of the pipe material.

18. The inlets and outlets of all drainage culverts shall be protected by concrete or mortared stone headwalls, endwalls, flared-end sections and, where necessary, appurtenant wingwalls. All endwalls shall conform to the requirements of Form 814A, Section 5.06, and the Standard Detail Drawing.

19. "Modified Riprap" conforming to the requirements of Form 814A, Section 7.03 and M12.02, shall be placed at inlets, outlets, in channel beds at bends or curves, as required by the Commission to prevent scouring, erosion and/or siltation of streams and culverts. "Standard Riprap" may be required in areas of high velocity flow in larger watercourses.

20. House and foundation drains shall in no case be permitted to discharge onto the highway surface. Such drains may be connected to storm drains wherever possible. All such drainage connections shall be made prior to construction of or be made so as to not cause damage to the bituminous concrete wearing surface.

21. Where water is encountered in the pipe trenches, or where the Town Engineer shall direct, storm drains shall be perforated CCP, and shall conform to the requirements of Form 814A, Section 7.51. In general, underdrains shall be installed on the uphill side of the road. Where additional underdrains are to be installed where no culverts are otherwise necessary, perforated CCP of not less than six (6) inches diameter may be used as the Town Engineer may authorize.

22. Construction details shall be submitted for approval by the Town Engineer prior to commencement of work for all bridges, culverts, storm sewers, headwalls, manholes, ditches, runoffs, and all other drainage facilities, except where said details are shown on the standard detail drawing.

23. All pipes and drainage structures shall be thoroughly cleaned before acceptance by the Town.

## **V. INSPECTIONS**

Certain minimum inspections shall be made by the Director of Public Works or its agent during the construction of the road. No work, initial or further, shall be commenced until each inspection is made and the progress of work to date approved. It is the responsibility of the developer to contact the Director of Public Works at least 48 hours in advance for inspection times, and should any additional work be done before the inspection and approval of preceding work, the Director of Public Works may, at their discretion, order the unauthorized work removed or uncovered for proper inspection of the preceding work. Inspection of the following stages of work is mandatory.

1. Installation of sedimentation and erosion control barriers.
2. At the completion of all storm drainage installations, and prior to backfilling or covering said installations.
3. At the completion of the formed subgrade.
4. At the completions of the rolled gravel base.
5. Notification shall be made to the Director of Public Works as to when paving operations shall be performed. Inspections may be made immediately prior to, during, and/or after pavement has been placed.
6. At the completion of curbing, installation, backfilling of curbing, grading of shoulders, and loaming and seeding of all disturbed areas as required by these regulations and the installation of monuments.

The Town or its authorized agent shall have free access to the construction work at all times and shall be deemed authorized to take material samples, corings and other tests as deemed necessary to determine compliance with the standards of these regulations.

## **VI. ADMINISTRATION**

1. Before final approval of the road by the Town and recommendation for acceptance by the Town of Prospect, the subdivider shall furnish "As-Built" drawings of the roadway, certified by a Registered Land Surveyor and drawn on plan-profile paper, showing the following:
  - a. A plan of the completed road, right-of-way, and all easements, at a scale of 1"=40', giving bearings and distances, widths of right-of-way and pavement, centerline stationing, curve data, locations of all storm drainage and other underground utility installation, monuments, etc.
  - b. A profile of the completed roadway centerline with invert elevations of drainage structures, sizes and slopes of pipe, centerline stationing, etc., at a scale of 1" = 40' horizontal and 1" = 4' vertical.
2. No drawing shall exceed twenty-four (24) inches by thirty-six (36) inches.
3. The developer shall also furnish an original certificate, signed and sealed by a Registered Land Surveyor, certifying that all monuments along the street line, and iron pins at lot corners in the case of a subdivision, as shown on the approved plan have been set in accordance with the dimensions as shown on said plans and in accordance with these regulations.

## **VII. BONDING**

1. All road construction shall be bonded in accordance with the procedure and requirements as outlined in the Prospect Subdivision Regulations.

## **VIII. MISCELLANEOUS PROVISIONS**

1. During all construction operations, proper conservation measures shall be taken to prevent the erosion or siltation of downstream or downhill property and unnecessary sedimentation on the property on which the construction is taking place. Such measures will be shown on the plans and may include, but not be limited to, the formation of sedimentation basins in streambeds, the establishment of earthen berms and baled hay barriers.

If such measures are not taken and siltation, erosion or sedimentation results in property damage, and if, upon notification by the Town that such conditions exist and the developer does not take immediate corrective action, the Town may order that all construction be suspended immediately until such time as said measures are taken.

2. All utilities shall be installed underground within the right-of-way. Any expense for said installations shall be the responsibility of the developer.

3. Street name signs of design and material approved by the Public Works Director shall be installed at all street intersections in locations approved by the Town prior to roadway acceptance.

4. Monuments shall be installed on the street line at all angle points, points of curve, points of tangency on both sides of the right-of-way and at such intermediate points as may be required by the Town Engineer. All monuments shall be of reinforced concrete or stone not less than three (3) feet long and four (4) inches square with a drill hole, cross or brass plug marking the center of the four (4) inch square, and shall be set flush with proposed finished grade.

5. If it shall appear during the course of construction of any new street or other improvements, that additional or extra work is necessary owing to unforeseen conditions such as, but not limited to, springs, ancient drains, high groundwater, side hill drainage from cuts, ledge rock or other conditions which were not apparent at the time of the approval, the Town, based upon a written report from the Town Engineer, may modify the terms and conditions of the approval so as to require such additional work to be done as may be necessary to conform to accepted road construction practice, and the Town may require the posted performance bond be increased accordingly.

6. During any road construction or excavation within the right-of-way of any Town street or highway, the developer shall provide suitable barricade, warning lights and traffic control to the satisfaction of the Town for vehicular and pedestrian safety.