

SUBDIVISION REGULATIONS

TOWN OF VOLUNTOWN, CONNECTICUT

Adopted Revisions – April 9, 2025

SECTION 1: TITLE, AUTHORITY, PURPOSE AND APPLICATION

1.1 **Title.** These rules and regulations of the Voluntown Planning and Zoning Commission shall be known and may be cited as the "Subdivision Regulations, Town of Voluntown, Connecticut," which herein are called "these Regulations."

1.2 **Authority.** Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning and Zoning Commission of the Town of Voluntown adopts the following Regulations controlling the subdivision and re-subdivision of land in the Town.

1.3 **Purpose.** The purposes of these Regulations are to promote and to insure the orderly development of land within the Town of Voluntown so that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision shall be made for water, drainage and sewerage; that property provision shall be made for protective flood control measures in areas contiguous to brooks, rivers, or other bodies of water subject to flooding; that proposed streets are properly constructed and arranged in harmony with existing principal thoroughfares or those shown on the Plan of Development for Voluntown, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that proper provision is made for open spaces, parks, and playgrounds; that proper provision is made for open spaces, parks, and playgrounds; that proper provision is made for sedimentation control, and the control of erosion caused by wind and water; that the layout of the subdivision promotes and enhances the use of solar and other forms of energy and energy conservation; to ensure for development consistent with soil types, terrain, infrastructure capacity, and the Plan of Conservation & Development of Voluntown; and to insure that subdivision improvements will be carried out without financial burden to the Town of Voluntown, in accordance with Section 8-25 of the Connecticut General Statutes, as amended

1.4 **Application of Regulations.** The Regulations contained herein shall apply to any owner or agent of owner of any land located within the Town of Voluntown, who, subsequent to the effective date of these Regulations, subdivides a tract or parcel of land or who effects a resubdivision of a tract of land as will be hereinafter defined. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease until a plan of subdivision, prepared in accordance with the requirements of these Regulations, has been approved by the Commission.

1.5 **Enacting Clause.** These Regulations were originally adopted by the Voluntown Planning Commission on March 8, 1972. Subsequent revisions were effective on December 5, 1973, June 1, 1983, February 23, 1985, July 10, 1985, and September 2, 1987, April 9, 2025, and as revision dated.

SECTION 2: DEFINITIONS

Applicant or Subdivider: Any person, firm, corporation, partnership, or agent for other who shall apply to the Commission for approval of a subdivision or resubdivision.

Application: A request for a subdivision or resubdivision, on a form prescribed by the Commission, accompanied by all supporting documentation, maps, and reports as may be required by the Commission.

Commission. The Planning and Zoning Commission of the Town of Voluntown.

Cul-de-Sac: A dead-end street having only one vehicular connection to another road.

Easement: A right established in deed or other legal means of a party or parties to use a designated portion of another party's land for a specific limited purpose.

Erosion & Sediment Control Plan: As defined in Section 22a-327 of the Connecticut General Statutes as amended.

Lot: One or more contiguous parcels of land under single ownership or control, to be used, developed, or built upon as a unit. Also known as "parcel" or "tract"

Plan, Final. The subdivision map, drawing or drawings, and related material prepared for approval by the Commission and filing in the Office of the Town Clerk.

Plan, Preliminary or Sketch: The drawings and all data as required by Section 4 of these Regulations indicating the proposed manner and layout of the proposed subdivision.

Resubdivision. A change in a map of an approved or recorded subdivision or resubdivision, if such change (a) affects any street layout shown on such map, or (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map, or as the definition, "resubdivision" is used in Chapter 126 of the Connecticut General Statutes, or as it may hereafter be amended by statute.

Street. An improved right-of-way accepted for public use by lawful procedure and suitable for two-way vehicular travel; or a proposed street shown on the subdivision plan under consideration or on one previously approved by the Commission.

Subdivision. The division of a tract or parcel of land in the Town of Voluntown into three (3) or more parts or lots made subsequent to March 8, 1972, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes re-subdivisions.

SECTION 3: GENERAL REQUIREMENTS AND PROCEDURES

3.1 **Application Submission.** Any person intending to subdivide land in the Town of Voluntown is urged to informally review their intentions with the Commission by submitting for discussion a pre-application site plan, as described in Section 4.1 and Section 7-159b of the Connecticut General Statutes. After discussing of the sketch plan, or, if no sketch plan is submitted, the applicant shall submit an application as prescribed in Section 4.3 to the Land Use Office in the Voluntown Town Hall. Three (3) hard copies of the plan, along with the completed application form and the required fee, in a hard-copy or electronic format as determined by the Town, shall be submitted. Application forms are available from the Land Use Office or the Town Clerk. (9/15/06)

3.1.1 The day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or the Town Clerk of such application or thirty-five (35) days after such submission, whichever is sooner.

3.1.2 The applicant is responsible for submitting a copy of the subdivision plan to the appropriate public water authority when it is the intention of the applicant to develop a well water supply on the basis of studies which indicates a maximum requirement in excess of fifty (50) gallons per minute, or when the tract to be subdivided contains fifty (50) acres or more and is intended to contain two (2) or more dwelling units to be served by a single water supply.

3.2 **Fees.** All applications shall be submitted with payment in a format acceptable to the Town, made payable to the Treasurer, Town of Voluntown. The amount of the fee shall be as listed below and is in addition to the charge required by Section 22a-27j of the Connecticut General Statutes. See fee Schedule in Zoning Office.

Public Hearing Fee: (Any application which results in a public hearing being scheduled such as application for re-subdivision, or change of Subdivision Regulation, or subdivision which is scheduled for public hearing as per Section 3.3 of these regulations)	\$450
PLUS	
Subdivision or Re-subdivision Plan	\$ \$250 whichever is greater

PLUS (if applicable) Applicants shall pay for the expense of additional technical review of applications, including but not limited to review by engineering, planning, and legal consultants to the Commission. For this expense, the Commission will prepare an estimate at the time of official receipt of application as defined by Connecticut General Statutes. The applicant shall deposit with the Town of Voluntown an amount equal to one hundred fifty percent (150%) of this estimate within 30 days of determination of estimate. The costs incurred by consultants during technical review of the application will be drawn against this deposit. In the case of Affordable or Incentive Housing applications submitted under the auspices of CGS Section 8-30g or 8-13m-x, the deposit requirement may, at the Commission's discretion, be reduced to one hundred percent (100%) of the estimate.

Upon completion of the additional technical review and final action by the Commission on the application, including post approval functions, the Town shall determine all costs incurred for technical review and shall refund the excess monies, without interest, to the applicant. Applicants shall not be responsible for costs incurred for technical review which exceed one hundred fifty percent (150%) of the Commission's estimate. No base fees shall be refunded unless the function for which the base fee is charged is not performed.

PLUS (if applicable)

Inspection of Sedimentation & Erosion Control measures	\$30 per lot plus \$30.00 for each acre of disturbed area excluding lot
State of Connecticut Land Use Fee Surcharge	\$60 (as may be amended)

*Site Improvements, for the purposes of these regulations, includes but is not limited to the construction of water and sewer lines, the setting aside of open space and recreation areas, planting of trees or other landscaping, the installation of retaining walls or other structures.

3.3 Hearing. The Commission may hold a public hearing regarding any subdivision proposal within sixty-five (65) days after receipt thereof, if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be approved by the Commission without a public hearing. Notice of a hearing shall be published in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of the hearing, and by sending a copy thereof by registered or certified mail to the applicant. The hearing shall be completed within thirty-five (35) days after it commences.

3.4 Regional Council of Governments Referral. Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the Regional Council(s) of Governments in which it and the other municipality are located. Such notice shall be made by mail or electronic submission, not later than thirty (30) days before the public hearing. The Regional Council(s) of Governments shall, within thirty (30) days, report to the Commission its findings on the intermunicipal aspects of the proposed subdivision. If such report is not submitted within thirty (30) days after the referral from the Commission, it shall be presumed that the Agency does not disapprove of the proposed subdivision. The Regional Planning Agency's report shall be purely advisory.

3.5 Wetlands Referrals. If an application includes land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Voluntown Inland Wetlands Commission no later than the day the application is filed for the subdivision. The Commission shall not render a decision until the Inland Wetlands Commission has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Inland Wetlands Commission.

3.6 Action by the Commission. The Commission shall vote to approve, modify and approve, or disapprove any subdivision/resubdivision application or maps and plans submitted therewith within sixty-five (65) days after the public hearing thereon, or, if no public hearing is held, within sixty-five (65) days after the day or receipt thereof. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant by its secretary or clerk, under his or her signature within fifteen (15) days after such decision has been rendered. The failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand. The applicant may consent to one (1) or more extensions of any period specified in this section, provided all such extensions shall not be longer than sixty-five (65) days, or may withdraw such application. The grounds for the action of the Commission shall be stated in the records of the Commission.

3.7 Posting of Bonds. Prior to endorsement of the final plan, the Commission shall accept from the applicant a performance bond from a bonding company licensed to conduct business in Connecticut, or other surety with conditions satisfactory to the Commission, including cash or letters of credit, securing to the Town of Voluntown the actual construction and installation of all improvements as required by these Regulations, including the construction of streets, drainage features, street signs, the installation of monuments and markets, the grading and improvement of recreation facilities, clean up of the premises and measures to be taken to control soil erosion and sedimentation likely to occur from the proposed subdivision. The amount of the bond shall be estimated by the applicant who shall provide the Commission with the basis for the estimate. The Commission shall review the estimate with the Public Works Director prior to approving the amount of the bond.

3.7.1 The bond shall be accepted by the Commission and deposited with the Town Treasurer until its release is voted by the Commission. The bond shall not be released until improvements have been completed, until as-built plans are submitted to the Commission, and, where new streets are involved, until such streets are certified as completed by the Public Works Director. Before release of the performance bond, a maintenance bond shall be submitted which shall be in an amount equal to ten percent (10%) of the original bond amount for public improvements and site stabilization, and which shall be retained by the Town for one (1) year. The purpose of the maintenance bond is to guarantee correction of any construction failures related to the subdivision.

3.8 Endorsement of the Plan. If the Commission votes to approve a plan or modify and approve a plan, its approval with the date thereof, shall be endorsed and signed by the Chairman or Secretary of the Commission in the space provided for such purpose on each sheet of a copy of the plan printed on polyethylene film (mylar or equivalent) provided by the applicant after the posting of a bond as outlined in Section 3.7 above. In addition to the polyethylene copy of the plan, the applicant shall provide three (3) paper copies and an electronic file of the endorsed plan.

3.8.1 The Chairman or Secretary of the Commission shall, when endorsing the plan, indicate on the plan the date of endorsement and the date by which all improvements shown on the plan shall be

completed, as required in Section 3.10 below. The plan shall be filed promptly after the fifteen-day period, which period commences on the date of publication of the Commission's action to approve the plan.

3.9 Filing the Plan. The endorsed polyethylene copy of the plan shall be filed by the applicant in the office of the Voluntown Town Clerk and any plan not so filed within ninety (90) days of the expiration of the appeal period under section 8-8 of the Connecticut General Statutes, or in the case of an appeal, within ninety days of the termination of such appeal, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the commission may extend the time for such filing for two (2) additional periods of ninety days and the plan shall remain valid until the expiration of such extended time. All such plans shall be delivered to the applicant for filing or recording not less than thirty days after the time for taking an appeal from the action of the commission has elapsed, and in the event of an appeal, not less than thirty days after the termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant. No such plan shall be recorded or filed by the town clerk or district clerk or other officer authorized to record or file plans until its approval has been endorsed thereon by the chairman or secretary of the commission, and the filing or recording of a subdivision plan without such approval shall be void. Prior to endorsement the applicant shall obtain the appropriate street addresses from the town assessor and utilize them on the final mylar.

3.10 Time Limit on Completion. Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the Commission's vote to approve the plan for such subdivision, which completion date shall be noted on the plan by the Chairman or Secretary of the Commission at the time of endorsement of the approved plan.

3.10.1 Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such plan, provided the Commission shall file on the land records of the Town of Voluntown notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the Town Clerk, and no additional lots shall be conveyed in the subdivision by the subdivider except with approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five (5) year period, the Commission shall call the bond or other surety on said subdivision to the extent necessary to complete the work required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approval of the plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electrical services, planting of trees or other landscaping, and installation of retaining walls or other structures.

3.10.2 The subdivider or his successor in interest may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions under this subsection shall not exceed the maximum time from the date the subdivision was approved as provided by State Statutes. If the Commission grants an extension of an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety furnished under section 8-25 of the Connecticut General Statutes, securing to the municipality the actual completion of work.

3.11 Land Deeded to Town. The applicant shall submit a "Certificate of Title" acceptable to the Commission and Town Attorney prior to the conveyance of any land to the Town.

SECTION 4: PLAN CONTENTS

4.1 Pre-Application Sketch Plan. The pre-application sketch plan is a general layout of a proposed subdivision submitted by the subdivider for informal consideration by the Commission prior to a formal submission of an application for approval. A pre-application sketch plan shall not be required prior to submission of a formal application, but applicants are encouraged to preview potential subdivision requests with the Commission before formal submission of an application to ensure that basic requirements can be met prior to incurring engineering, application and legal fees involved with submission of an application and plan. It should be clearly understood that the pre-application sketch plan enjoys no official status and that consent with regard to feasibility of the pre-application sketch plan on the part of the Commission in no way predicates approval of the required plan. A pre-application sketch plan is encouraged in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but is at the sole discretion of the applicant.

4.2 Contents of the Pre-Application Sketch Plan. The pre-application sketch plan should be drawn/presented at a suitable scale which will show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Final Plan. The pre-application sketch plan should show:

- 4.2.1 The subdivision name, boundaries, true north point, date, scale.
- 4.2.2 The names and address of record owner and the applicant.
- 4.2.3 All major site features such as existing streams, waterbodies, known wetlands areas, stone walls, fences, large trees, rock ridges, outcroppings.
- 4.2.4 The names, approximate location of existing adjacent streets and proposed streets.
- 4.2.5 The total site area, the total number of proposed lots, the general configuration of the proposed lot boundary lines and approximate area of each proposed lot.

4.3 Contents of the Required Plan. The following requirements shall be met at the time of submission of an application for a subdivision.

- 4.3.1 The subdivider shall submit a completed application form and three (3) copies of the plan prepared by a licensed land surveyor, reproduced by black and white print or similar process, for use of the Commission on sheets no larger than 24' x 36" and at a scale approved by the Commission but not less than 100' x 1". Formal subdivision plans shall be prepared by a surveyor to A2/T2 accuracy standards.

Said plan shall contain the following:

- a. Name of owner of land or record.
- b. Name of subdivision, if any.
- c. Name and certificate of licensed land surveyor and seal of civil engineer, soil scientist, or landscape architect licensed in the State of Connecticut, as applicable. If the subdivision includes construction of features such as roads, sidewalks, drainage or retaining walls, such plans shall be sealed by a licensed civil engineer.
- d. North arrow, scale of map, original datum, and date of all revisions.
- e. Boundary lines of subdivision with accurate distance and bearings.

- f. Names and addresses of abutting property owners.
- g. Layouts of lots, showing for each lot the total area in square feet, accurate bearings, dimensions, angles, and building lines; and the locations of the monuments or markers indicating the lot boundaries.
- h. The location of existing and proposed streets and street monuments.
- i. Profiles of proposed new streets, and locations of existing and proposed easements, rights-of-way, including those for utilities, drainage, sight-lines, grading, or for parks, playgrounds, or other common separate uses.
- j. Accurate bearings and dimensions and the arc length, radii, and central angles of all new street curves.
- k. The location of all proposed and existing wells and sewerage disposal systems on each lot and so far as can be determined, on abutting land.
- l. Contours of the land to be subdivided in sufficient detail to show general topography, watercourses, and drains. Contours shall be shown at not more than five-foot (5') intervals, with two-foot (2') intervals preferred. If grading of lots is to be carried out by the subdivider, the finished grade shall also be shown.
- m. The locations and sizes of all existing and proposed utilities, including power/data, sewers, catch basins, manholes, bridges, and culverts, with invert elevations of all drainage structures.
- n. Location, as identified by a soil scientist, of all wetlands, watercourses, land subject to flooding, ledge outcroppings, or, in general, features that add to the attractiveness of the property including trees in excess of two (2') feet in diameter (dbh), stone walls, and architecturally and/or historically significant buildings.
- o. A place for the approval by the Voluntown Planning and Zoning Commission Chairman or Secretary, with approval date, ands the date by which all improvements will be completed.
- p. A general locational map at a scale not smaller than 1" = 1,000' which shall show the location of the proposed subdivision in relation to surrounding streets and other features.
- q. An indication of the zoning district in which the proposed subdivision is located.
- r. The conceptual layout (including proposed grading) of houses, septic systems, driveways and wells for proposed subdivision lots.
- s. Location and proposed disposition of any open space or conservation land, as applicable
- t. Location and data for all deep test pits and percolation testing.

4.4 Erosion and Sediment (E&S) Control Plan. Whenever plans for a subdivision show construction of improvements or buildings related to the subdivision that will result in the disturbance of land, the applicant will submit, as part of the subdivision plan, an E&S Control Plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S Plan shall be based on the most current "Connecticut Guidelines for Soil Erosion and Sediment Control," as published by the Connecticut Department of Energy & Environmental Protection.

4.4.1 The E&S Control Plan shall include the following:

- a. A description of the project and a schedule of the major activities proposed on the land.
- b. Locations of areas to be cleared of vegetation.
- c. Locations of acres to be regraded and contour data indicating existing and proposed grades.
- d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.

- f. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
- g. A description of procedures to be followed to maintain sediment control measures.
- h. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the Voluntown Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.

4.4.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. A vote of the Commission to approve a subdivision plan shall imply approval of the E&S plan as well.

4.4.3 The Commission, through its members, agents, and consultants, may periodically inspect construction projects for which E&S plans have been certified to verify that erosion and sediment controls are consistent with the certified plan.

4.4.4 The performance bond required for public improvements in connection with the proposed subdivision, if any, shall be required to be sufficient to cover the costs of accomplishing the E&S control measures. If no public improvements are proposed, the Commission may choose to require individual E&S bonds on development lots at the time of construction permitting.

4.5 **Water and Sewerage Report.** Before approval of the subdivision, a written report endorsed by the Town Health Officer, shall be submitted to the Commission concerning the adequacy of plans for proposed private sewage disposal facilities and water supply. Adequacy of plans for subsurface sewage disposal shall be based on deep test pits and percolation tests conducted in manner and number satisfactory to the Health Officer and the Commission, but in no case shall the number of deep test pits be less than one (1) for every proposed lot in the proposed subdivision. The Health Officer shall be given sufficient notice of the time of such tests to enable him to be present when they are made. Copies of all test pit and percolation test logs shall be submitted to the Commission before final approval of the subdivision and locations of such tests shall be shown on the plan of subdivision. Where results of such tests indicate a need for larger lots because of sewage disposal requirements, final approval will not be granted until such larger lots as required are shown on the map. All installations of private sewage disposal systems shall conform with the standards and requirements of the Connecticut State Department of Public Health. If a public water supply is planned, a letter from the appropriate public water authority stating that the water plan for the proposed subdivision is acceptable shall be submitted to the Commission.

4.6 **Water Company Expansions.** No plan shall be approved by the Commission that involves the construction or expansion of a water company serving not less than fifteen (15) service connections or twenty-five (25) persons nor more than two hundred fifty (250) service connections or one thousand (1,000) persons unless such water company has been issued a Certificate of Public Convenience and Necessity by the Connecticut Department of Public Health, as required by Connecticut General Statute Section 16-262m.

4.7 **State Highway Department Report.** If the subdivision will result in new street or driveway access to a state highway, the applicant shall acquire, prior to the issuance of any building permits, a written report from the Connecticut Department of Transportation indicating that the highway access plans are satisfactory or identifying those measures required to provide satisfactory access to the state highway.

SECTION 5: SUBDIVISION DESIGN REQUIREMENTS

5.1 **Lots.** Proposed building lots shall be designed and arranged to make the best use of the natural terrain, avoiding unnecessary regrading and to preserve trees and woods. In order to control the possibility of danger to health or public safety, particularly with respect to water, drainage and sewerage, the shape of the proposed building lots shall be of reasonable proportion in relation to the lot area minimum required by the Zoning Regulations or to the size of any larger lot, if required.

5.1.1 All lots shall front on a public or private street. Lots shall be generally rectangular in shape and side lot lines shall be generally perpendicular to the street on which the lot fronts or radial to curved street lines, except where prevented by topography or existing property lines, and excessively deep or irregularly-shaped lots shall be avoided.

5.2 **Streets.** No subdivision of land requiring the layout and establishment of new streets shall be made unless the proposed layout of new streets is in harmony with existing or proposed streets, particularly in regard to safe intersections, and so arranged as to provide an adequate and convenient system for present and prospective traffic and maintenance needs. The following general design standards shall apply to all proposed streets in a subdivision.

5.2.1 **Street Widths** - Streets shall be centered in the right-of-way to the greatest extent possible and designed with a minimum right-of-way of 50 feet, in accordance with these regulations.

5.2.2 Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations the subdivider shall dedicate to the Town of Voluntown all land within a minimum of twenty-five (25) feet from the centerline of the traveled portion of existing roads and streets and this shall be so noted on the map presented to the Commission for approval. Additionally, the subdivider may be required to make such improvements within the right-of-way of the street as deemed appropriate by the Commission to provide for the safe movement of traffic and protect abutting properties from water runoff.

5.3 **Reserve Strip.** No reserve strip controlling access to adjoining properties or to land dedicated, or to be dedicated to public use, including open spaces, parks, playgrounds, or public ways will be permitted.

5.4 **Flooding Considerations.** Any development activities within Special Flood Hazard Areas as shown on the most-recently published Flood Insurance Rate Maps must be conducted in accordance with the Voluntown “Flood Damage Prevention Ordinance” and these regulations. The Commission shall determine that proposed subdivisions are reasonably safe from flooding. When a subdivision is proposed in an A or AE Zone on the Town's Flood Insurance Rate Map, it shall be reviewed to assure the following:

5.4.1 All proposals are consistent with the need to minimize flood damage within the flood-prone areas.

5.4.2 All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

5.4.3 Adequate drainage is provided to reduce exposure to flood hazards.

5.4.4 New and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into the systems.

5.4.5 New and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems or discharges from the systems into flood waters.

5.4.6 On-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.

5.4.7 When the subdivision includes any portion of a watercourse that is located within an A or AE Zone on the Flood Insurance Rate Map for Voluntown and the subdivision would result in the alteration or relocation of that watercourse, the applicant shall submit a hydrological design by a registered professional engineer that indicates that the flood-carrying capacity of the watercourse will not be impaired by any construction or additional runoff resulting from the subdivision.

5.4.8 In any Special Flood Hazard Area, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots whichever occurs first.

5.5 Solar Access. The applicant shall demonstrate to the Commission that they have considered, in developing the plan, using passive solar energy techniques which (a) maximize solar heat gain; (b) minimize heat loss and preserve any opportunity for providing thermal storage within buildings during the heating season; (c) minimize heat gain and preserve any opportunity for achieving natural ventilation during the cooling season. Such techniques shall include, but not be limited to, house orientation, street and lot layout, vegetation, natural and manmade topographical features, and protection of solar access within the subdivision.

5.6 Fire Wells and Ponds. The applicant shall demonstrate the availability or the access to sufficient fire protection resources proximate to the property. Where, in the opinion of the Commission (following consultation with the Fire Marshal), a fire well, dry hydrant, cistern, or pond is deemed necessary and is in accordance with the policies and intent of these regulations, such facility shall be installed at the expense of the developer and the cost of such shall be included in the bond.

5.7 References. The State of Connecticut, Department of Transportation's "Standard Specifications for Road, Bridges and Incidental Construction", Form 814A (or latest edition and any subsequent amendments or issues), shall be considered part of these regulations as referenced. Engineers and contractors working on projects in the Town of Voluntown shall be expected to have a copy available for their reference.

5.8 Standard Drawings.

- 1) Typical street cross-section layout
- 2) Typical cul-de-sac layout
- 3) Details of proposed drainage structures

The above standard drawings are located at the end of these regulations and are intended as guidance in the interpretation of the roadway design criteria of these regulations.

SECTION 6: SUBDIVISION IMPROVEMENTS

6.1 **Monuments and Markers.** Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points as shown on the plan and in locations, in the opinion of the Commission, permanent monuments are necessary.

6.1.1 Street monuments shall be made of granite or concrete and shall be thirty (30") inches in length dressed to four (4") inches square at the top with a three-eighth (3/8") inch drilled hole in the center, shall be set at least four (4") inches above finish grade as shown on the plan. One monument meeting these specifications shall also be placed on at least one (1) front corner of each lot.

6.1.2 No permanent monuments shall be installed until all construction which could destroy or disturb the monuments is completed.

6.1.3 Lot markers shall be permanent pipe markers at least thirty-six (36") inches long installed at least six (6") inches above finish grade at all points of direction change on each lot shown on the plan, except on one (1) front corner of each lot where a lot monument as described above shall be required.

6.2 **Streets.** All street improvements shall be designed and constructed in accordance with these regulations and the standards and requirements of the Town of Voluntown Road Ordinance.

6.2.1 All proposed streets shall connect with one (1) or more approved Town streets or State highways, except that any part of a subdivision containing more than (20) residential lots shall be accessible from at least two directions.

6.2.2 Streets shall be laid out to provide connections with existing streets on adjacent properties, where possible. Consideration shall be given to connecting with future streets on adjacent property where future subdivision appears feasible.

6.2.3 All new streets shall have a minimum right-of-way width of fifty (50) feet which shall be deeded to the Town of Voluntown in fee simple by warranty deed, free of all encumbrances and certified by an attorney. The paved wearing surface shall be a minimum of twenty-four (24) feet as measured between the curb backs.

6.2.4 A dead-end street shall be provided with a circular turn-around area at the closed end having a radius of at least fifty (50) feet, of which forty (40) feet is paved. A dead-end street shall not exceed 1,000 feet in length unless it is of a temporary nature and is planned for extension and can reasonably be expected to connect with an existing or proposed road on adjoining land.

6.2.5 Curvilinear street arrangements which follow the contour of the natural terrain shall be used where practicable in preference to street patterns which follow the slope, in order to improve the control of storm water runoff and to facilitate bad weather driving conditions.

6.2.6 Intersections. Intersections of subcollector, local, and minor roads shall be spaced a minimum of one hundred and fifty feet (150') apart, measured from the points of intersection of the centerline. Intersections of arterial and collector streets shall be spaced as deemed necessary by the Commission and the Connecticut Department of Transportation, as applicable. Streets intersecting on opposite sides of a street shall intersect exactly opposite one another or shall have the minimum spacing required above.

6.2.7 Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations, the applicant shall be required to deed sufficient land to the Town of Voluntown to permit widening of the street and shall be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety.

6.2.8 No duplication of street names is permitted except where a proposed street extends an existing street. The Commission shall approve all street names.

6.2.9 New streets shall be arranged, to the extent possible, in a manner that allows lots fronting on them to provide maximum opportunity for future buildings to use the sun for active and passive solar energy and heating systems.

6.3 Sidewalks

6.3.1 Sidewalks shall be installed by the applicant along one (1) of the outer edges of each street right-of-way with any subdivision constructing a new street or streets, unless the Commission determines that such a requirement would be detrimental to public safety due to characteristics of the site and/or surrounding properties as per Section 8 of these Regulations.

6.3.2 All sidewalks shall be constructed in accordance with the requirements of the Town of Voluntown Road Ordinance.

6.4 **Inspection of Improvements.** The work of constructing any street or any stormwater or surface water drainage installation shall be subject in all respects to the inspection and approval of the authorized officials of the Town of Voluntown having proper jurisdiction.

Prior to any actual construction work undertaken on the installation of any required improvement, the applicant shall notify the Director of Public Works.

SECTION 7: DEDICATIONS AND RESERVATIONS

7.1 Land for Open Space and Recreation. The Commission may require land for open spaces, parks or playgrounds when and in locations it deems proper. Each area reserved for such purpose shall be suitable in area, dimensions, topography, and natural character for the purposes of a park, playground, or open space. The Commission may require that the area or areas so reserved shall be located and laid out to be used in conjunction with similar areas of adjoining subdivisions or of probable future subdivisions. The total amount of area to be reserved for open space, parks and playgrounds shall not be less than one (1) acre per twenty (20) lots or a minimum of ten percent (10%) of the gross site, except by mutual agreement between the applicant and the Commission. Any land so reserved shall be graded to properly dispose of surface water unless specifically designed to hold impounded water and shall be left in condition for the purpose and intent as required by the Commission. The disposition of such area shall be subject to approval of the Commission and shall be as follows:

7.1.1 The open spaces shall either be conveyed by warranty deed to the Town of Voluntown after all improvements have been completed, or

7.1.2 The open spaces may be conveyed by warranty deed to a homeowners association within the subdivision upon such terms and conditions as specified by the Town of Voluntown for the protection of the public welfare and assured continued use for the purpose to which it was dedicated or reserved. If open space areas are to be conveyed in such a manner, a copy of the bylaws of the homeowners association and the covenants of the warranty deed guaranteeing right to full use and maintenance by the members of the homeowners association shall be submitted as part of the application for subdivision and in a form reasonably acceptable to the Town attorney, or

7.1.3 The open spaces may be conveyed by warranty deed to a conservation land trust suitable to the Commission.

7.2 Easements. Easements for utilities which cross lots shall be placed along rear or side lot lines and shall be at least twelve (12') feet wide.

7.2.1 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Commission may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream, and to provide for construction of any features needed to contain such drainage.

7.3 Fee in Lieu of Land for Open Space, Parks and Playgrounds. The Commission may require the applicant to pay a fee to the Town of Voluntown or pay a fee and transfer land to the Town of Voluntown in lieu of providing open spaces, parks and playgrounds.

7.3.1 Such payment or combination of payment and the fair market value transferred shall be equal to ten (10) percent of the fair market value as undeveloped land of the land to be subdivided prior to the approval of the subdivision.

7.3.2 The fair market value shall be determined jointly by the applicant and the Commission. The applicant shall submit the names of three appraisers doing business in New London County. The Commission shall select one of the three to conduct the appraisal of the land to be subdivided. The costs of the appraisal shall be borne by the applicant.

7.3.4 A fraction of such payment, the numerator of which is one and the denominator of which is the

number of approved parcels in the subdivision, shall be made at the time of the sale of each approved parcel of land in the subdivision.

7.3.5 Said payment shall be deposited with the Treasurer of the Town of Voluntown in a fund which shall be used by the Town of Voluntown for the purposes of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

7.4 **Exemptions from Open Space and Recreation Land Requirements.** The open space and recreation land requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a 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 Connecticut General Statutes, equal to twenty percent or more of the total housing units to be constructed in such subdivision.

SECTION 8: WAIVERS

8.1 **Conditions for Waivers.** The Commission may waive certain requirements of these Regulations in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. No waiver shall be granted unless one or more of the following conditions exist:

8.1.1 The proposed subdivision includes land in a neighboring municipality.

8.1.2 Strict adherence to the requirements of these Regulations would result in the alteration or destruction of a significant or unique natural feature, such as a large tree, a watercourse, a wetland or a rock formation.

8.1.3 Strict adherence to the requirements of these Regulations would result in significant alteration of the natural land contour in a manner that would aggravate natural drainage or cause erosion and sedimentation problems that would be difficult to control or correct.

8.1.4 Strict adherence to the requirements of these Regulations would place a substantial limitation on the development potential of the property.

8.2 **Vote Requirements.** A waiver may be granted only by a three-quarters vote of all the members of the Commission. With a five-member Commission, a waiver requires four affirmative votes.

8.3 **Recording.** The Commission shall state upon its records the reasons for which a waiver is granted in each case.

SECTION 9: VIOLATIONS AND PENALTIES

9.1 Any person, firm, or corporation making any subdivision of land without the approval of the Planning and Zoning Commission of the Town of Voluntown shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided. Said penalty is pursuant to Section 8-25 of the Connecticut General Statutes, as amended.

SECTION 10: SEPARABILITY

10.1 If any section, subsection, sentence, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Regulations.

SECTION 11: AMENDMENTS

11.1 These Regulations may be amended from time to time in accordance with the procedures specified in Section 8-25, Chapter 126 of the General Statutes 1958 Revision, as amended.

SUBDIVISION APPLICATION

PLANNING & ZONING COMMISSION
Town of Voluntown,
115 Main Street
Voluntown, Connecticut 06384

Date of Submission: _____ **Application Number:** _____

Application Fee Paid: _____ **D.E.E.P. Fee (See Zoning Office)** _____

Type of Application:

Subdivision Resubdivision Regulation change

Name, address and phone number of applicant:

Name, address and phone number of property owner: (if different than above)

Location of property: _____

Total area to be subdivided: _____ **acres**

Number of new lots proposed: _____

Length of new street(s) proposed: _____

If new Street(s) are proposed the requirements of the Town of Voluntown Subdivision Regulations and the Town of Voluntown Road Ordinance are applicable. An applicant should consult both documents. Complete sets of plans shall be submitted to both the Planning & Zoning Commission and the Board of Selectman for review and permit.

Signature of Applicant/or Agent _____ **Date** _____

COMMISSION ACTION: **APPROVED** **DENIED** **DATE:** _____

Conditions: _____

INITIALED: _____