

SUBDIVISION REGULATIONS
OF THE
CITY OF DERBY, CONNECTICUT

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SECTION 1 - GENERAL PROVISIONS

- 1.1 Regulation: These Regulations shall apply to the subdivision and resubdivision of land within the City of Derby. Any subdivision or resubdivision of land within the City of Derby shall conform to the requirements of these Regulations. No subdivision or resubdivision of land shall be made by any person, firm or corporation until a map for such subdivision or resubdivision has been submitted to and approved by the Derby Municipal Planning Commission and has been endorsed by the Commission and filed in the Office of the Derby Town Clerk.
- 1.2 Previous Regulations: These Regulations are the amended Subdivision Regulations of the City of Derby, adopted by the Derby Municipal Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes. These Regulations supersede regulations previously in effect and adopted on ~~February 5, 1968~~.
- 1.3 Definitions: Certain words used in these Regulations are defined and explained as follows:
- 1.3.1 Applicant: The term "applicant" refers to the person, firm or corporation proposing a subdivision or resubdivision.
- 1.3.2 Base Flood Elevation, Regulated Floodway and Special Flood Hazard Area: The terms "Base Flood Elevation", "Regulated Floodway" and "Special Flood Hazard Area" as used in these Regulations are defined in an Ordinance Concerning Flood Plain Management as follows:
- a. Base Flood Elevation means the water surface elevation of a flood having a one percent (1%) chance of being equalled or exceeded in any given year.
 - b. Regulated Floodway means the natural stream channel of the Housatonic River and Naugatuck River where located in the City of Derby, as determined by the Federal Insurance Administrator of the U. S. Department of Housing and Urban Development.
 - c. Special Flood Hazard Area means the area located within the "base flood elevation"; "Special Flood Hazard Areas" are delineated as Zone A and Zone A-13 on a map entitled "Flood Insurance Rate Map, City of Derby, Connecticut, New Haven County", effective September 15, 1977, issued by the Federal Insurance Administrator as may from time to time be amended and adopted by the Board of Aldermen.
- 1.3.3 Commission: The term "Commission" refers to the Derby Municipal Planning Commission.

1.3.4 Subdivision and Resubdivision: Requirements applicable to subdivisions shall also apply to resubdivisions. The terms "subdivision" and "resubdivision" as used in these Regulations are defined in Chapter 126 of the Connecticut General Statutes as follows:

- a. Subdivision means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.
- b. Resubdivision means 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.

1.4 Procedure: The Commission, in reviewing any proposed subdivision or resubdivision, and the person, firm or corporation proposing a subdivision or resubdivision, shall follow the procedures hereinafter specified. The Commission shall not approve any subdivision or resubdivision unless it conforms to the standards hereinafter specified. The Commission may from time to time by resolution, adopt forms, policies and procedures for the administration of these Regulations.

1.5 Approval: All subdivisions or resubdivisions shall be approved only by ~~majority vote~~ of the entire membership of the Commission. Approval may be granted subject to conditions and safeguards necessary to carry out the letter and the purpose and intent of these Regulations and to protect the public health, safety and welfare and property values. No map of a subdivision or resubdivision shall be endorsed by the Commission to permit filing in the Office of the Derby Town Clerk until all conditions of approval have been met and the time for taking an appeal as specified in Sec. 8-28 of the Connecticut General Statutes has elapsed or in the event of an appeal, upon termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. Upon such endorsement, the Commission shall deliver the map to the applicant. The date of such delivery shall be considered the date of commencement of the 90 day period, specified in Sec. 8-25 of Chapter 126 of the Connecticut General Statutes, within which the map shall have been filed in the Office of the Derby Town Clerk.

1.6 Authorization of Construction: Construction and installation of roads, drainage, sewers and other improvements to comply with the requirements of these Regulations shall not be deemed authorized and shall not be commenced until the proposed subdivision or resubdivision has been approved by the Commission.

- 1.7 Maps and Plan Approval: All applications, maps, plans, documents and data required by these Regulations in connection with a proposed subdivision or resubdivision shall be subject to the approval of the Commission.
- 1.8 Other Laws: These Regulations are in addition to and do not supersede other laws, ordinances or regulations governing the development of land and buildings.
- 1.9 Penalties: Any person, firm or corporation making any subdivision or resubdivision of land after the adoption of these Regulations without the approval of the Commission is subject to penalties provided in the General Statutes of the State of Connecticut. Chapter 126 of the Connecticut General Statutes specifies that any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than two hundred dollars for each lot sold or offered for sale or so subdivided. The City of Derby may seek other lawful remedies to uphold the purpose and intent of these Regulations.

SECTION 2 - APPLICATION REQUIREMENTS AND PROCEDURE

- 2.1** Presentations: All applications, maps, plans, documents and data required by these Regulations shall be submitted by mail or by hand to the Commission at the Office of the Derby City Clerk in the City Hall. Such materials shall be considered received on the day of the next Regular Meeting of the Commission immediately following the day of submission at the Office of the City Clerk, or 35 days after such submission, whichever is sooner.
- 2.2** Informal Consideration: The Commission recommends that, prior to submission of a formal application for approval of a subdivision or resubdivision, the applicant prepare and present a preliminary plan of the subdivision or resubdivision for informal consideration by the Commission. Presentation of a preliminary plan is recommended to facilitate general consideration of factors and problems affecting development of the land to be subdivided or resubdivided before the applicant proceeds with formal application and the preparation of final maps, plans and documents required for formal consideration by the Commission. If the plan is presented in preliminary rather than final form, any alterations or changes recommended by the Commission may be made more readily and economically by the applicant. Neither the preliminary plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivisions or resubdivisions of land under the provisions of the General Statutes of the State of Connecticut. Neither the preliminary plan nor the informal consideration by the Commission shall be deemed to constitute part of the official procedure described in Chapter 126, Sections 8-28a and 8-28b of the 1958 Supplement to the General Statutes of the State of Connecticut.
- 2.2.1** Preliminary Plan: The preliminary plan should show sufficient information to allow the Commission to make a general planning review under the standards of these Regulations. The Commission recommends that the preliminary plan meet the standards for a SITE DEVELOPMENT PLAN under Paragraph 2.3.3.
- 2.2.2** Review: The Commission will hold an informal discussion with the applicant and will recommend any changes or improvements in the plan in order to guide the applicant in preparing maps and plans for formal application.
- 2.3** Application Requirements: In order to make formal application for approval of a subdivision or resubdivision, the applicant shall submit the following:
- 2.3.1** Application and Notice to Adjacent Owners: Application for approval of a subdivision or resubdivision shall be made to the Commission in writing on forms prescribed by the Commission and signed by the applicant or his lawful agent; if the applicant is not the owner of

the land to be subdivided or resubdivided, the application shall also be signed by the owner or his lawful agent. The applicant shall provide evidence that notice of pendency of the application has been given to the owners of all property adjacent to and across the street from the tract proposed to be subdivided, which notice and evidence shall consist of no less than the following:

- a. a list of the names and mailing address of all owners of property adjacent to and across the street from the tract as listed in the current Assessor's records of the City;
- b. transmittal to each such owner of a copy of the completed and signed application form; and
- c. evidence of such transmittal consisting of receipts signed by such owners (or signatures on a receipt list) or the return receipts from U. S. Postal Service Certified Mail.

Such evidence of notice shall accompany the application when submitted.

2.3.2 Application Fee: An application fee of \$25.00 for each lot shown on the SUBDIVISION MAP shall accompany the application, but in any event the minimum fee for each application shall be not less than \$50.00. All application fees shall be made payable to the City of Derby. Upon approval by resolution of the Commission, no application fee is required for a) the resubmission of an application disapproved by the Commission within the previous 90 days or b) submission of a revision of a previously approved subdivision when such revision does not constitute a resubdivision.

2.3.3 Site Development Plan: A SITE DEVELOPMENT PLAN shall be submitted with the application. Six (6) blue line or black line prints shall be submitted. The PLAN shall show the layout of lots, streets, utilities and contours in accordance with the policy of the Commission for map specifications. ~~NO SITE DEVELOPMENT PLAN~~, however, is required in the following cases unless requested by resolution of the Commission:

- a. a resubdivision;
- b. a subdivision of lots fronting on an existing street; or
- c. when a preliminary plan has been submitted under Paragraph 2.2.1 meeting the specifications for a SITE DEVELOPMENT PLAN.

2.3.4 Subdivision Map: A SUBDIVISION MAP shall be submitted with the application. Six (6) blue line or black line prints shall be submitted. The MAP shall show the surveyed layout of lots and streets in accordance with the policy of the Commission for map specifications.

2.3.5 Construction Plans: Construction plans, including plan-profile drawings, for any proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, water mains, gas mains and other structures and underground utilities shall be submitted with the application. Six (6) blue line or black line prints shall be submitted. The plans shall show proposed construction in accordance with the policy of the Commission for map specifications.

*2.3.6 Soil Erosion and Sediment Control Plan: If the subdivision or resubdivision involves construction of streets, drainage and other improvements or a Grading Plan as provided in Par. 2.4.1, or otherwise involves a "disturbed area" of one half ($\frac{1}{2}$) acre or more, six (6) copies of a Soil Erosion and Sediment Control Plan for minimizing soil erosion and sedimentation, consisting of no less than a map and narrative as follows:

- a. a map showing topography, cleared areas and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities; and
- b. a narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.

The Soil Erosion and Sediment Control Plan may be incorporated on the SITE DEVELOPMENT PLAN and/or the construction plans submitted under Par. 2.3.3 and 2.3.5, if so identified, and in the report submitted under Par. 2.3.7.

2.3.7 Report: Six (6) copies of a report shall be submitted with the application providing the following information:

- a. proposed method of providing central water supply;
- b. proposed method of providing central sanitary sewerage;
- c. any off-site easements or drainage rights needed for storm drainage;
- d. when the subdivision includes land located within a Special Flood Hazard Area or Regulated Floodway, written assurance, prepared by and bearing the seal of a professional engineer licensed to practice in the State of Connecticut, that the flood carrying capacity of any altered or relocated water course will be maintained;

- e. when the subdivision includes land located within a Special Flood Hazard Area or Regulated Floodway and encroachment on a "Regulated Floodway" is proposed, written assurance, prepared by and bearing the seal of a professional engineer licensed to practice in the State of Connecticut, that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge; and
- f. any additional information the applicant deems appropriate to assist the Commission in making a decision on the application.

2.3.8 Submission to Inland Wetlands Agency: If the Application involves land regulated as an inland wetlands or watercourse under regulations of the Derby Inland Wetlands Agency and the Agency has not reviewed the Application, the applicant shall submit said Application to such Agency within 10 days of submission to the Commission. A copy of a letter or other document giving evidence of such submission shall promptly be submitted to the Commission.

2.4 Additional Requirements: Upon review of the application and information submitted under Paragraph 2.3, the Commission may by resolution require the submission of additional information as follows:

2.4.1 Grading Plan: In the event that any major regrading, cuts, fills, or soil or rock removal is proposed in the subdivision, six (6) copies of a grading plan shall be submitted. The plan shall show proposed areas for filling or regrading in accordance with the policy of the Commission for map specifications.

2.4.2 Design Data: Pertinent survey data and construction design computations shall be presented for review by the Commission, Board of Aldermen, Street Commissioner and/or City Engineer.

2.4.3 Additional Evidence: Additional evidence shall be submitted to establish to the satisfaction of the Commission that the land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision will be made for water, drainage and sewerage; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers or other bodies of water subject to flooding; that open spaces for parks and playgrounds will be established in places deemed proper by the Commission; and if the Commission shall have adopted a plan of development affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed thoroughfares shown on said plan, especially in regard to safe intersections with such thoroughfares.

2.5 Formal Consideration: After the above application requirements have been met to the satisfaction of the Commission, the following procedures shall be followed by the Commission in its formal consideration of the application:

2.5.1 Submission Review: The Commission shall determine that the application submitted under Paragraph 2.3 is complete. Failure to submit a complete application will be cause for disapproval of the application.

2.5.2 Hearing: A public hearing regarding an application may be held by the Commission if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on any application for a resubdivision. Any hearing on an application for subdivision or resubdivision shall commence within 65 days of receipt of such application and shall be completed within 30 days after such hearing commences. Notice of such hearing shall be given as required by law. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

2.5.3 Review by Others: A copy of the application, maps and plans shall be transmitted as follows:

- a. to the Board of Aldermen, Street Commissioner and City Engineer for their review and recommendations; and
- b. when a Soil Erosion and Sediment Control Plan is required, to the New Haven County Soil and Water Conservation District for review and recommendations; such referral may include request for certification of the Soil Erosion and Sediment Control Plan within the time limits required for action on the application, in accordance with PA 83-388 of the Connecticut General Assembly, provided however, that such referral and request for certification may be made in the alternative to the City Engineer.

2.5.4 Date of Decision: The Commission shall render its decision on the application within 65 days after the scheduled Regular Meeting of the Commission at which the application is received, or if a public hearing is held on the application, within 65 days after completion of such hearing. The applicant may consent in writing to an extension of this time not to exceed a further period of 65 days. If the Commission requests the submission of additional information, such as under Par. 2.4, such information shall be submitted within the 65 day period; otherwise failure to submit the requested information will be grounds for disapproval of the application.

2.5.5

Decision: After the public hearing if any or after the meeting afforded the applicant, the Commission shall give approval to the subdivision application if it shall find that the subdivision map and plans and accompanying certificates, documents and data conform to the requirements of these Regulations. Approval shall be conditioned upon the following actions if applicable to the particular subdivision:

- a. completion of any required subdivision improvements or the execution of an agreement and posting of a bond to guarantee such completion;
- b. presentation of a certificate of approval of construction plans for any sanitary sewers by the Sewer Authority of the City of Derby;
- c. presentation of evidence that final arrangements have been made for provision of central water supply by a public utility company or City of Derby;
- d. presentation of conveyances to the City for easements and open spaces;
- e. presentation of evidence that a Flood Compliance Permit has been issued in accordance with an Ordinance Concerning Flood Plain Management for improvements shown on the Construction Plans and Grading Plan; and
- f. presentation of a copy of a permit from the Derby Inland Wetlands Agency, as may be required under the regulations of such Agency, for conduct of any activity necessary to complete required streets, drainage and other subdivision improvements.
- g. installation and maintenance of erosion and sediment control measures in accordance with the certified Soil Erosion and Sediment Control Plan.
- h. presentation of one (1) tracing each of the approved SUB-DIVISION MAP and the construction plans, for required signatures, incorporating all modifications and conditions specified by the Commission; if such MAP and plans have been modified since submission of the application, six (6) blue line or black line prints thereof shall also be presented.

In approving, modifying and approving, or disapproving an application or any accompanying item, the Commission shall state in its records any conditions of approval, any modifications required, and the grounds for its action. The action of the Commission shall include certification of the Soil Erosion and Sediment Control Plan, unless such plan has been certified by the New Haven County Soil and Water Conservation District as provided in Par. 2.5.3b or by the City Engineer. The Commission shall give notice of its decision as required by law.

- 2.5.6 Easements and Deeds: Any open spaces for parks and playgrounds to be dedicated to the City and any easements for storm drainage, sanitary sewers or public rights-of-way shall be confirmed by written conveyance describing the land involved and privileges of the City in a form satisfactory to the Corporation Counsel. The conveyance shall be accompanied by an appropriate map delineating the land involved in accordance with the policy of the Commission for map specifications.
- 2.5.7 Bond: In lieu of completion of all or part of required improvements prior to endorsement of the SUBDIVISION MAP, the applicant shall execute an agreement and file a bond with the Commission to guarantee such completion within a period, not exceeding two (2) years, approved by the Commission. The bond shall be in form and amount and with surety acceptable to the Commission and to the Corporation Counsel and shall be a surety bond, executed by a surety company authorized to enter into such bonds in the State of Connecticut, or shall be a cash or savings account bond, and said bond shall secure to the City the actual construction and installation of such improvements.
- 2.5.8 Restoration Bond: Whether or not a completion bond is provided as set forth in Par. 2.5.7, the applicant shall execute an agreement and deliver to the Commission a cash bond, in amount approved by the Commission and in form acceptable to the Commission and to the Corporation Counsel, to secure to the City the remedy of conditions during construction as may be necessary to protect the public health, safety and property values and to control drainage, to guarantee installation and completion of measures and facilities under any required Soil Erosion and Sediment Control Plan and to achieve restoration of the site in the event of expiration of approval of the plan of subdivision or resubdivision prior to completion of improvements. Such restoration bond shall be delivered to the Commission prior to commencement of any grading, clearing or construction work in the subdivision or resubdivision.
- 2.5.9 Filing and Recording: The endorsed SUBDIVISION MAP, showing any modifications upon which final approval of the subdivision was contingent, shall constitute the approved subdivision map. The date of endorsement of the SUBDIVISION MAP shall be noted on the map by the Chairman of the Commission. The applicant shall file and record the endorsed MAP in the Office of the Derby Town Clerk within 90 days of delivery of the MAP to the applicant, except that the Commission may by resolution extend the time for such filing and recording for two (2) additional periods of 90 days and the MAP shall remain valid until the expiration of such extended time. Filing and recording fees shall be paid by the applicant.

2.5.10 As-Built Plans; Release of Bond: Before release of any subdivision completion or restoration bond, or before the Commission endorses a SUBDIVISION MAP when no completion bond has been posted, the following are required:

- a. The applicant shall present construction plans, meeting the standards of Par. 2.3.5, showing the streets, drainage and other subdivision improvements as built and also showing the location of water mains, sanitary sewers, gas mains, underground electric and telephone utilities and utility laterals serving each lot. In lieu of such plans, the applicant's land surveyor or engineer may update and certify the construction plan submitted under Par. 2.5.5h and approved by the Commission.
- b. The applicant shall present maps, plans or a report, prepared by the applicant's land surveyor or engineer demonstrating that any certified Soil Erosion and Sediment Control Plan has been completed.
- c. The applicant shall execute an agreement and file a bond to guarantee maintenance of and to cover unforeseen deficiencies in the required subdivision improvements. In the case of improvements which are not to be offered for acceptance by the City, the maintenance bond shall run for a period of one (1) year from the date of such release or filing; in the case of improvements which are to be offered for acceptance by the City, the maintenance bond shall terminate no earlier than one (1) year after the date of acceptance of the improvements by the City. The maintenance bond shall be in form and with surety as required in Par. 2.5.7 and shall be in an amount approved by the Commission as not less than 5% of the current cost of the original improvements.

SECTION 3 - DESIGN AND CONSTRUCTION STANDARDS

- 3.1 General: Subdivisions including related streets, drainage, sanitary sewers and other facilities and lands, shall be planned, designed and constructed in accordance with the standards hereinafter specified.
- 3.2 Alternate Standards: The Commission may approve alternate design and construction standards when a) such standards are prepared by a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, b) the Commission determines that such standards will be in accord with the purpose and intent of these Regulations and c) if constituting a modification of standards specified in Ordinance Providing for the Acceptance of Roadways and Appurtenances adopted by the Board of Aldermen of the City of Derby, such alternate standards are approved by the Board of Aldermen and the Street Commissioner.
- 3.3 Plan of Development: Subdivisions shall be planned and designed in general conformity with any plan of development, adopted by the Commission under Chapter 126 of the Connecticut General Statutes for the City or the neighborhood encompassing the subdivision, particularly with regard to a) location and classification of streets, b) sanitary sewer, water supply and drainage systems and service areas and c) reservation of land for parks, recreation and open space.
- 3.4 Inspection: The construction of all required streets, drainage, sanitary sewers and other facilities shall be subject to inspection and approval by the City Engineer and Street Commissioner as provided in "Ordinance Providing for the Acceptance of Roadways and Appurtenances." Provisions for soil erosion and sediment control are also subject to such inspection. The Board of Aldermen, Commission, City Engineer and Street Commissioner, or their authorized agent, shall have free access to the construction work at all times and shall be authorized to take material samples, cores and other tests as deemed necessary to determine compliance with these Regulations. They may require the applicant, at his own expenses, to have such tests made and certified by a professional engineer.
- 3.5 Building Lots: Proposed building lots shall be of such shape, size, location, topography, access and character as to be occupied and used for building purposes, whether single family houses, apartments, business or industrial as permitted by law, without danger to the health and safety of the occupants, the neighborhood or the public. Any proposed lot which is found unsuitable for occupancy or building by reason of water or flooding conditions, topography, unsuitable soils or other conditions shall be combined with another contiguous lot that is suitable or shall be marked "This is not an approved lot" on the SUBDIVISION MAP, until necessary improvements to the lot have been made and approved by the Commission and a revised SUBDIVISION MAP has been submitted to and approved by the Commission. Proposed building lots shall also conform to the following additional standards:

- 3.5.1 Terrain: Proposed building lots shall be planned to make best use of the natural terrain, to preserve substantial trees, woods and water resources and to avoid extensive regrading. Each lot shall be capable of accommodating automobile access to a parking space or spaces on the lot by means of a driveway having a grade no greater than 12%.
- 3.5.2 Lot Size: Each lot shall conform to "Ordinance Pertaining to Zoning of the City of Derby, Connecticut", unless required by these Regulations to be larger in order to accommodate on-site sewage disposal and/or water supply systems.
- 3.5.3 Lot Numbers: All lots shall be numbered consecutively beginning with the numeral "1". Adjoining subdivisions having the same name shall have consecutive lot numbers.
- 3.5.4 Lot Lines: Insofar as practicable, the side lot lines of all lots shall be at right angles or radial to the street on which the lot has frontage. It shall be within the discretion of the Commission to disapprove any lot crossed by a municipal boundary line, and in the event of such disapproval, such boundary line shall be made to constitute one of the lot lines.
- 3.6 Streets: Streets shall be planned, designed and constructed in a manner capable of acceptance for public use and maintenance by the City of Derby and in accordance with the following standards:
- 3.6.1 Classification: All proposed streets in the subdivision and any existing street abutting the subdivision shall be classified by the Commission as one of the following:
- a. Local Residential Street: a street primarily providing access to abutting lots used for residential purposes and not needing two-way traffic flow capability when cars are parked along the curb;
 - b. Thoroughfare: a street of considerable existing or potential continuity on which traffic past abutting lots will be dominant and needing two-way traffic flow capability at all times; or
 - c. Commercial Street: a street giving direct access into or circulation within business or industrial areas.
- 3.6.2 Street Planning: Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots and safe and convenient circulation for present and prospective traffic within the neighborhood in which the subdivision is located. In planning streets,

due consideration shall be given to accomplishing an attractive layout and development of the land. Streets should in general follow the contour of the land and should have a location and grade which preserves natural terrain, substantial trees, woods and other natural features and which will enhance property values in the subdivision. Permanent deadend streets should be avoided, and proposed streets which may be projected into adjoining properties shall be carried to the boundary line; no reserve strips are permitted. Unless otherwise approved by the Commission, streets shall provide for continuation of existing streets terminating at the boundary of the subdivision. All streets shall connect to an existing public street in the City of Derby or a street in a subdivision approved by the Commission.

- 3.6.3 Right-of-Way: Streets shall have the following minimum width of right-of-way according to their classification and as approved by the Commission as necessary for anticipated traffic capacity, type of traffic, turning movements and construction requirements:
- a. Local Residential Street: 50 feet.
 - b. Thoroughfare: 60 to 100 feet.
 - c. Commercial Street: 60 to 100 feet.
- 3.6.4 Street Lines: Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with these Regulations. No street right-of-way shall be widened beyond the width specified in these Regulations, such as for the purpose of securing additional street frontage for proposed lots.
- 3.6.5 Existing Streets: Proposed subdivisions abutting an existing City street or State highway shall provide for proper or proportionate widening of the right-of-way of such street or highway to the width appropriate for the classification given such street or highway by the Commission.
- 3.6.6 Deadend Streets: Unless otherwise approved by the Commission, cul-de-sacs, streets permanently closed at one end by building lots and which will not be extended in the future, shall provide sole access to not more than 20 building lots. Temporary deadend streets, which may be projected into adjoining property at some future date, may exceed such length but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission.

- 3.6.7 Turnarounds: A turnaround shall be provided at the closed end of a deadend street. On Local Residential Streets the diameter of the turnaround right-of-way shall be 100 feet; on all other streets the diameter shall be 120 feet. Land for a turnaround on a temporary deadend street, which may at some future date be projected into adjoining property, shall be provided in the form of a temporary easement bearing a note on the map providing for automatic termination upon extension of the street.
- 3.6.8 Width of Pavement: Streets shall be designed with the following width of pavement centered within the street lines, or such greater width as approved by the Commission as necessary for anticipated traffic capacity, type of traffic and turning movements:
- a. Local Residential Street: 32 feet.
 - b. Thoroughfare: 36 feet.
 - c. Commercial Street: 36 feet.
 - d. Turnaround-Local Residential Street: 80 feet diameter
 - e. Turnaround-Other Street: 100 feet diameter
- 3.6.9 Grade: The minimum grade for any street shall be 1% and the maximum grade shall not exceed the following, according to its classification, unless otherwise approved by the Commission and the Town Engineer as creating no appreciable hazard to health or safety:
- a. Local Residential Street: 10%
 - b. Thoroughfare: 5%
 - c. Commercial Street: 5%
- 3.6.10 Vertical Curves: Appropriate vertical curves for transition shall be established on all streets and at street intersections to insure adequate sight distance in accordance with the classification of the street. Vertical curves shall provide a safe stopping distance of 200 feet on Local Residential Streets and 275 feet on Thoroughfares and Commercial Streets.
- 3.6.11 Intersections: The following standards shall apply to street intersections:

- a. No more than two streets shall intersect at one point. Intersections shall be spaced not less than 400 feet apart, except when in the opinion of the Commission, conditions justify a variation from this requirement.
- b. Streets shall intersect one another at as near to a right angle as is practical; no intersection shall be at an angle of less than 60 degrees.
- c. At street intersections, property line corners shall be rounded by an arc having a minimum radius of 25 feet.

3.6.12 Alignment: Connecting curves between tangents shall be provided for all deflection angles in excess of five (5) degrees. Suitable tangents shall be provided between curves and the minimum radius of curvature at the center line of streets shall be as follows:

- a. Local Residential Street: 200 feet.
- b. Thoroughfare: 600 feet.
- c. Commercial Street: 300 feet.

3.6.13 Street Names: Streets shall bear names which are appropriate to the character of the City and which do not duplicate or too closely approximate in spelling or sound existing street names in the City or any adjoining municipality. All street names shall be subject to the approval of the Commission and the Board of Aldermen.

3.6.14 Guide Rails: Suitable guide posts or rails shall be installed along all streets where there will be an embankment with a depth of four (4) feet or more within 20 feet of the edge of the pavement.

3.6.15 Street Signs: Street name signs shall be installed at all street intersections in locations approved by the Street Commissioner. Such signs shall be of a design and material approved by the Street Commissioner.

3.6.16 Construction: Streets shall be constructed as provided in said Ordinance Providing for the Acceptance of Roadways and Appurtenances.

3.7 Drainage: Storm drainage shall be planned, designed and constructed in accordance with said Ordinance Providing for the Acceptance of Roadways and Appurtenances and the following additional standards:

- 3.7.1 Pipe and Ditches: Sufficient pipe and ditches shall be installed within the subdivision to carry existing water courses and to drain the proposed streets and streets which may reasonably be expected to be constructed at some future date on adjoining property which normally drains across the area of the proposed subdivision. If in its judgement there will be no substantial danger from soil erosion or danger to the public health and safety, the Commission may permit the discharge of rivers and large streams in their natural courses and may permit the discharge of storm water and established water courses in open ditches across proposed lots. In general, open ditches should be confined to lots of one acre or larger and should not be planned in the portion of the lot customarily used for front and side yards or which might be used for on-site sewage disposal and/or water supply systems.
- 3.7.2 Runoff: Drainage systems shall be designed under the Rational Formula with runoff factors approved by the City Engineer and in accordance with good engineering practice. Street drainage systems shall be designed to handle not less than two (2) inches of rainfall per hour, and cross culvert and similar systems not less than four (4) inches per hour.
- 3.7.3 Discharge: The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into City or State drains, ditches or other drainage facilities with adequate capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the City. No storm water shall be diverted from one watershed to another.
- 3.7.4 Drainage Easements: Easements, at least 20 feet in width, shall be provided for all storm water pipes that are not to be installed in a street. In addition, easements shall also be provided for the full width of the channel of any stream or drainage ditch in the subdivision which will carry drainage runoff from any proposed street, existing street or streets which may be constructed in the future on the undeveloped land within the watershed. Easements shall also be provided for storm water pipes that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision. Easements shall also be provided to allow maintenance access to culverts and bridges.
- 3.7.5 Channel Lines: Channel and building lines shall be provided along any major stream or river or any flood plain for the

purpose of preventing encroachment upon and constriction of the natural water channel by building, filling operations or other facilities and construction. The width of the channel shall be based on sound engineering calculations anticipating long range storms and flow potentials and recognizing proper alignment and gradients of the channel. A note shall be placed on the record subdivision map explaining the channel and building lines and stating the restrictions against encroachment upon the channel in a manner approved by the Commission.

- 3.8 Sewer and Water: Each lot shall be served by and provided with a curb connection to the sanitary sewer system of the City of Derby. Each lot shall be served by and provided with a service connection to the public water supply system of a public utility or the City of Derby. The Commission, however, may approve lots with on-site sewage disposal and/or water supply systems as follows:

- 3.8.1 upon applicant submission of a report from a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut certifying that the land to be subdivided, the subdivision plan and the utility system plans are satisfactory for on-site sewage disposal and/or water supply systems and are in accord with standards of the Connecticut State Department of Health;
- 3.8.2 upon approval by the Director of Health of the City of Derby;
- 3.8.3 when public water supply is not to be provided, or neither public water supply or sanitary sewers, each lot shall have an area of not less than one (1) acre and shall be of such shape that a square with 150 feet on each side will fit on the lot; and
- 3.8.4 when only sanitary sewers are not to be provided, each lot shall have an area of not less than 20,000 square feet and shall be of such shape that a square with 100 feet on each side will fit on the lot.

- 3.9 Pedestrian Circulation: Sidewalks shall be planned, designed and constructed in accordance with Ordinance Providing for the Acceptance of Roadways and Appurtenances. In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of 10 foot easements for pedestrian ways and construction of sidewalks therein.

3.10 Other Easements: Additional easements shall be shown on the SUBDIVISION MAP as follows and with appropriate notes specifying restrictions:

3.10.1 Sight Easements: Sight easements shall be provided across the corners of lots at intersections to assure safe line of sight.

3.10.2 Construction Easements: Temporary easements for grading slopes shall be provided on the front 25 feet of each lot.

3.11 Parks and Recreation Areas: Land for parks, playgrounds, recreation areas and open spaces shall be provided and reserved in each subdivision as deemed necessary and in locations deemed proper by the Commission. The land reserved shall be of such size, location, shape, topography and general character as to be useful to satisfy the needs determined by the Commission. Proper pedestrian and vehicular access shall be provided to each such reservation. The reservation of land shall also conform to any plan of development pertaining to parks, playgrounds, recreation areas and open spaces. In determining the need for provision of land for parks, playgrounds, recreation areas and open spaces, the Commission shall be guided by, but not limited to, a standard of 1,500 square feet of land area for each building lot and a minimum reservation area of one (1) acre, and shall take into consideration the size of the subdivision and any existing parks, playgrounds, recreation areas and open spaces in the neighborhood.

3.12 Special Flood Hazard Areas - Regulated Floodways: When land to be subdivided includes land in a Special Flood Hazard Area or a Regulated Floodway, lots, streets, drainage and other improvements shall be designed in a manner to be capable of use without danger from flooding or flood-related damages and be consistent with the need to minimize flood damage within the subdivision and surrounding area. Such subdivisions shall also satisfy the following additional criteria:

3.12.1 Ordinance: Lots, streets, drainage and other improvements shall conform to the standards set forth in an Ordinance Concerning Flood Plain Management; and

3.12.2 Access: Streets shall be of such elevation or shall be suitably protected as to allow access during flood.

3.13 Solar Access: The applicant shall demonstrate to the Commission that he has considered, in developing the subdivision plan of lots, streets and other features, the use on each lot of "passive solar energy techniques" that would not significantly increase the cost of use and occupancy of the lot (net cost after any energy conservation tax credits, subsidies and exemptions). Passive solar energy techniques mean subdivision plan or site design techniques which a) maximize solar heat gain, minimize heat loss and enable thermal storage within

buildings on each lot during the heating season and b) minimize heat gain and provide for natural ventilation during the cooling season. The subdivision plan or site design techniques considered shall include no less than the following:

- 3.13.1 the orientation of the potential principal building on each lot with respect to true south, such as the optimum orientation whereby the the longest axis of the building would have a bearing of true west or between 10° south of west and 25° north of west;
- 3.13.2 the street and lot layout, which can maximize solar access for each lot;
- 3.13.3 the location, type and height of vegetation, which may obstruct solar access or provide beneficial shade during the cooling season or protection from cold winds during the heating season;
- 3.13.4 natural and man-made topographic features, which may obstruct solar access or decrease the period of available solar access; and
- 3.13.5 protection of solar access for each lot within the subdivision and on adjacent lots.

SECTION 4 - VALIDITY

- 4.1 If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.
- 4.2 If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional, as applied to a particular subdivision or subdivision application, by a decree or decision of any court of competent jurisdiction, such decree or decision shall be limited to the particular subdivision or subdivision application and the general applicability of these Regulations to other subdivisions and subdivision applications shall not be affected.

SECTION 5 - EFFECTIVE DATE

- 5.1 These Regulations and any amendments hereto shall be in full force and effect from the date of adoption by the Derby Municipal Planning Commission or from a date subsequent to adoption that the Commission may establish.

ADMINISTRATIVE POLICY #1 accompanying the Subdivision Regulations of the City of Derby, Connecticut

PREPARATION OF MAPS AND PLANS

- A. General: The maps and plans required by the Subdivision Regulations shall show the information and shall be prepared in accordance with the standards hereinafter specified. All such maps and plans which are presented for approval by the Commission shall be prepared by and shall bear the name of, a live seal (raised seal or live stamp original) of, and signature of a land surveyor and/or professional engineer, each as required by law, and licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. In addition, the State of Connecticut Public Records Administrator, with the approval of the Connecticut State Library Board, establishes regulations concerning Filing Requirements for Maps that are received and placed on file in the office of the town clerk. The following is a summary of State standards applicable to SUBDIVISION MAPS and any other maps and plans which are presented to the Commission for endorsement and filing in the Office of the Derby Town Clerk: *
- A-1. Maps shall be of a process approved by the Public Records Administrator and the process shall be identified by the producer (person who draws the map for filing, or person or company who creates the reproduction for filing).
- A-2. Maps shall be produced by one (1) of the following processes:
- a. wash-off photographic polyester film;
 - b. fixed line photographic polyester film; or
 - c. original ink drawing on polyester film or linen.
- A-3. Maps for filing shall be identified as to the reproduction process used by the producer, i.e. "wash-off" or "fixed line photographic." The process shall be certified by a live (original) stamp applied by the producer. This stamp will be affixed with indelible red ink. The stamp, which shall include the name of the producer and the process used, shall be 1" x 2". Original ink drawings will be so identified using the same process as above.
- A-4. Each map, plan or drawing shall contain a live seal (raised seal or live stamp original) of the design professional.
- A-5. Maps, plans or drawings for filing shall have no part attached/glued to its surface, and legibility of all data shall be beyond question.

* Effective January 1, 1992, Sections 11-8-19 to 11-8-26, Regulations of Connecticut State Agencies.

B. Site Development Plan: The SITE DEVELOPMENT PLAN shall be drawn to a scale of not less than 1" = 100'. The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision and all contiguous land of the applicant that may be subdivided in the future, in order to allow the Commission to complete a general planning review of the proposed subdivision including its relationship to the future subdivision of contiguous land of the applicant. The plan shall show at least the following information:

- B-1 title of the subdivision, which shall not duplicate the title of any previous subdivision in the City of Derby.
- B-2 name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
- B-3 date, scale, north point, City and State.
- B-4 existing and proposed property and street lines; adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions or property owners.
- B-5 existing and proposed easements, rights-of-way, wetlands and water courses, including streams, ponds and swamps, whether intermittent or continuous flowing.
- B-6 existing contours at an interval not exceeding five (5) feet based on field or aerial survey and using official City, State or U.S. bench marks, which shall be noted on the plan.
- B-7 proposed lots and lot numbers; existing and proposed open spaces for parks, playgrounds, stream protection and other open spaces.
- B-8 existing permanent buildings and structures; the location proposed for a dwelling or other principal building on each lot, and the proposed driveway access thereto.
- B-9 principal wooded areas and the approximate location of any large isolated trees.
- B-10 any ledge outcrops and existing stone walls and fences within the subdivision.
- B-11 approximate dimensions on all proposed property and street lines; approximate lot area and the total acreage of land included in the subdivision.
- B-12 proposed width of all streets, rights-of-way and easements; the proposed width of all pavement; and proposed street names.
- B-13 existing and proposed monuments; any City boundary line; and zoning district boundary line.
- B-14 existing and proposed storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, and other structures.

- B-15 spot elevations on both existing and proposed roads to indicate tentative grading of roads.
- B-16 location of any test holes or borings.
- B-17 any areas subject to periodic or potential flooding, including boundaries of any Special Flood Hazard Area and limits of any Regulated Floodway; Base Flood Elevation of any Special Flood Hazard Areas.
- B-18 the limits of any areas proposed for major regrading by excavation or filling.
- B-19 if showing provisions for soil erosion and sediment control, a signature block entitled "Soil Erosion and Sediment Control Plan certified by" with a designated place for signature of the certifying agent and date of signing.

C. Subdivision Map: the SUBDIVISION MAP shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2" type of survey as specified in the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps", approved by the State Board of Registration for Professional Engineers and Land Surveyors. The MAP shall be clearly and legibly drawn on good quality translucent cloth or printed on polyester film .003 thick or better. Sheet sizes shall be 36" x 24", 24" x 18" or 18" by 12". The MAP should be drawn to a scale of 1" = 40' but in no case at a scale of less than 1" = 100'. The MAP shall show the following: ...

- C-1 title of the subdivision, which shall not duplicate the title of any previous subdivision in the City of Derby.
- C-2 name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
- C-3 date, scale, north point, City and State.
- C-4 existing and proposed property and street lines; indication of adjoining property lines and street lines for a distance of 200 feet; and the names of all adjacent subdivisions or property owners.
- C-5 existing and proposed easements, rights-of-way, wetlands and watercourses, including streams, ponds and swamps, whether intermittent or continuous flowing; boundaries of any Special Flood Hazard Areas; limits of any Regulated Floodway; Base Flood Elevation of any Special Flood Hazard Areas.
- C-6 proposed lots and lot numbers; existing and proposed open spaces for parks and playgrounds; the square footage or acreage of all lots and open spaces and the total acreage of land included in the subdivision.
- C-7 existing permanent buildings and structures.

- D-3 depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and water courses; sample ditch and water course cross sections.
- D-4 approximate location of lot lines intersecting the street line; lot numbers and street names.
- D-5 sidewalks, curbs, gutters, water mains, gas mains and other structures and underground utilities.
- D-6 detail drawings of any bridges, box culverts, deep manholes, and other special structures.
- D-7 the words "Approved by the Derby Municipal Planning Commission" and "Approved by the Derby Street Commissioner", with a designated place for the signature and date of signing by each.
- D-8 if showing provisions for soil erosion and sediment control, a signature block entitled "Soil Erosion and Sediment Control Plan certified by" with a designated place for signature of the certifying agent and date of signing.

E. Grading Plan: The area shown on the grading plan may be limited to the portion of the subdivision affected by the proposed major regrading, cuts, fills or soil or rock removal. The grading plan shall be drawn on good quality translucent cloth or polyester film .003 thick or better and to the same scale as the subdivision map. Contours and elevations shall be based on the same bench marks as provided in Paragraph D. The grading plan shall show at least the following information:

- E-1 title of the subdivision.
- E-2 name and address of the owner of the land to be subdivided; name and address of the applicant if different from the owner.
- E-3 date, scale, north point, City and State.
- E-4 layout of existing and proposed lot lines and street lines; the limits of the area to be graded.
- E-5 existing and proposed contours at an interval not exceeding five (5) feet based on field or aerial survey; if requested by the Commission, cross section drawings of the area to be regraded.
- E-6 existing and proposed drainage and water courses.
- E-7 existing and permanent buildings and structures.
- E-8 location of all test holes or borings.
- E-9 if showing provisions for soil erosion and sediment control, a signature block entitled "Soil Erosion and Sediment Control Plan certified by" with a designated place for signature of the certifying agent and date of signing.

- C-8 dimensions on all lines to the hundredth of a foot, all bearings or deflection angles on all straight lines, and the central angle, tangent distance and radius of all arcs.
- C-9 the width of all streets, rights-of-way and easements; street names.
- C-10 existing and proposed monuments; any City boundary line.
- C-11 a location map showing the location of the subdivision in relation to existing streets in the City.
- C-12 an index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names and delineation of areas covered by the section or sheet.
- C-13 the survey relationship of proposed streets to nearby monumented City streets or State Highways where practical.
- C-14 the error of closure, which shall not exceed 1 in 5000.
- C-15 the words "Approved by the Derby Municipal Planning Commission" with a designated place for signature of the Chairman and date of signing; the words "This endorsement of approval of this Map expires if all work shown on the construction plans approved in conjunction with this Map are not completed by" with a designated place for date.
- C-16 the words "Delivered to the Applicant on", "Delivered to the Applicant by" and "Received for the Applicant by", with designated places for date of delivery and signatures.

D. Construction Plans: Construction plans for all proposed streets, drainage, sanitary sewers and other improvements shall be drawn on good quality translucent cloth or polyester film .003 thick or better, and the tracing presented under Par. 2.5.5g shall meet such standards. Plan and profile drawings shall be prepared for all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, water mains, gas mains and other structures and underground utilities and shall be submitted on the above tracing material and drawn to a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. Profile drawings and elevations shall be based on official City, State or U. S. bench marks; the bench marks used shall be noted on the plan. Construction drawings shall show at least the following information in accordance with good engineering practice and as appropriate for the particular subdivision:

- D-1 title of the subdivision, date, scale, north point, City and State.
- D-2 for streets, the existing grades at the centerline and both street lines and the proposed grade at the centerline; street lines and edge and width of pavement; sample street cross sections.

ADMINISTRATIVE POLICY #2 accompanying the Subdivision Regulations of the City of Derby, Connecticut

NOTICES AND REFERRALS

- A. General: The Commission will give notice of hearings, meetings and actions as required by law and in accordance with procedures hereinafter specified.
- B. Hearings: Notice of any public hearing on an application shall be given by publication in a newspaper of general circulation in the City at least twice at intervals of not less than two (2) days, the first not more than 15 days, nor less than 10 days, and the last not less than two (2) days prior to the date of such hearing and by sending a copy thereof by certified mail to the applicant.
- C. Referrals - Regional: Whenever a subdivision of land is planned, the area of which will abut or include land in the City of Derby and another municipality within a region having a regional planning agency, the Commission shall, before approving the plan, submit it to the Valley Regional Planning Agency and to any other regional planning agency of the region in which the other municipality is located. The Commission will expect a report from any such regional planning agency within 30 days and will not act on the plan until such report is received or the 30 day period has expired, whichever occurs first.
- D. Referrals - Other: The Commission will refer maps, plans and documents to other officials and agencies, such as the following, for advisory reports and consultation and/or for approval as may be required by law:
 - D-1 Board of Aldermen: maps and plans, especially storm drainage, sanitary sewerage and other utility systems to be connected to City systems.
 - D-2 Street Commissioner: maps and plans, with particular reference to construction plans.
 - D-3 City Engineer: maps, plans and reports, with particular reference to construction plans and the Soil Erosion and Sediment Control Plan.
 - D-4 Corporation Counsel: bonds, easements, deeds and agreements.
 - D-5 Director of Health: maps and plans, with particular reference to any on-site water supply or sewage disposal systems.

- D-6 State Department of Transportation: maps and plans, with particular reference to street and utility connections with State Highways.
 - D-7 Zoning Enforcement Officer: maps, with particular reference to lots and zoning requirements.
 - D-8 Building Inspector: maps and plans, with particular reference to land located within a Special Flood Hazard Area or Regulated Floodway.
 - D-9 New Haven County Soil and Water Conservation District: maps, plans and reports, with particular reference to the Soil Erosion and Sediment Control Plan.
- E. Decisions: The Commission may approve, modify and approve or disapprove any subdivision application or maps and plans. The grounds for its action shall be stated in the records of the Commission.
- F. Notice of Decision: Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the City and addressed by certified mail to the applicant by the Commission's secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that the application has been approved, modified and approved or disapproved, together with the date of such action.
- G. Failure to Decide: Failure of the Commission to act on any application shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand.

ADMINISTRATIVE POLICY #3 accompanying the Subdivision Regulations of the City of Derby, Connecticut

NOTES ON MAPS AND PLANS

A. General: Maps and plans will contain notes constituting references and restrictions. When applicable to a particular subdivision, the wording hereinafter specified shall be used for notes except as otherwise approved by the Commission.

B. Unsuitable Lots:

"This is not an approved building lot".

C. Water Supply, when to be provided by a public utility company:

"Lots on this map are approved on condition that each lot be provided with public water supply. No structures on the lots shall be occupied until such public water supply is available".

D. On-site Utilities:

"Lots on this map are approved for on-site sewage disposal (and/or water supply) systems. The design of each system is subject to the approval of the Director of Health of the City of Derby prior to issuance of any building permit".

E. Sight Easements, pertaining to areas delineated over lots at street corners:

"The sight easements shown hereon establish the perpetual right of the owner of the abutting street or highway, or his authorized agents, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the easement area between an observers eye at an elevation of 3.5 feet above the pavement edge and an object one foot above the pavement edge".

F. Construction Easements:

"A temporary easement, to the owner of each street on this map, for grading of slopes shall exist over all land within 25 feet of the right-of-way line of such streets, which easement shall expire one year after the date of acceptance of the street by the City of Derby".

G. Turnaround Easements:

"Easement for temporary turnaround and general highway purposes, which easement shall automatically terminate upon acceptance by the City of Derby of any extension of the street".

H. Channel Lines:

"Within the channel lines no building or other structure shall be located, and there shall be no grading or filling of land in such a manner as reduce the water flow capacity of the channel area".

I. Special Flood Hazard Area - Regulated Floodway, pertaining to land located within a Special Flood Hazard Area or within the limits of a Regulated Floodway.

"Land, including lots, shown to be located within the Special Hazard Flood Area (and/or Regulated Floodway) are subject to potential, periodic or frequent flooding. See Ordinance Concerning Flood Plain Management, as may be amended from time to time."

ADMINISTRATIVE POLICY #4 accompanying the Subdivision Regulations of the City of Derby, Connecticut

EROSION AND SEDIMENT CONTROL

- A. General: A subdivision or resubdivision involving construction of streets, drainage and other improvements, and/or general site grading or which otherwise involves a disturbed area of one half (1/2) acre or more is required to have a Soil Erosion and Sediment Control Plan in effect prior to, during and upon completion of construction. The Control Plan may be integrated with other maps, plans and documents and is intended to cover all construction areas, roads, drainage and other improvements and areas planned for general regrading and should provide for overall control measures and facilities as individual lots are used and developed.
- B. Definitions: Applicable definitions from PA 83-388 of the Connecticut General Assembly are as follows:
- B-1 "Disturbed area" means an area where the cover is destroyed or removed leaving the land subject to accelerated erosion.
 - B-2 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.
 - B-3 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
 - B-4 "Soil erosion and sediment control plan" (see Par. 2.3.6 of Regulations).
 - B-5 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
 - B-6 "Soil" means any unconsolidated mineral and organic material of any origin.
- C. Control Plan:
- C-1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
 - C-2 The Control Plan shall contain the following to the extent applicable to the particular subdivision or resubdivision:
 - 1. A narrative describing elements, such as the following:
 - a. the development;

- b. the schedule for grading and construction activities including:
 - i. start and completion dates
 - ii. sequence of grading and construction activities
 - iii. sequence for installation and/or application of soil erosion and sediment control measures
 - iv. sequence for final stabilization of the project site
 - c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities
 - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities
 - e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities
 - f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities
2. A site plan map at a sufficient scale to show:
- a. the location of the proposed development and adjacent properties
 - b. the existing and proposed topography including soil types, wetlands, water courses and water bodies
 - c. the existing structures on the project site, if any
 - d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines
 - e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities
 - f. the sequence of grading and construction activities
 - g. the sequence for installation and/or application of soil erosion and sediment control measures
 - h. the sequence for final stabilization of the development site
3. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or the City Engineer.

D. Minimum Standards:

- D-1 Plans for soil erosion and sediment control shall be developed in accordance with the Subdivision Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The soil erosion and sediment control plan shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.
- D-2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The City Engineer, the Commission or the New Haven County Soil and Water Conservation District may approve alternate standards when requested by the applicant if technically sound reasons are presented.
- D-3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, is to be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission or the City Engineer.

E. Certification:

- E-1 The Planning Commission or the City Engineer, or the New Haven County Soil and Water Conservation District if so requested, shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply. Certification by the Commission shall be incorporated in the resolution approving a subdivision application.
- E-2 The Commission, or the City Engineer, will coordinate certification of the Control Plan with related actions of other agencies, such as the Derby Inland Wetlands Agency.

F. Conditions:

- F-1 The estimated cost of measures and facilities to control erosion and sedimentation shall be covered by a cash restoration bond, required at the time of application approval and as specified in Par. 2.5.8.
- F-2 No site development shall commence unless the Soil Erosion and Sediment Control Plan is certified, the bond has been posted and the control measures and facilities in the Plan, scheduled for installation prior to site work, have been installed and are functional.
- F-3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Control Plan.
- F-4 All control measures and facilities shall be maintained in effective condition to ensure the compliance with the certified Control Plan.

- G. Inspection: Soil erosion and sediment control measures of the certified Control Plan are subject to inspections, as provided in Par. 3.4, to ensure compliance with the certified Plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the applicant to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified Plan and are being operated and maintained.

Adopted: October 8, 1985

Effective: October 18, 1985