

TABLE OF CONTENTS

	<u>Sect.</u>	<u>-Page</u>
SECTION 1 -GENERAL PROVISIONS		
1.1	Regulation	1 - 1
1.2	Procedure	1 - 1
1.3	Approval Requirements	1 - 1
	1.3.1 Conformance	1 - 1
	1.3.2 Maps and Plans	1 - 1
	1.3.3 Action by Commission	1 - 1
	1.3.4 Effective Date	1 - 2
1.4	Construction	1 - 2
	1.4.1 Authorization	1 - 2
	1.4.2 Supervision	1 - 2
1.5	Administrative Policy	1 - 2
1.6	Other Laws	1 - 2
1.7	Definitions	1 - 2
	1.7.1 Applicant	1 - 3
	1.7.2 Commission	1 - 3
	1.7.3 Dwelling	1 - 3
	1.7.4 Road	1 - 3
	1.7.5 Subdivision and Resubdivision	1 - 4
	1.7.6 Water Courses and Wetlands	1 - 4
SECTION 2 -APPLICATIONS AND PROCEDURES		
2.1	Submission and Receipt	2 - 4
2.2	Preapplication Conferences	2 - 4
2.3	Application Requirements	2 - 5
	2.3.1 Application	2 - 5
	2.3.2 Application Fee	2 - 6
	2.3.3 Site Development Plan	2 - 6
	2.3.4 Subdivision Map	2 - 6
	2.3.5 Construction Plans	2 - 6
	2.3.6 Grading Plan	2 - 5
	2.3.7 Soil Tests	2 - 7
	2.3.8 State Highway Connection	2 - 7
	2.3.9 Inland Wetlands Approval	2 - 7
	2.3.10 Sediment and Erosion Control Plans	2 - 7

SECTION 4 -MAPS AND PLANS	4	- 35
4.1 General	4	- 35
4.2 Site Development Plan	4	- 35-38
4.3 Subdivision Map	4	- 38-40
4.4 Construction Plans	4	- 40-42
4.5 Sediment and Erosion Control Plan	4	- 42-44
SECTION 5 -PENALTIES	5	- 45
SECTION 6 -VALIDITY	6	- 45
SECTION 7 -EFFECTIVE DATE	7	- 45
SECTION 8 -WAIVERS	8	- 46
APPENDIX A		47

SECTION 1: GENERAL PROVISIONS

- 1.1 **REGULATION:** These Regulations are applicable to the subdivision and re-subdivision of land within the Town of Bethlehem, Connecticut. Any subdivision or re-subdivision of land within the Town of Bethlehem shall conform to the requirements of these Regulations. No subdivision or re-subdivision of land shall be made by any person, firm, or corporation until an application for such subdivision or re-subdivision has been submitted to and approved by the Bethlehem Planning Commission and a map thereof has been endorsed by the Commission as approved and recorded by the applicant in the Office of the Bethlehem Town Clerk.
- 1.2 **PROCEDURE:** The Commission, in reviewing any proposed subdivision or re-subdivision, and the person, firm, or corporation proposing a subdivision or re-subdivision, shall follow the procedures hereinafter specified.
- 1.3 **APPROVAL REQUIREMENTS:** The following are requirements applicable to the approval of any subdivision or re-subdivision:
- 1.3.1 **Conformance:** The Commission shall not approve any subdivision or re-subdivision unless it conforms to the standards of these Regulations.
- 1.3.2 **Maps and Plans:** All applications, maps, plans, documents, and data required by these Regulations in connection with a proposed subdivision or re-subdivision shall be subject to the approval of the Commission.
- 1.3.3 **Action by Commission:** All subdivisions and re-subdivisions shall be approved only by majority vote of the entire voting membership of the Commission. Approval may be granted by the Commission 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 re-subdivision shall be endorsed by the Commission to permit recording in the office of the Bethlehem Town Clerk until all conditions of approval have been met.

1.3.4 **Effective Date:** The effective date of approval for the purpose of determining the 90-day period will be as specified in Section 8-25 of Chapter 126 of the Connecticut General Statutes.

1.4 **CONSTRUCTION:** The following are requirements applicable to the construction and installation of roads, drainage and other improvements in connection with any proposed subdivision or re-subdivision:

1.4.1 **Authorization:** Construction of improvements is deemed authorized under these Regulations only when:

- a) an application for such subdivision or re-subdivision has been approved by the Commission,
- b) any conditions of approval precedent to such construction have been met, and
- c) construction is authorized by resolution of the Commission.

1.4.2 **Supervision:** All construction of improvements required by these Regulations shall be carried out under the supervision of the Board of Selectmen or their authorized agent. The Board of Selectmen may establish such rules and procedures as are necessary to the proper supervision and inspection of construction.

1.5 **ADMINISTRATIVE POLICY:** The Commission may from time to time by resolution adopt forms, policies, and procedures.

1.6 **OTHER LAWS:** These Regulations are in addition to and do not supersede other laws, ordinances or regulations governing the development of land and buildings.

1.7 **DEFINITIONS:** Certain words used in these Regulations are defined and explained as follows:

1.7.1 **Applicant:** The term "applicant" refers to the person, firm or corporation, or designated representative thereof, proposing a subdivision or re-subdivision.

- 1.7.2 **Commission:** The term "Commission" refers to the Bethlehem Planning Commission.
- 1.7.3 **Dwelling:** The term "dwelling shall mean a structure or portion thereof, containing complete contiguous housekeeping facilities for one or more persons and having no cooking nor sanitary facilities in common with any other dwelling.
- 1.7.4 **Road:** The term "street" or "road" shall mean any State Highway and any street, road, or right-of-way accepted by the Town of Bethlehem for public use and maintenance. A "proposed street" is a right-of-way in a subdivision or re-subdivision proposed to become a State Highway or be accepted as a street by the Town of Bethlehem.
- 1.7.5 **Subdivision or Re-subdivision:** The term "subdivision" shall mean the division of a tract or parcel of land into three or more parts or lots made subsequent to March 13, 1955 for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes re-subdivision. Re-subdivision is subject to all rules and regulations of subdivisions. Re-subdivision: The term "re-subdivision" shall mean a change in a map or an approved or recorded subdivision or re-subdivision 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.
- 1.7.6 **Water Courses and Wetlands:** The terms "water courses" and "wetlands" as used in these Regulations are defined in Public Act #155 (of 1972) and Public Act #73-571 respectively of the Connecticut General Assembly, as amended, as follows:

A. Water Courses means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- (a) Evidence of scour deposits of recent alluvium or detritus,
- (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and,
- (c) the presence of hydrophytic vegetation.

B. Wetlands means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, of the 1958 Supplement to the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resource and Conservation Service of the United States Department of Agriculture.

SECTION 2: APPLICATIONS AND PROCEDURES

2.1 **SUBMISSION AND RECEIPT:** Complete, signed applications together with all supporting documents and application fees shall be submitted either to the Planning Commission at one of its regularly scheduled meetings or to the Town Clerk's Office during regular office hours. The date of receipt of the application shall be the day of the next regularly scheduled meeting of the Commission following the day of submission or 35 days from the date of submission, whichever is sooner.

2.2 **PREAPPLICATION CONFERENCES:** Prior to submission of an application for approval of a subdivision or re-subdivision, the applicant may request a conference with the Commission to review the requirements of these Regulations and a sketch plan for a subdivision or re-subdivision. It is recommended that the sketch plan show the information required for a SITE DEVELOPMENT PLAN under Par. 4.2 of these Regulations, in order that conditions and problems affecting development of the land can be identified. The concept of the plan can be discussed and the applicant can be guided in preparation of maps, plans, and documents for application.

Pre-application conferences are for informational purposes only and no statement made, nor any information withheld or erroneously given, shall be binding in any way on the Commission in its deliberations upon and disposition of any application that may be or come to be before them.

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

2.3.1 **Application:** Application for approval of a subdivision or re-subdivision 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 subdivision or re-subdivision is proposed by a person, firm, or corporation other than the owner of the land to be subdivided or re-subdivided, the application shall also be signed by the owner or his lawful agent.

2.3.2 **Application fee:** Application fee as shown in Appendix A. All application fees shall be made payable to the Town of Bethlehem. The Commission may by resolution waive the application fee requirement in the following cases and when the Town will not incur significant costs for processing the application and inspection of improvements:

- A. a resubmission of an application disapproved by the Commission within the previous 90 days; or
- B. a revision of a previously approved subdivision when such revision does not constitute a re-subdivision.
- C. applications of the Town of Bethlehem.

2.3.3 **Site Development Plan:** A SITE DEVELOPMENT PLAN, meeting the standards of Par. 4.2, shall be submitted with the application. Six (6) blue line or black line prints shall be submitted. The Commission, upon written request of the applicant, may by resolution determine that a SITE DEVELOPMENT PLAN is not needed in order to evaluate the proposal and need not be submitted.

2.3.4 **Subdivision or Re-subdivision Map:** A SUBDIVISION MAP, meeting the standards of Par. 4.3, shall be submitted with the application. Six (6) blue line or black line prints of the MAP shall be submitted.

2.3.5 **Construction Plans:** Construction plans, as applicable to the subdivision or re-subdivision and meeting the standards of Par 4.4, shall be submitted with the application. Six (6) blue line or black line prints shall be submitted.

2.3.6 **Grading Plan:** Six (6) blue line or black line prints of a GRADING PLAN, meeting the standards of Par. 4.5, shall be submitted with the application. When requested in writing by the applicant and the applicant states that no regrading is proposed other than minor grading incidental to street construction, landscaping, and building construction, the Commission may by resolution determine that a GRADING PLAN is not needed and need not be submitted.

2.3.7 **Soil Tests:** Tests shall be made in accordance with specifications and procedures of the Torrington Area Health District and the Connecticut State Health Code. The location and results of all tests shall be submitted to the Commission.

2.3.8 **State Highway Connection:** Where a proposed street or storm drainage system joins with a State Highway, the applicant shall present a copy of a letter or other document giving evidence that the construction plans have been submitted to the Connecticut Department of Transportation with an application for a permit for such connection in accordance with the Connecticut General Statutes.

2.3.9 **Inland Wetlands Decision:** If a subdivision or re-subdivision application involves land regulated as an inland wetland or water course under the provisions of Chapter 440 of the Connecticut General Statutes, as revised, the applicant shall submit an application to the Bethlehem Inland Wetlands Agency no later than the day the application is filed for subdivision or re-subdivision with the Bethlehem Planning Commission. The applicant shall submit either documentation stating the Inland Wetlands Agency to which an application was submitted determined that the Agency does not have jurisdiction on a site development plan or submit a statement signed by the Inland Wetlands Agency indicating their approval or disapproval.

2.3.10 **Sediment and Erosion Control Plan:** Such plans shall be submitted in accordance with Section 4.5 of these regulations.

2.4 **REVIEW PROCEDURES:** 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:

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

2.4.2 **Additional Information:** The Commission may by resolution require the submission of additional information as follows when deemed necessary to evaluate the proposal:

- A. Sanitation Report:** a written report, prepared by professional engineer licensed to practice in the State of Connecticut, describing the tests and results thereof submitted under Par. 2.3.7 and certifying either that each lot is satisfactory for private sewage disposal and/or water supply systems constructed in accordance with the standards of the State of Connecticut or specifying the location or conditions under which such systems would meet such standards; when required by the Commission, such report shall include a survey and evaluation of the sufficiency of ground-water resources to support adequate on-site water supply systems;
- B. Design Data:** Pertinent survey data and construction design computations;
- C. Additional Evidence:** Such additional evidence as may be necessary to establish the following to the satisfaction of the Commission:
- i. that the land to be subdivided or re-subdivided is of such character that it can be used for building purposes without danger to health or the public safety.
 - ii. that proper provision will be made for water, drainage and sewage;
 - iii. 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;
 - iv. that open spaces will be established in places deemed proper by the Commission; and

- v. if the Commission shall have adopted a Plan of Conservation and Development affecting the area proposed for subdivision or re-subdivision, that any proposed street shown on the subdivision or re-subdivision plan is in harmony with existing or proposed thoroughfares shown on said plan, especially in regard to safe intersections with such thoroughfares.

2.4.3 **Review by Others:** Commission shall transmit copies of the map and plans to the Board of Selectmen for their review and recommendations. Copies may also be sent to the other boards and commissions, and to consultants, as in the opinion of the Commission may be advisable, for their information, review and recommendations.

2.4.4 **Hearing:** A public hearing regarding an application for approval of a subdivision 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. Notice of a public hearing shall be given by the Commission in accordance with Section 8-26 of the Connecticut General Statutes, as amended. Hearings shall be scheduled in accordance with Section 8-26d of the Connecticut General Statutes, as amended. 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.

2.4.5 **Decision:** After the public hearing if any, or after the appearance afforded the applicant, the Commission shall approve the application if it shall find that the maps, plans, documents, and data conform to the requirements of these Regulations; the Commission shall disapprove any application which fails to conform. The Commission shall render its decisions in accordance with the time frames established by Section 8-26d of the Connecticut General Statutes, as amended. If the applicant consents to an extension for the purpose of submitting additional information, such additional information shall be submitted within the time period of the extension.

Approval shall include and be conditioned upon the following when applicable.

- A. presentation of the mylar tracing of the subdivision or re-subdivision map, incorporating any revisions from the initial submission, and if so revised, six (6) blue line or black line prints shall also be presented.
- B. presentation of the mylar tracing of the construction plans and grading plan, or a print thereof on mylar, incorporating any revisions from the initial submission, and if so revised, six (6) blue line or black line prints shall also be presented.
- C. presentation of conveyances to the Town for easements and open spaces shown on the subdivision or re-subdivision map as provided in Par 2.6;
- D. presentation of a copy of a permit from the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway;
- E. presentation of a copy of a permit or copy of declaratory ruling of permit from the inland wetlands regulating agency (Inland Wetlands Agency) of the Town of Bethlehem, authorizing construction of any roads, drainage or other improvements or any grading that constitute a regulated activity affecting wetlands and/or water courses; and
- F. authorization for the Commission Chairman or Secretary to endorse the subdivision or re-subdivision map when all conditions of approval have been met.
- G. approval of a draft of any agreements required and of proposed provisions for bonds under Section 2.5 of these regulations.

In granting approval the Commission may attach such conditions that it deems necessary to modify the subdivision or re-subdivision map, plans or ments and to preserve the purpose and intent of those Regulations. If the Commission does not

approve the application and all the accompanying maps, plans, certificates and documents, it may modify and approve or disapprove the application or any accompanying item. In approving, modifying and approving, or disapproving an application or accompanying item, the Commission shall state in its records any conditions of approval, any modifications required, and the grounds for its action. The Commission shall give notice of its decision as required by law.

2.5 BOND:

- A. No lots may be sold that are served by the proposed public improvements until such improvements are completed to the satisfaction of the Board of Selectmen. The placement of a note on the record subdivision or re-subdivision map to this effect is required.

- B. Prior to the filing of an approved subdivision or re-subdivision plan in the Town Clerk's Office and prior to the commencement of public improvements, the applicant shall execute an agreement and file a bond with the Board of Selectmen to guarantee the completion of the proposed public improvements within a period, not exceeding one (1) year, as determined by the Board of Selectmen. The bond shall be in form and amount acceptable to the Board of Selectmen and to the Town Counsel and shall be a cash bond, a letter of credit, or a combination of a cash bond and a letter of credit. Said bond or bonds shall secure to the Town the actual construction and installation of such improvements. No less than the first \$50,000.00 of the bond amount shall consist of a cash bond. Such agreement and bond shall remain in full force and effect until the street, drainage and other improvements have been accepted for public use, and maintenance by the Town and a maintenance bond has been posted as specified in Par. 2.8.2.

C. The applicant may be required to execute an agreement and file a bond with the Board of Selectmen to guarantee that public improvements such as street signs, monuments, underground utility lines, street trees, fire ponds and any other public improvements as deemed necessary by the Commission shall be completed.

2.6 EASEMENTS AND DEEDS:

Any open spaces to be dedicated to the Town and any easements for storm drainage, other utilities or public rights-of-way shall be confirmed by written conveyance describing the land involved and privileges of the Town in a form satisfactory to the Planning Commission and to the public or non-profit organization to which the open space and/or easement shall be conveyed. The conveyance shall be accompanied by an appropriate map delineating the land involved in accordance with the standards of Par 4.3 unless such land is shown on the subdivision or re-subdivision map

2.7 FILING AND RECORDING: The date of endorsement of the subdivision or re-subdivision map shall be noted on the map by the Chairman or Secretary of the Commission. The applicant shall file and record the map in the office of the Bethlehem Town Clerk within the time frame established under Section 8-25 of the Connecticut General Statutes, as amended. Filing and recording fees shall be paid by the applicant.

2.8 CONSTRUCTION COMPLETION: The following are requirements applicable upon completion of required construction of roads, drainage, and other improvements:

2.8.1 As Built Plans: Before release of any subdivision or re-subdivision completion bond, the applicant shall present to the Board of Selectmen construction plans, meeting the standards of Par 4.4, showing the streets, drainage and other subdivision or re-subdivision improvements as built and also showing the location of any under-ground electric, telephone, and other utilities.

In lieu of such submission, the applicant's land surveyor and engineer may update and certify the construction plan tracing submitted under Par. 2.4.5(b). Upon endorsement by the Board of Selectmen, the applicant shall record the "as-built" plans in the Office of the Town Clerk, which plans must be signed and sealed by an engineer currently licensed in the State of Connecticut.

2.8.2 Release of Bond: Before release of any subdivision or re-subdivision completion bond:

- a) the roads, drainage, and other required improvements in the subdivision or re-subdivision shall have been inspected and approved by the Board of Selectmen,
- b) the as-built plans shall have been submitted to the Board of Selectmen as specified in Par. 2.8.1, and
- c) the applicant shall execute an agreement and file a bond to guarantee maintenance of and to cover unforeseen deficiencies in the required road, drainage, and other subdivision or re-subdivision improvements.

In the case of improvements which are not to be offered for acceptance by the Town, 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 offered for acceptance by the Town, the maintenance bond shall terminate no earlier than one (1) year after the date of acceptance of the improvements by the Town. The maintenance bond shall be in form and with surety as required in Par. 2.5 and shall be in an amount approved by the Board of Selectmen as not less than 10% nor more than 50% of the current cost of the original improvements.

2.8.3 Time Requirements: Completion of all required construction shall be in accordance with Section 8-26c of the Connecticut General Statutes, as amended.

2.9 WITHDRAWAL OF APPLICATION:

An applicant may, without prejudice, withdraw an application by submitting a written notice of withdrawal to the Commission at any time prior to the final decision of the Commission.

2.10 DUPLICATE APPLICATIONS: The Commission shall refuse to consider more than one application for the same parcel of land or any part thereof if an application is submitted while another application is pending before the Commission or has been approved but not recorded with the Office of the Town Clerk.

SECTION 3: STANDARDS FOR PLANNING AND DESIGN

- 3.1 GENERAL:** Subdivisions and re-subdivisions, including related streets, drainage and other improvements required by these Regulations, shall be planned, designed and constructed in accordance with the standards hereinafter specified. Construction plans shall be prepared in accordance with good engineering practice; construction of improvements shall be carried out in a workmanlike manner, in accordance with time limits set by the Commission and in a logical sequence. The design and construction of improvements shall also conform to the "William -Steiger Occupational Safety and Health Act of 1970", administered by the U. S. Department of Labor, Occupational Safety and Health Administration.
- 3.2 PLAN OF CONSERVATION AND DEVELOPMENT:** It is recommended that subdivisions And re-subdivisions be planned and designed in general conformity with any Plan of Conservation and Develop-Development adopted by the Commission under Chapter 126 of the Connecticut General Statutes for the Town or the neighborhood encompassing the subdivision or re-suvbdivision.
- 3.3 BOARD OF SELECTMEN:** The construction plans for streets, drainage and other subdivision or re-subdivision improvements, required by these Regulations, shall be approved in writing by the Board of Selectmen. Streets, drainage and other improvements shall be designed and constructed in accordance with the applicable ordinances of the Town of Bethlehem and the construction specifications and procedures adopted by the Board of Selectmen.
- 3.4 INSPECTION AND NOTIFICATION:**
The Construction of streets, drainage and other subdivision or re-subdivision improvements shall be subject to inspection and approval by the Board of Selectmen, or their authorized agent. The applicant, or the contractor for such improvements, shall give to the Board of Selectmen, or their authorized agent, timely notice at commencement and completion of each phase of the work in accordance with the specifications and procedures

adopted by such Board. The Board of Selectmen and the Commission, or their authorized agent, shall have free access to the construction work at all times as shall be deemed necessary to determine compliance with the standards of these Regulations. They may require the applicant, at his own expense, to have such tests made and certified by a Connecticut licensed professional engineer.

3.5 CONSTRUCTION TIMING AND COMPLETION: The street, drainage and other improvements required by these Regulations shall be completed before any lots may be sold that are served by the proposed public improvements. Upon written request of the applicant, the Commission may by resolution permit the sale of lots served by the proposed public improvements provided that the Commission is satisfied that:

- a) sufficient improvements have been installed to support any existing use or development within the subdivision or re-subdivision;
- b) the construction work is proceeding in accordance with plans as approved; and
- c) the public health and safety will not be impaired by the extension;

otherwise, the Commission may by resolution determine that the subdivision or re-subdivision is in default and fails to conform to the conditions of approval. In addition, the construction work shall be carried out in a logical sequence that provides for adequate drainage and avoids soil erosion at each stage of the work and that provides safe and convenient access to any occupied buildings within the subdivision or re-subdivision.

5 NATURAL FEATURES: The planning and design of the subdivision or re-subdivision, including related streets, drainage and other improvements, shall provide for preservation of natural features of the tract as identified herein. The Commission, at its discretion, may ask an applicant to show alternative designs to demonstrate that all reasonable care has been taken to preserve the natural features of the tract:

- 3.6.1** by avoiding cuts or fills which result in potential soil erosion and excessive tree removal which disturbs water resources;

- 3.6.2 by avoiding construction which results in relocation of or encroachment upon water courses;
- 3.6.3 by avoiding filling or excavation of or encroachment upon wetlands, flood plains and other land subject to potential flooding;
- 3.6.4 by avoiding removal of large isolated trees and desirable woods and other vegetation, and removal of stone walls; and
- 3.6.5 by providing for preservation of wetlands and water courses and for the protection thereof by easement, reservation area or other controls to prevent excavation, filling or encroachment unless approved by the Bethlehem Inland Wetlands Agency.

3.7 **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 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, such as by reason of water or flooding conditions, topography, ledge rock, unsuitable soils or other conditions, shall be combined with another contiguous lot that is suitable or shall be marked to indicate that it is not an approved lot on the subdivision or re-subdivision, until the lot conforms to the Subdivision Regulations in effect at the time of application and approved by the Commission and a revised subdivision or re-subdivision map has been submitted to and is approved by the Commission. Proposed building lots shall also conform to the following additional standards:

3.7.1 **Purpose:** Proposed building lots shall have a shape, size and access suitable for the intended purpose, whether for dwelling or other purposes. The intended use of each lot shall be noted on the subdivision or re-subdivision map.

3.7.2 **Terrain:** Proposed building lots shall be planned to make best use of the natural terrain, to preserve large trees, woods, wetlands, watercourses, and water

resources, stone walls and other similar natural and cultural features and to avoid the need for extensive regrading to build on the lot, particularly any regrading which would adversely affect the ability of the lot to accommodate on-site sewage disposal and/or water supply facilities or result in potential soil erosion. Construction of homes, driveways and sub-surface sewage disposal systems should not be proposed in areas with severe limitation for development. These areas include slopes in excess of 25%, areas with bedrock within four feet of the surface, and areas of, or in close proximity to, wetlands, flood plains or water courses. The applicant shall present a site development plan of the property meeting the requirements of Par. 4.2 herein showing building sites, driveways, sewage disposal systems, well locations and existing and proposed contours, in order to demonstrate the suitability of the property for the proposed purpose. If any construction is proposed within areas having severe limitations as defined above, the Commission may require additional site investigations, field surveys, and more detailed site plans at a scale of 1"=20'.

3.7.3 Lot Size and Frontage: Each lot shall have a minimum area of 76,230 square feet (ie.: 1.75 acres), shall be of such shape that a square with 200 feet on each side will fit on the lot and shall have suitable access for development, which area is the required minimum for each dwelling unit on the lot and which area and square shall be exclusive of any wetlands that may be located on the lot, and of which one acre shall contain no slope in excess of twenty-five (25%) percent of original grade. The minimum square shall be shown on the site development plan. Larger lots shall be provided as may be necessary to accommodate on-site sewage disposal and water supply systems, to provide a suitable building area while protecting natural features and to accommodate the intended purpose specified by the applicant under Par. Except as provided in Section 3.7.4, each lot shall have a minimum frontage of 200 feet on an existing or proposed Town road or street with suitable access from such road or street. Such frontage shall be continuous, not separated by any street or by any other parcel of land owned by the same party.

3.7.4 Interior Lots: Interior Lots ,i.e., lots that do not meet the frontage requirements of Section 3.7.3 may be established if they meet the following requirements:

- a. an interior lot shall have a minimum area of 140,000 square feet; and
- b. an interior lot shall have access from a Town road by means or an accessway which shall be part of the lot, owned in fee simple, and suitable for construction of a driveway serving the lot and which shall be no less than 40 nor more than 49 feet in width, provided however, that the Commission may approve an accessway of 50 feet or more in width if it determines, based on site development and grading plans, a road profile and any other engineering data which the Commission deems necessary, that the applicant has demonstrated the feasibility of constructing a future Town road and lots on the future Town road; and
- c. the accessway shall be located and configured so as to preserve significant natural features; and
- d. the accessway shall serve no more than (1)one lot; and
- e. any accessway serving an interior lot shall be separated from any other such accessway by a lot having full frontage on a Town street as provided in Section 3.7.3, provided however that by a vote of three-quarters of its members (i.e., a minimum of four affirmative votes) the Commission may approve two adjoining parallel accessways if it determines that topographic or site features justify such a lot configuration ;and
- f. no subdivision or re-subdivision of land shall be permitted wherein interior lots constitute 35 % or more of the lots established.

- 3.7.5 **Access**: Lots shall be arranged in a manner so that automobile access can be provided from the street to a parking space or spaces on the lot by means of driveways, including a driveway in a private accessway, having a grade no greater than 12%, having safe alignment and sight distances and meeting the street in a manner that maintains the standard cross section for the street in accordance with its classification.
- 3.7.6 **Lot Numbers**: All lots shall be numbered consecutively beginning with the numeral "1". Sections of the subdivision or re-subdivision under the same name shall have consecutive lot numbers.
- 3.7.7 **Lot Lines**: Insofar as practical, 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. If the parcel proposed for subdivision or re-subdivision includes a small pond lot lines shall be drawn to include the pond in one lot if possible. With Commission approval lot lines may cross a pond. In such case, the applicant shall submit an agreement for maintenance of the pond among the owners of lots on which the pond is situated.
- 3.7.8 **Underground Fuel Tanks**: Fuel storage tanks shall not be located on new building lots unless located within the basement of a structure or buried outside the structure in a concrete encasement with appropriate devices for monitoring leaks and other failures as specified by the Department of Environmental Protection. Such underground tanks may be subject to a schedule of regular inspections that may be established by the Board of Selectmen, the Town's Health District, or any other appropriate Town agency or commission.
- 3.7.9 **Improvement of Substandard Town Roads**: If a subdivision or re-subdivision application proposes the establishment of two or more lots that would have access to a Town road which does not meet the minimum standards of the Town of Bethlehem Road Ordinance, as amended, such

application may be denied unless the applicant has evidence of approval by the Board of Selectmen and the Board of Finance for improvement of the road at Town expense or unless the applicant proposes to improve the road or a portion of the road sufficient to provide the necessary access at the applicant's own expense, in which case the construction of such improvements by the applicant shall be assured by a bond in accordance with Section 2.5 of the Regulations.

3.7.10 Lot Shape: No lot shall be so configured that it includes any strip of land with more than five (5) feet of frontage along a street and with a depth of less than twenty (20) feet.

3.8 SEWER AND WATER: Each lot shall be capable of accommodating adequate and safe means of sewage disposal and water supply on a continuous long term basis to meet the requirements of the intended purpose specified by the applicant under Par. 3.7.1. The Commission may approve provision for sewage disposal and water supply by means of on-site facilities for and on each lot when all of the following conditions are met:

3.8.1 the lot contains an area, adequate in size, dimension, location and slope, with suitable soils, to accommodate a leaching field system and a reserve area for future fields, in accordance with standards of the State of Connecticut Sanitary Code;

3.8.2 it is demonstrated that there is a suitable well location with proper spacing from sewage disposal systems on the lot or on any other lot, in accordance with standards of the Connecticut State Health Code.

3.8.3 the lot is approved by the Town's Health District or it's authorized agent; and

3.8.4 a note is placed on the subdivision or re-subdivision map specifying that the design and construction of on-site sewage disposal and water supply facilities are subject to approval by municipal or other authorities having jurisdiction. Also included on the map shall be the following: " The Town of Bethlehem by approving this subdivision or re-subdivision does not guarantee nor will the Town be responsible for supply of potable water to any or all approved lots."

3.9 STREET PLANNING AND DESIGN: Streets shall be planned and designed in a manner capable of acceptance for public use and maintenance by the Town of Bethlehem and in accordance with the following standards:

3.9.1 Classification: Each street in the subdivision or re-subdivision shall have one (1) of the following classifications in accordance with the function of the street as approved by the Commission:

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 road's edge.

B. Thoroughfare: a street of considerable existing or potential continuity on which traffic past abutting lots will be dominant and serving as an artery for intercommunication among large areas of the Town or serving as a feeder to a neighborhood; also a street giving direct access to or circulation within business and industrial areas.

In addition, the Commission shall assign each existing street abutting the subdivision or re-subdivision one (1) of the above classifications.

3.9.2 Street planning: Proposed streets and right-of-ways shall be planned in accordance with the following criteria:

- A. Streets shall provide safe and convenient circulation for both present and prospective traffic within the subdivision or re-subdivision and within the neighborhood where the subdivision or re-subdivision is located.
- B. Streets should in general follow the contour of the land and should, as far as practical, consider street alignments along an east-west axis (within 30 degrees of either side of true east) to encourage the development of buildings facing true south, and should have a location and grade which accomplishes an attractive layout and development of the land, which preserves natural terrain, large isolated trees and desirable woods and other vegetation which will enhance the property values in the subdivision or re-subdivision.
- C. Permanent dead-end streets should be avoided. Proposed streets which may be projected into adjoining property shall be carried to the boundary line. No reserve strips to block access to a street shall be provided unless specifically approved by the Commission as necessary for safety on the street.
- D. Unless otherwise approved by the Commission, proposed streets shall provide for continuation of existing streets terminating at the boundary of the subdivision or re-subdivision.
- E. Thoroughfares shall be provided as indicated on any Plan of Conservation and Development adopted by the Commission and otherwise where necessary as a feeder to a residential neighborhood or to serve a business or industrial area.

3.9.3 **Right-of-Way**: Streets shall have the following minimum width of right-of-way according to their classification, or a greater width as determined 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 feet.

3.9.4 **Street Lines**: Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and hammerheads 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.

3.9.5 **Relationship to Existing Streets**: Proposed subdivisions or re-subdivisions and any proposed streets therein shall be planned to coordinate with existing streets as follows

A. **Abutting Streets**: Proposed subdivisions and re-subdivisions abutting an existing Town street or State highway shall provide for proper 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. Provision shall also be made for improvements in the travel-way as to width, grade and alignment (vertical and horizontal), base, drainage and pavement as, in the opinion of the Commission, may be made necessary by the creation of the subdivision or re-subdivision.

B. **Access**: Any proposed street in a subdivision or re-subdivision shall connect to an existing Town street or State highway or to another street in another subdivision or re-subdivision that has been approved by the Commission and a street to which the applicant has appropriate access rights.

C. Suitability of Access: The existing street to which the proposed subdivision or re-subdivision street connects shall be of sufficient width and have a suitable travel-way, grade and alignment as determined by the Commission to provide adequate utility and highway maintenance services to the subdivision or re-subdivision and sufficient to accept the traffic to be generated by the proposed subdivision or re-subdivision street without undue hazards to vehicles and pedestrians.

3.9.6 Dead-end 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 less than two (2) nor more than 20 building lots. Temporary dead-end streets, which may be projected into adjoining property at some future date, may provide access to a lesser or greater number of lots but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission.

3.9.7 Turnarounds: A turnaround shall be provided at the closed end of a dead-end street. The usual form of the turnaround shall be in the shape of a "hammerhead." Another configuration may be used if the applicant demonstrates reason to use another configuration and that configuration is approved by the Board of Selectmen. A "hammerhead" turnaround is constructed as follows: The far end of the dead end will have a paved width of one and one-half times the approved width of the road. A paved area the width of the road and sixty feet in linear depth from the right side of the end of the road will be constructed sixty feet from the far end of the road to allow for sufficient paved area for snow plows and other large vehicles to back in and around. The left side of the dead end will be tapered from the end of the road back toward the roadway so as to end at a point across the road from the beginning of the turnaround notch. See diagram below:

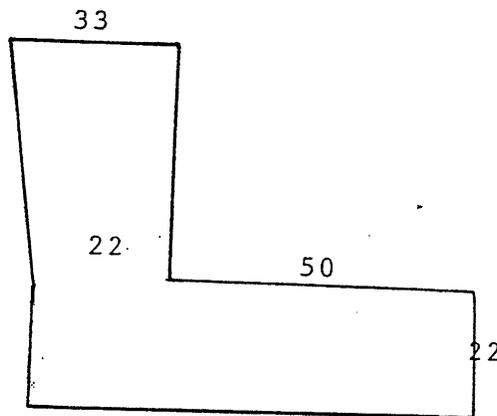
"Hammerhead" assuming 22' approved road.

A right-of-way for a turnaround on a temporary dead-end street, which may at some future date be projected into adjoining property, shall be provided in the form of a temporary easement in favor of the Town accompanied by a note on the subdivision or re-subdivision Map providing for automatic termination of the easement upon the extension of the street. When a street is extended from an existing turnaround, the excess pavement outside the normal pavement width shall be removed and the area restored by the individual(s) making such street extension. When such street is extended it shall comply with the Town Road Ordinance which are in effect at the time of street extension. Upgrading of the existing street may be required.

3.9.8 Width of Pavement: Streets shall be designed with a pavement width of 22 feet centered between the street lines.

3.9.9 Grade: The minimum grade for any street shall be 1.0%, except that a minimum grade of from 0.5% to 1.0% may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following according to its classification:

- A. Local Residential Street: 10%
- B. Thoroughfare: 6%
- C. Turnarounds: 3%



Not to Scale

"Hammerhead" assuming 22' approved road.

3.9.10 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. Except at intersections, vertical curves shall provide a minimum sight distance of 200 feet along the edge of the pavement. Where any road approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2%, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersected.

3.9.11 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 75 degrees.

C. At street intersections, property line corners shall be rounded by an arc having a minimum radius of 20 feet.

3.9.12 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: 150 feet.

B. Thoroughfare: 400 feet.

3.9.13 Cross Section: Streets shall be designed with a cross section in accordance with a drawing entitled "Typical Street Cross Section" which drawing is hereby made a part of these Regulations.

3.9.14 Street Names: Streets shall bear names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in the Town of Bethlehem or any adjoining town. All street names shall be subject to the approval of the Commission.

3.10 STREET CONSTRUCTION: Streets shall be constructed in accordance with the applicable ordinances of the Town of Bethlehem and the specifications and procedures adopted by the Board of Selectmen.

3.11 DRAINAGE PLANNING AND DESIGN: Storm drainage shall be planned and designed in accordance with the following standards and criteria:

3.11.1 General: The storm drainage system shall provide for drainage from the entire area of the subdivision or re-subdivision and shall take into account land outside the subdivision or re-subdivision which normally drains across the area of the subdivision or re-subdivision as well as the effects of the subdivision or re-subdivision upon down-stream drainage systems. The drainage system for the subdivision or re-subdivision shall make use of and protect, and improve as needed, the natural drainage system; construction of artificial ditches should be avoided. The drainage system shall provide for the following:

- A. adequate drainage of proposed streets, including future extensions thereof into adjoining property;
- B. interception of existing channeled drainage coming from any adjoining property or street;
- C. protection of locations necessary for on-site sewage disposal and water supply facilities;
- D. prevention of flooding and soil erosion, and protection of wetlands and water courses; and
- E. on-site detention where feasible, in order to lessen the time of downstream concentration and provide for continuity of flow in water courses.

3.11.2 Design Storm: Drainage shall be designed under the Rational Formula (whereby $Q = CIA$) or the U. S. Soil Conservation Service formula. The Formula and run-off factors shall be approved by the Board of Selectmen. Pipe drainage systems shall be designed on the basis of a 10-year storm; channels and trunk lines shall be designed on the basis of a 25-year storm; channel or encroachment lines along streams, and culverts crossing streets, shall be designed based on a 50-year storm.

3.11.3 Pipe Design: The minimum size of storm water pipe be 15" in diameter. Co-efficients used in design for reinforced concrete pipe shall be $N = 0.015$ and for corrugated metal pipe $N = 0.021$ and for plastic pipe the $N = 0.010$. The minimum slopes of pipes shall be 0.5%. Pipe size and slope shall be such that the head on the invert will not exceed 1.5 diameters at design storm, and this head shall be contained without damage to any adjacent property. Pipe, except for under-drains, shall be laid on straight alignments, both horizontally and vertically with manholes, spaced not more than 400 feet apart, providing access at all deflection points or at the junction of two (2) or more lines. The open end of any pipe shall be provided with an end-wall. The minimum cover over the top of the pipe shall be 18 inches. Culverts under streets shall extend to the edge of the right-of-way.

3.11.4 Spacing of Catch Basins: Catch basins shall be connected to a storm water pipe and shall be provided in order that surface water will not cross any intersection nor travel on any street more than 400 feet on streets with grades up to and including 5% and not more than 300 feet on streets with grades over 5%.

3.11.5 Discharge: The discharge of all storm water that has been collected or otherwise artificially channeled shall be into suitable natural streams or into Town or State drainage systems with adequate capacity to carry the discharge. The Commission may require storm water generated by the proposed subdivision or re-subdivision to be detained or retained on the site in order to reduce off-site flooding and to avoid the need to reconstruct existing storm drainage structures

off-site. There shall be no discharge onto or over private property within or adjoining the subdivision or re-subdivision unless a) proper easements and discharge rights have been secured by the applicant, b) such easements and rights are transferable to the Town where the discharge includes storm water from any street and c) there will be adequate safeguards against soil erosion and flood danger. No storm water shall be diverted from one watershed to another. Discharge shall be made in a manner that protects streams, ponds and swamps from pollution.

3.11.6 Encroachment Lines: Each stream that functions as part of the drainage system, and any related wetland or flood plain, shall be provided with channel, building or other encroachment lines to prevent encroachment constriction or diversion by building, filling or excavation. The encroachment lines ~~shall be shown on the subdivision or re-subdivision map~~ accompanied by a note specifying the restrictions in a manner approved by the Commission.

3.12 EROSION AND SEDIMENT CONTROL: Provision shall be made for control of erosion and sedimentation, both during and after construction of streets, drainage and other improvements, in accordance with Section 4.5 herein.

3.13 EASEMENTS: Easements for access to end use of land outside of a street right-of-way shall be provided as required or approved by the Commission and shall be shown on the subdivision or Re-subdivision Map with adequate survey information, so that the land subject to easement may be accurately located by field survey. Easements shall be provided in at least the following cases:

3.13.1 for access to bridges and culverts with construction

3.13.2 for storm water pipes, and water mains and sanitary sewers and appurtenances if any, which easements shall be less than 20 feet in width;

3.13.3 easements for temporary turnarounds;

3.13.4 temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street;

3.13.5 sight easements across corners of lots at intersection to assure safe line of sight on the street; and

3.13.6 easements at least 10 feet in width for pedestrian ways to parks, playgrounds, schools and other public or semi-public places where the street system does not conform to convenient pattern of pedestrian circulation.

3.14 **FIRE PROTECTION**: When recommended by the Town Fire Marshall, the Commission shall require that suitable existing ponds within the subdivision or re-subdivision be designated for fire protection purposes and provided with suitable permanent access by means of a driveway and/or hydrant for use in connection with Town fire protection services. When there is no existing pond, the Commission may, where feasible, require the creation of a fire pond, within the subdivision or re-subdivision, if approved by the Town's Inland Wetland Agency, and recommended by the Town Fire Marshall

3.15 **OPEN SPACE**: Open spaces shall be provided and reserved in each subdivision and re-subdivision for residential purposes as deemed necessary and in locations deemed proper by the Commission as follows:

3.15.1 **Character and Access**: 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. Inland wetlands, flood plains and other land generally unsuitable for building may be designated as open spaces for conservation purposes but need not be considered by the Commission in determining the amount of land reserved pursuant to Section 3.15.3 herein. Proper pedestrian and vehicular access may be required to each such reservation.

3.15.2 **Plan of Conservation and Development**: The reservation of land shall also conform to goals, objectives and policies of the Bethlehem Plan of Conservation Development.

3.15.3 **Acreage**: Not less than 15% of the total area of the subdivision or re-subdivision shall be so reserved, unless the Commission, in its sole discretion, determines that a lesser area is sufficient or that such a reservation is not necessary or is otherwise not advisable because of one or more of the following:

A. adequate existing open spaces are available in the neighborhood;

B. there is no land in the subdivision or re-subdivision suitable for such reservation;

C. the minimum reservation area is less than one (1) acre;

D. the existence of a deed restriction or conservation or preservation restriction on the Land Records of the Town of Bethlehem setting aside open space on a portion of said subdivision or re-subdivision;

E. the excessive size of the proposed subdivision or re-subdivision lots.

3.15.4 Use of Open Space Land: Except where otherwise approved after hearing by the Planning Commission, open space land shall be preserved in its natural state and the use of such land shall be limited to appropriate purposes as determined by the Planning Commission. Suitable legal agreements, including conservation and preservation easements and restrictions, approved in form and content by Town Counsel, may be required by the Planning Commission. Open space land shall not be used for the storage of equipment or the deposit of debris and shall not be excavated, filled or regraded and trees shall not be removed therefrom, except in accordance with a grading plan submitted under Section 2.3.6.

3.15.5 Ownership of Open Space: The area(s) designated as open space shall:

A. be dedicated to the Town by deed acceptable to Town Counsel, provided the Town Meeting has voted to accept such dedication; or

B. be conveyed to a non-profit land conservation trust or corporation, established for the purpose of conserving land in open space, such conveyance to be approved by the Planning Commission and the form of the instrument to be approved by Town Counsel and

provided that said conveyance shall restrict subsequent sale or other disposition to a similar trust or corporation to be approved by the Planning Commission or to the Town to be maintained as open space; or

C. be conveyed to a non-stock corporation organization under the laws of the State of Connecticut. Said corporation shall be organized by the developer prior to the sale of any lots in the subdivision or re-subdivision and the deeds to buyers of lots in the subdivision or re-subdivision shall provide that such buyers shall be members of said corporation. The developer's deed of said open space land to said corporation shall provide that if said corporation is dissolved, said open space land shall vest in the Town upon approval of the Town Meeting. The certificate of incorporation and/or bylaws of said corporation shall at all time:

- i. limit membership to one class who shall be property owners in the subdivision or re-subdivision;
- ii. provide that each lot in the subdivision or re-subdivision shall be entitled to one vote regardless of the number of owners of a lot;
- iii. provide for assessments against members for all expenses including, but not limited to maintenance of said open space land, including any improvements thereon, taxes, and insurance;
- iv. provide that each member may use the open space land, including any improvements thereon, in accordance with the purposes for which they were intended without hindering or encroaching upon the lawful rights of other members; and
- v. restrict the use of said open space land to members of said corporation or their social guests; or

D. with the express approval of the Planning Commission, open space land may be owned by each lot owner in the subdivision or re-subdivision, with the owner of said lots having an undivided interest in said open space land provided, however, that such open space land shall remain undivided and no lot owner shall bring any action for partition or division of any part thereof, and further provided that the use of such open space land shall be limited to property owners in the subdivision or re-subdivision or their social guests; or

E. with the express approval of the Planning Commission, be retained by the developer for uses set forth in Section 3.15 herein or be subject to conservation or preservation restrictions, provided that in each instance the terms of such restriction are acceptable to the Commission; or

F. be set aside in a manner which the Commission, in its sole discretion, finds appropriate and consistent with the purpose of this section.

3.16 STREET SIGNS: Street name signs shall be installed at all street intersections in locations approved by the Board of Selectmen. Such signs shall be of a design and material approved by the Board of Selectmen.

3.17 MONUMENTS: Monuments shall be provided at the corners of each lot and on both street right-of-way lines at the beginning and termination of each street and at deflection or tangent points in between. Monuments shall be provided at the corners of each lot and on both streets. Monuments shall be made of reinforced concrete or granite and shall be not less than four (4) inches square by four (4) feet in length with a brass or copper plug, or drill hole or cross, marking the center of the four (4) inch square. Each monument shall be set in place, after all street construction is completed, with the marked point set on the point of reference.

3.18 UNDERGROUND UTILITY LINES: New public utility lines, including, but not limited to, electric, telephone, and cable T.V. shall be installed underground unless the Commission determines, based on a written report submitted by the applicant, that such underground installation is inappropriate or unfeasible for all or a part of the subdivision or re-subdivision. In making such determination, the Commission shall take into account a) the type of service existing in the area adjacent to the subdivision or re-subdivision, b) topographic and construction conditions and c) the size of the subdivision or re-subdivision. Wherever possible, such underground utilities shall not be located under the street pavement.

3.19 STREET TREES: Where there are insufficient existing trees within the subdivision or re-subdivision, the Commission may require the planting of street trees. In general, street trees shall be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, and shall be located not less than ten (10) feet from the edge of the pavement. Trees to be planted shall be at least two (2) inches in diameter breast high and shall have a minimum height of 10 feet. The species of trees shall be subject to the approval of the Commission. Where the trees may interfere with utility poles and wires, the Commission may permit the location of required trees within the front 10 feet of the proposed lots. Existing trees along the proposed street which substantially conform to those requirements may be substituted for new trees at the discretion of the Commission.

3.20 ALTERNATE STANDARDS: The Commission may approve alternate planning and design standards differing from the above, 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 other ordinances or regulations, such alternate standards are approved by the agency responsible for administration of such ordinances or regulations.

SECTION 4: MAPS AND PLANS

4.1 GENERAL: The maps and plans required by these Regulations shall show the information and shall be prepared in accordance with the standards hereinafter specified. All such maps and plans shall be prepared by and bear the name and seal of a land surveyor or professional engineer, or both, as required by law and licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. Elements of such maps and plans may be prepared by a landscape architect or other designers or technicians as authorized by law and noted on the map or plan.

4.2 SITE DEVELOPMENT PLAN: The SITE DEVELOPMENT PLAN shall be drawn to a scale of not less than 1" = 40' unless the Commission waives this requirement pursuant to Section 8.2 herein. The plan shall show existing conditions and the proposed layout of lots, streets and improvements for the proposed subdivision or re-subdivision and all contiguous land of the applicant that may be subdivided or re-subdivided in the future, in order to enable the Commission to complete a general planning review of the proposed subdivision or re-subdivision including its relationship to the future subdivision or re-subdivision of contiguous land of the applicant. The plan shall show at least the following information:

4.2.1 title of the subdivision or re-subdivision, which shall not duplicate the title of any previous subdivision or re-subdivision in the Town of Bethlehem;

4.2.2 date, scale, north point, Town and State;

4.2.3 a location map showing the location of the subdivision or re-subdivision in relation to existing streets in the Town at a scale of not less than 1" = 1000';

4.2.4 information on site conditions and land evaluations as follows:

A. existing contours at an interval not exceeding 2 feet, based on field or aerial survey with the bench mark noted on the plan, unless a lesser standard is specifically authorized by the Commission;

- B. existing permanent buildings and structures;
- C. any ledge outcrops;
- D. location of existing stone walls and fences;
- E. existing water courses, including both intermittent and continuous flowing streams;
- F. location and limits of all wetlands, based on field location by a certified soil scientist, flood plains and other land subject to potential flooding;
- G. the location and approximate limits of each soil type on the tract, based on the National Cooperative Soils Survey, U.S. Soil Conservation Service;
- H. principle wooded areas, and the approximate location of any large isolated trees;
- I. the location of any seepage test holes, test pits and borings;
- J. the location of any existing wells or septic systems on the tract and on land within 200 feet of the tract; and
- K. the location of any drainage discharge points onto the tract from any street;

4.2.5 property ownership information and proposals as follows

- A. name and address of the owner of the tract;
- B. name and address of the applicant if different from the owner;
- C. the perimeter boundary of the tract, with approximate dimensions, and the area of the tract to be subdivided or re-subdivided;
- D. existing property lines and street lines for a distance of 200 feet from the tract;

E. names of all subdivisions or re-subdivisions or owners of property abutting the tract;

F. proposed lots and lot numbers, with approximate dimensions and area;

G. proposed street and other rights-of-way;

H. location and approximate dimensions of existing easements;

I. location and approximate dimensions of proposed easements;

J. existing monuments; and

K. any municipal boundary line;

4.2.6 proposals for site development as follows:

A. location and width of street pavement;

B. spot elevations on existing and proposed streets to indicate tentative grading of roads;

C. street names;

D. storm drains, catch basins, manholes, headwalls and ditches;

E. any relocation or improvement to channels of water courses;

F. open spaces;

G. any reserved areas for water course and wetland protection or for conservation areas;

- H. on each lot, the location proposed for water supply well sites, the location and dimensions of the area suitable for leaching fields for on-site sewage disposal systems and the reserve area for future fields, the location of proposed structures, drives and parking;
- I. unless specifically waived by the Commission, the proposed regrading required for all structures, drives, parking, leaching areas, and other site features;
- J. the limits of any areas proposed to be reserved and protected from excavation, including the marking on the property of the extent of approved wetland activities;
- K. proposed monuments and pins;

4.2.7 the signature(s) and seal(s) of the licensed professional engineer, landscape architect and/or land surveyor responsible for the preparation of the plans and the signature of the certified soil scientist with respect to wetland boundaries.

4.3 **SUBDIVISION OR RE-SUBDIVISION MAP:** The SUBDIVISION OR RE-SUBDIVISION MAP shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2 Survey" as defined in the Code of Practice for Standards of Accuracy of Surveys and Maps as published by the Connecticut Board of Registration for Professional Engineers and Land Surveyors. The map shall be clearly and legibly drawn and shall be drawn on good quality mylar on sheets not exceeding 24" x 36". 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 may be limited to the portion of the tract to be subdivided or re-subdivided and shall show at least the following information:

- 4.3.1 title of the subdivision or re-subdivision, which shall not duplicate the title of any previous subdivision or re-subdivision in the Town of Bethlehem;
- 4.3.2 date, scale, true north point, Town and State;
- 4.3.3 a location map showing the location of the subdivision or re-subdivision in relation to existing streets in the Town at a scale of not less than 1" = 1000';
- 4.3.4 an index map, if the proposed subdivision or resubdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision or re-subdivision with lots, lot numbers, street, street names and delineation of areas covered by the section or sheet.
- 4.3.5 if the subdivision or resubdivision does not include the entire tract, a map of the entire tract drawn to a scale of not less than 1" = 400' showing the names of all subdivisions or re-subdivisions or owners of property abutting the tract and showing the location of land to be subdivided or re-subdivided within the tract;
- 4.3.6 information on site conditions as follows:
 - A. existing permanent buildings and structures;
 - B. existing water courses, including both intermittent and continuous flowing streams;
 - C. location and limits of all wetlands, flood plains and other land subject to potential flooding; and
 - D. the location of any drainage discharge points onto the tract from any street;
- 4.3.7 property ownership information and proposals as follows, with all lines, except as noted, shown with dimensions to the hundredth of a foot, bearings or deflection angles on all straight lines and the control angle, tangent distance and radius of all arcs:

- A. name and address of the owner of the tract;
- B. name and address of the applicant if different from the owner;
- C. the perimeter boundary of the tract, and the area of the tract to be subdivided or re-subdivided;
- D. the approximate location of property lines for a distance of 200 feet from the tract;
- E. names of all subdivisions or re-subdivisions or owners of property abutting the tract;
- F. all street lines within 200 feet of the tract and the survey relationship of the tract to nearby monumented Town streets or State Highways where practical;
- G. proposed lots and lot numbers, and the area of each lot;
- H. proposed street and other rights-of-way, and the width thereof;
- I. street names;
- J. location of existing and proposed easements;
- K. existing and proposed monuments;
- L. any municipal boundary line;
- M. any channel and building lines;
- N. open spaces and the area thereof; and
- O. any reserved areas for water course and wetlands protection or for conservation areas;

4.3.8 the following additional information.

- A. the seal and signature of a licensed land surveyor;
- B. the words "Approved by the Bethlehem Planning Commission" with a designated place for the signature of the Chairman or Secretary and date of signing; and
- C. such additional notes as may be required or approved by the Commission specifying restrictions pertaining to channel and building lines, reserved areas, easements and other features of the MAP;
- D. Provide for date of expiration of subdivision or re-subdivision as specified in Sec. 8-26c of Chapter 126 of the CONNECTICUT GENERAL STATUTES.

4.4 **CONSTRUCTION PLANS:** Construction plans for all proposed streets, drainage, and other improvements shall be drawn on good quality mylar. Plan and profile drawings shall be prepared for all proposed streets, storm drains, gutters, catch basins, manholes, ditches, channels, headwalls, sidewalks, curbs, water mains, sanitary sewers and other structures and shall be drawn on a sheet size of 24" x 36". Profiles shall be drawn to a horizontal scale of 1" = 40' or 1" = 50' and a vertical scale of 1" = 4' or 1" = 5'. Profile drawings and elevations shall be based on official Town, State, or U. S. bench marks where available or on another permanent bench mark 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: or re-subdivision

4.4.1 title of the subdivision or re-subdivision, date, scale, north point, Town and State;

4.4.2 for streets, the existing grades at the center-line and at both street lines, and the proposed grade at the center line; street lines and edge and width of pavement; a typical street cross section, and a cross section at all cross culverts;

- 4.4.3 depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins, headwalls and channels; ditch and channel cross sections;
- 4.4.4 approximate location of lot lines intersecting the street line; lot numbers and street names;
- 4.4.5 sidewalks, curbs, gutters, water mains, sanitary sewers and other structures;
- 4.4.6 detail drawings of any bridges, box culverts, deep manholes, and other special structures;
- 4.4.7 if requested by the Commission or Board of Selectmen, detailed grading plans at street intersections;
- 4.4.8 the words "Approved by the Bethlehem Planning Commission" with a designated place for the signature of the Chairman or Secretary and date of signing;
- 4.4.9 the words "Approved by the Board of Selectmen, Town of Bethlehem" with a designated place for the signature of the First Selectman and date of signing; and
- 4.4.10 the signature and seal of a licensed professional engineer.

4.5 **SEDIMENT AND EROSION CONTROL PLAN:** The purpose of this section is to minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial, and commercial development. Soil erosion caused by land use changes necessitates costly repairs to gullies, washed-out fills, roads and embankments. In addition, erosion destroys the soil's capabilities to support vegetation. The resulting sediment entering water bodies and wetlands is a major pollutant and impairs water quality and supply. A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than 1/2 acre. Such plans shall be drawn with the same scale as required for the Site

Development Plan pursuant to Section 4.2 herein and shall bear the signature(s) and seal(s) of the licensed professional engineer and/or landscape architect responsible for the preparation of the plan. The Commission, in its sole discretion, may waive any part of this requirement as it may deem in the interest of the Town and the particular application.

4.5.1 The Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water run-off on a proposed site based on the best available technology. Such principles, methods and practices necessary for certification shall be in accordance with the "Connecticut Guidelines for Soil, Erosion and Sediment Control (2002)", as may be amended. Alternative principles, methods and practices may be used with prior approval by the Commission. Any other information deemed necessary/appropriate by the applicant or additional information which may be requested by the Commission shall be included in the Plan.

SECTION 5: PENALTIES

- 5.1 **PENALTIES:** Any person, firm or corporation making any subdivision or re-subdivision of land after the adoption of these Regulations without the approval of the Bethlehem Planning Commission is subject to penalties provided in the General Statutes of the State of Connecticut. The Town of Bethlehem may seek other lawful remedies to uphold these Regulations.

SECTION 6: VALIDITY

- 6.1 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 nor impair the validity of any other section or remaining portion of these Regulations.
- 6.2 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 re-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 re-subdivision application and the general applicability of these Regulations to other subdivision and re-subdivision applications shall not be affected.

SECTION 7: EFFECTIVE DATE

- 7.1 These Regulations and any amendment hereto shall be in full force and effect fifteen days after publication that informs the public that the Bethlehem Planning Commission has adopted the regulations.

SECTION 8: WAIVERS

8.1 DIMENSIONAL/AREA WAIVERS: By a vote of three-quarters of the members of the Commission, (ie., a minimum of four affirmative votes) in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, the Commission may waive the lot area, and/or minimum square requirements of these Regulations if the following requirements are met:

- a. minimum requirements shall be reduced by no more than 10%; providing the minimum square, required by Sect. 3.7.3 of these regulations may not be reduced so that the minimum square should be reduced to a square footage below 36,000 square feet nor any side of the minimum square should be reduced to a footage below 180 linear feet.
- b. no waiver shall be granted that would adversely affect significant natural features of the subject property; and
- c. the waiver shall not result in any adverse impact upon neighboring properties or upon the Town; and
- d. the benefits to the land development plan of the Town outweigh the benefits of strict compliance with the regulations.

8.2 APPLICATION REQUIREMENT WAIVERS: The Commission may, by regular vote, waive certain mapping, documentation, and other technical requirements for the submission of applications if it finds that the type and scale of the proposed development does not warrant full conformance to such requirements.

8.3 RECORD OF WAIVERS: In each case that a waiver is granted, the Commission shall state upon the record the reasons for which a waiver was granted and the precise requirements that the applicant must meet in lieu of the requirements waived.

BETHLEHEM PLANNING COMMISSION - APPENDIX A

Type of applications:

NOTE THAT EACH APPLICATION FEE MUST INCLUDE, IN ADDITION TO TOWN FEES STATED BELOW, \$10.00 TO COVER STATE MANDATED FEE . THIS MAY BE INCLUDED IN THE SAME CHECK AND AMOUNT .

1. Subdivision or Re-subdivision Application
 - a. For 1 or 2 lots with access to a State road or existing Town road. \$100.00/lot
 - b. For 3 to 10 lots with access to a State road or existing town road. \$250.00/lot
 - c. For over 10 lots with access to a State road or existing Town road first 10 lots will be \$2,500, plus \$200.00 per lot thereafter.
 - d. For over 10 lots with access to a proposed subdivision or re-subdivision road first 10 lots will be \$3,000, plus \$300.00 per lot thereafter.
2. Copy of Subdivision Regulations \$ 10.00 each
3. Septic System Ordinance waiver application fee \$ 250.00
(Fee approved at a Special Town Meeting May 15,1997)