



SUBDIVISION REGULATIONS

In accordance with and pursuant to Chapter 126 of the Connecticut General Statutes, 1958 Revision, and as may be amended, the Planning and Zoning Commission of the Town of Thomaston, adopts the following regulations for the subdivision and re-subdivision of land within the municipality. Furthermore, the Planning and Zoning Commission decrees that the following objectives shall guide the administration of these Regulations.

The Planning and Zoning Commission will seek to prevent the creation of conditions, which may be detrimental to overall public health, safety, and the general welfare of the municipality and its residents.

These conditions shall include, but are not limited to, sufficient water supply, storm water disposition, and disposal of sanitary wastewater products. The Commission will encourage the best possible land development practices and the conservation of natural features and resources.

Thomaston Planning and Zoning Commission

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Article 1 - General Provisions

1.1 Basic Regulations

These regulations shall apply to the subdivision and re-subdivision of land within the Town of Thomaston, Connecticut. Any subdivision or re-subdivision of land or any portion thereof, shall conform to the requirements of these regulations.

No subdivision or subdivision of any land within the Town shall be made by any person or persons, corporation, firm or other legal entity until an application for such subdivision or re-subdivision has been submitted to and approved by the Commission and a record subdivision map has been endorsed by the Commission and filed in the office of the Town Clerk.

Article 2 - Definitions

2.1 Applicant

The person, persons, corporation, firm or other legal entity proposing a subdivision or re-subdivision.

2.2 Application

A form submitted to the Commission for the approval of a proposed subdivision or re-subdivision.

2.3 Board of Selectman

The Thomaston Board of Selectman.

2.4 Certification – Soil and Erosion

Approval by the Planning and Zoning Commission that a soil erosion and sedimentation control plan complies with the applicable requirements of these regulations.

2.5 Commission

The Thomaston Planning and Zoning Commission.

2.6 Disturbed Area

An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

2.7 Erosion

The detachment and movement of soil or rock garments by water, wind, ice or gravity.

2.8 Inspection

A periodic review conducted by staff or its agent of all sediment and erosion control measures to determine if they are functioning and in compliance with the approved plans.

2.9 Owner

The owner of record of real property as recorded in the Town Clerk's land records.

2.10 Person

Any individual, firm, corporation or other legal entity.

2.11 Sediment

Solid or organic material that is in suspension, transported or has been moved from its original site by erosion.

2.12 Soil

Any unconsolidated or organic material of any origin.

2.13 Soil Erosion and Sediment Control Plan

A plan, which minimizes soil erosion and sedimentation resulting from development and includes, but it not limited to, a map and a narrative section.

2.14 Street

An existing State highway as defined by Section 13a-1 of the Connecticut General Statutes, as may be amended,

An existing public highway, street or road accepted by the Town by use or pursuant to Section 13a-48 of the Connecticut General Statutes, as may be amended,

A proposed public highway, street or road in a subdivision or re-subdivision for which a record Subdivision Map has been approved by the Commission and,

Any streets, highways or roads laid out in accordance with Section 13a-61 of the Connecticut General Statutes.

2.15 Subdivision and Re-subdivision

Whenever the word “subdivision” appears in these regulations, it shall be deemed to include the same meaning and have the same attributes as the word “re-subdivision”. The meanings as applied to them as set forth in the Connecticut General Statues as may be amended are as follows:

a. Subdivision -

A subdivision can be defined as the division of a tract of land into three (3) or more lots, which will satisfy the minimum requirements of the Zoning Regulations. The intent is for the purpose of immediate or for future use, sale or building development improvements excluding development for municipal conservation, agricultural purposes including re-subdivision.

Any lot, parcel, tract or acreage owned separately from any adjoining lot, parcel, and tract of land on May 17, 1956, as evidence by deed or deeds records in the office of the Town clerk, or prior to such date, in considered a separate parcel or tract of land.

Any division of such tracts, lots or parcels by recording or by conveyance and/or the filing of maps in the office of the Town clerk are considered an act of subdivision.

When the total of such division of property equals three (3) in number, from and after May 17, 1956, and occurs over any period of time and in any sequence, a subdivision has been made, within the meaning of Chapter 126 of the Connecticut General Statutes and is hereby subject to the Subdivision Regulations.

Any division of a tract or parcel for the purpose, whether immediate or future of selling or for building development shall require the filing of an approved map with the Town Clerk.

Divisions of land must show every previous division to clarify land records and property assessment records to increase the available survey data.

b. Re-subdivision

A re-subdivision is any change in an approved and recorded subdivision or re-subdivision map, as long as such alteration shows any change in street layout as shown on the recorded map, has an effect on any area reserved for public use, any act to decrease the size of any lot or lots as shown on the original recorded map or any act to create an additional building lot or lots.

Article 3 - Application Requirements and Procedures

3.1 Submission of Application

Complete applications shall be received by the Commission at a regular meeting held in accordance with its bylaws and the regulations. In order to be posted on the agenda, applications must be submitted to the Land Use Office at least seven (7) days prior to the next regular scheduled meeting. Other items and requests can be submitted at any time; however, the Commission may consider these at this meeting or at the next regularly scheduled meeting.

3.2 Informal Consideration

Prior to the submission of an application for approval, the applicant may present a preliminary plan for informal consideration. A preliminary plan may be advantageous revealing specific problems affecting the proposal before proceeding with the official application and the preparation of the required maps, plans, and other documentation.

If the proposed plan is presented, any alterations and/or changes may be made more readily by the applicant.

Preliminary informal consideration shall not constitute any part of the formal procedure of applying for subdivision or re-subdivision approval of land pursuant to the provisions of the Connecticut General Statutes.

Neither the preliminary plan nor the informal consideration shall constitute part of the official procedure pursuant to Chapter 126 Sections 8-28a and 8-28b of the Statutes.

3.3 Formal Application Requirements

In order to formally apply for the approval of a subdivision or re-subdivision, and prior to the Commission considering any proposed plan, the person or persons, firm or corporation proposing the plan must meet the following requirements;

a. Application

Applications shall be submitted on forms prescribed by the commission. The application and any accompanying documentation shall be signed by the owner of the property, the applicant or their lawful agent.

b. Record Subdivision Map

A record subdivision map shall be submitted with the application.

c. Construction Plans

The applicant shall provide all plan and profile drawings, along with prints for all proposed streets, storm drains, sanitary sewers, catch basins, manholes, ditches, watercourses, headwall, gutters, curbs, sidewalks, bridges, culverts, siltation basins and other improvements.

d. Sanitary Sewers

The Commission must receive notice from the Water Pollution Control Authority stating that the Sewer Treatment Plant has the capacity to accommodate flows from the subdivision.

e. Septic Systems

The Commission must receive notice from the Torrington Area Health District stating that the subdivision has been reviewed. The letter shall state which building lots have been approved for on-site septic disposal of wastewater. The notice must be received prior to the Commission's decision.

f. Channel Encroachment Lines

If channel encroachments lines are present, the applicant shall present a letter from the Army Corp of Engineers or the Department of Environmental Protection, whichever is applicable, as to what activities, if any, they will allow up to the boundary of the regulated area.

g. State Highway Connection

When a proposed street or stormwater drainage system either connects, meets, or crosses a State Highway, the applicant shall present a letter stating that the proposed plans have been submitted to the Department of Transportation with an application for a permit pursuant to the provisions of the Connecticut General Statutes.

h. Water Supply Construction/Expansion Plans

If a proposal involves the creation or expansion of an existing water company distribution system for the purposes of supplying drinking water to not less than fifteen (15) service connections or twenty-five (25) people and not more than two hundred and fifty (250) public service connections or one thousand (1,000) people, then three (3) copies of the plan must be submitted with a Certificate of Public Convenience from the Department of Public Utility Control and the Department of Health Service.

i. Sedimentation and Erosion Control Plan

A soil erosion and sediment control plan shall be submitted.

j. Referrals to Regional Planning Agencies

The Commission shall give notice for any proposal that abuts or incorporates property of an adjacent community to the respective Council of Governments or to the Regional Planning Agency. Responses must be read into the record of the hearing. The Regional Planning Agency or the Council of Government has thirty-five (35) days in which to review and respond.

k. Other Evidence and Documentation

The Commission may require other evidence and documentation in order to determine if the proposed subdivision is of such physical character that it can be developed for building purposes without damage of health or public safety and that proper provisions shall be established for drainage, public water supply, sewerage and flood control measures in those areas contiguous to any body of water that may be subject to flooding,

Open space areas for parks, playgrounds or recreation may be developed in places deemed proper by the Commission and that the development has been designed with consideration for lot layout, street design, vegetation, natural topographical features, building orientation and passive solar energy techniques.

l. Inland Wetlands and Watercourses Commission

If notification to the Inland Wetlands and Watercourses Commission is required, the application shall be submitted no later than the same day it is submitted to the Planning and Zoning Commission.

The Inland Wetland and Watercourses Commission shall determine if a regulated activity exists on the site pursuant to Sections 22a-36 to 22a-45 of the Connecticut General Statutes, as may be amended by Public Act 87-533.

The applicant shall indicate on the application and plan map whether the proposed development includes any watercourses, wetlands, other bodies of water, wetland vegetation, or wetland soil types.

If the time period for a decision by the Commission elapses prior to thirty-five (35) days after a decision by the Inland Wetland and Watercourses Commission, the time period for the decision by the planning and Zoning Commission shall be extended to thirty-five (35) days after the decision by the Wetland Commission.

3.4 Commission Review

The application shall be accepted only if it is deemed to be complete. The application shall be considered to be complete only at a regular meeting, and only after the commission has determined that all of the requirements have been fulfilled.

3.5 Inspection by the Town Engineer

The applicant shall agree to pay all reasonable costs associated with the Town Engineer's inspection and review of the development during the formal application review process.

If additional inspection is required prior to the completion and acceptance by the Town of all public improvements, the applicant shall be responsible for all costs incurred by the engineer as per the fee schedule assessed to the Town in any given year by the Town Engineer.

3.6 Waiver of Regulations

The Commission may waive certain requirements under the Subdivision Regulations by a three-quarters (3/4) vote of all the seated members of the Commission. The Commission may act only in those specific types of cases where conditions exist which affect the subject property and are not applicable to other property in the area.

Prior to considering a waiver, the Commission shall require appropriate documentation from land use planners, engineers, professionals or other person knowledgeable in the subject area.

The Commission shall state on its record any and all reasons for granting or denying a waiver. The waiver shall be subject to any other conditions or requirements pursuant to Section 8-26 of the Connecticut General Statutes.

Article 4 - Public Hearings

The Commission shall have the authority to schedule any sub-division application for a public hearing. The Commission is required by the Connecticut General Statutes to hold a public hearing on all re-subdivision applications.

4.1 Legal Notice of the Public Hearing

A legal notice clearly identifying the date, time and place of the hearing, shall be published in a newspaper which has a substantial circulation in the community. The first legal notice must be published not more than fifteen (15) nor less than ten (10) days prior to the hearing. The second legal notice shall be published not less than two (2) or more than four (4) days prior to the hearing.

4.2 Notice to Applicant and Town Clerk

Notice of the date, time, and place of the hearing shall be sent to the date, time, and place of the public hearing and any other items which are on the Commission's regular agenda for that particular meeting, must be posted with the Town Clerk at least twenty-four (24) hours prior to the meeting.

Article 5 - Decision of the Commission

A decision shall be rendered within sixty (65) days after the meeting at which the application was received.

5.1 Extension of Review Period

If additional time is required for review, the Commission may request a sixty (65) day extension. The applicant may or may not consent to an extension. If a consent is granted, it must be in writing.

If the applicant believes more time will be required to submit additional documentation or clarify issues, they may request, in writing, an extension of the sixty-five (65) day review period. If consent is requested by the applicant and granted by the Commission, the total time of the extension cannot exceed sixty-five (65) days.

5.2 Approval by the Commission

The Commission shall approve any application if it finds the map, plans, and documents conform to the requirements of the regulations. Such approval shall include and be conditioned upon the posting of a performance bond which shall guarantee the completion of public improvements and the presentation of conveyances to the Town for proposed streets, open space areas and easements.

The applicant shall present a permit from the Department of transportation for any proposed drainage system, roadway or stormwater system which joins or intersects with a State highway.

If the subdivision will be serviced by sanitary sewers, the applicant shall present a permit from the Thomaston Water Pollution Control Authority stating they have reviewed the proposal and their system can accommodate the wastewater increase. If subsurface septic systems will be present, the applicant shall present evidence that the Torrington Area Health District has reviewed the proposal and designated each lot as either acceptable or non buildable.

The Town Engineer or the Land Use Officer shall certify that the Soil Erosion and Sediment Control Plan complies with the requirements of these regulations. All soil control measures shall be properly installed and functioning at all times.

5.3 Approval with Conditions

The Commission may attach conditions to any approval that it deems necessary in order to preserve the purpose and intent of these Regulations. The Commission may modify any plans, the subdivisions map or any accompanying documents.

5.4 Disapproval

If the Commission does not approve an application, it shall state for the public record the reasons and/or grounds for its decision.

5.5 Notice of the Decision

Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town fifteen (15) days after the decision has been made.

The notice of decision shall indicate if the application has been approved, approved with conditions, modified or disapproved. The notice shall contain the date of such action.

The applicant shall also receive the same statement along with a list of any conditions of approval, modification to the original plan and the reasons why the application was not approved.

Article 6 - Bonding and Other Requirements

6.1 Posting of the Bond

The applicant shall post a bond in the form of a surety bond, cash bond or letter of credit originating from a surety company with a minimum A.M. Best rating of A- or better or a bank acceptable to the commission to guarantee the completion of all public improvements. The bond shall be presented within ninety (90) days of filing per Section 6.3. The bond shall be established at the current rate for construction as determined by the Commission or their agent.

6.2 Release of a Bond

Before the Commission can release a subdivision bond or endorse the subdivision map, the Commission will require the applicant to present a statement signed and sealed by a certified land surveyor or engineer that the construction of public improvements have been inspected and completed in accordance with the approved specifications and plans.

Before the Commission can release a bond or endorse the map: **a)** as-built plans shall be submitted to the Land Use Officer. **b)** roadways, drainage, and other public improvements shall be inspected and approved by the Commission, Highway Superintendent, and Town Engineer. **c)** public improvements shall be accepted by the Town.

Any person posting a bond or surety under Article 6.1 may request a release of all or a portion of such bond or surety in writing. The commission may, within 65 days of receipt of the written request: **a)** release the bond or surety provided the Commission, town engineer and highway superintendent are reasonably satisfied with the improvements for which the bond or surety was posted, or **b)** provide a written explanation as to the additional modifications that must be completed before such bond or surety may be released.

6.3 Record Map Endorsement and Filing

The Commission shall endorse the record mylar map to permit filing with the Town Clerk only after all conditions of the approval have been inspected and approved by the Commission and/or their agent and all conveyances and easements have been approved by Town Counsel.

The date of endorsement of the map shall be on the map. The Chairman and Secretary shall sign the subdivision map. Within ninety (90) days after signing the map, the map and any easements or conveyances shall be recorded on the land records. Fees shall be paid by the applicant.

Failure by the applicant to record the endorsed map within ninety (90) days endorsement shall cause the approval to become null and void.

Deeds for open space, parks, playgrounds or streets shall be filed by the applicant after acceptance and review by Town Counsel.

6.4 Certificates of Occupancy and Transfer of Ownership

No certificates of occupancy may be issued and no lots sold until the acceptance of public improvements by the Town.

6.5 Conditional Approval

The Planning and Zoning Commission may allow the applicant to file a conditional approval subdivision plan on the Thomaston Land Records without completing the required public improvements and utilities provided all the following conditions are met:

- a. The applicant shall place on the conditional approval subdivision plan that is filed on the Thomaston Land Records the following note: "Conditional Approval: No individual lots shall be sold or transferred until the required public improvements and utilities are completed and approved by the Town and until the required deeds and easements are approved by the Town."
- b. The applicant shall record a deed restriction as noted in above Article 6.5.A in the Thomaston Land Records in format acceptable to the Commission. This document is to be signed by the Commission Chairperson or Secretary and the applicant.
- c. After all required public improvements and utilities are completed and accepted by the Town and all the required deeds and easements are accepted by the Town, the applicant shall file a revised subdivision plan without the note described in this section. This revised plan shall be signed by the Commission Chairperson or Secretary.

"Approved by the Town" does not expressly or implicitly mean "acceptance by the Town." Approval by the Town is granted upon inspection of the improvements and a determination that those improvements satisfy the requirements set forth by the 'as-built' plan provided to the Town Engineer, Highway Superintendent and Zoning Enforcement Officer. "Acceptance by the Town" can only be attained by action of the Board of Selectmen and a Town Meeting formally accepting the dedication of the improvements for public use and maintenance.

6.6 Conveyances to the Town of Thomaston

Any open space areas dedicated for public use such as playgrounds, parks, bicycle paths or trails or any easements for public utilities such as sanitary sewers or water supplies, storm drainage or watercourses, streets, roads or access ways that are to be built as part of an approved application or that may be built in the future shall be sustained by deeds, written easements and a map which shall describe in detail the land with linear dimensions, angles and degrees.

Any privileges to the Town shall be stated within the easement, on the map and in the deed. Conveyances shall be in a form, which is satisfactory to Town Counsel and be presented prior to the endorsement of the record subdivision map.

6.7 Subdivision Approvals On or Before October 1, 1991

All public improvements shall be completed within five (5) years after the date of approval. The Commission shall state on the approved plan the five (5) year expiration period.

The Commission may condition its approval on a determination of the adequacy of the bond amount or surety pursuant to the Connecticut General Statutes, securing to the Town the actual completion of the public improvements.

The Commission may grant one (1) or more extensions of time to complete all or part of the public improvements providing the time for all extensions shall not exceed seven (7) years from the date of approval.

6.8 Subdivision Approvals On or After October 1, 1977

If the applicant fails to complete public improvements within the five (5) year period, it may result in automatic expiration of the approval. The Commission shall file on the land records notice of the expiration date.

6.9 Federal or State Construction Projects

If the completion of public improvements is delayed due to a State or Federal construction project, the date of approval shall expire not more than ten (10) years after the approval. The Commission may approve one (1) or more extensions provided the total period does not exceed fifteen (15) years from the date of approval.

Article 7 - Standards for Maps and Plans

7.1 Map Standards and Scale

The records map shall be prepared with an accuracy meeting or exceeding the 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 Board of Registration for Professional Engineers and Land Surveyors.

Maps shall be clearly and legibly drawn on mylar that would be suitable for filing in the Public Land Records on sheets as prescribed in the Connecticut General Statutes, as amended. The map shall be drawn to a scale of one (1) inch equals forty (40) feet but in no case smaller than one (1) inch equals one hundred (100) feet.

7.2 Basic Map Requirements

The applicant shall present four (4) prints prepared from the mylar. These prints shall contain the name of the proposed subdivision the names and addresses of all the applicants, property owners, date of completion revisions dates, scale, and direction of the true north arrow and wording "Town of Thomaston, CT".

The wording "Approved by the Thomaston Planning and Zoning Commission" shall be present with sufficient space provided for the title and signatures of the Chairman and Secretary. The designation "the accuracy of the information contained on this map meets or exceeds all standards and requirements for a Class A-2 Transit Survey of the Connecticut Technical Council". The embossed seal and original signature of the land surveyor registered to practice in the State.

The total area of the subdivision shall be shown in square feet in acreage. The boundary of the entire subdivision shall be drawn in a heavier and thicker line rendering it distinguishable from all other property lines.

Property lines within two hundred (200) feet and the names and addresses of all abutting property owners as determined from the most recent assessor's records.

The location, width and existing or proposed names for all streets or roadways, right of ways and easements within two hundred (200) feet of and easements within two hundred (200) feet of and within the proposed subdivision along with the meets and bounds, acreage and square footage for each lot, setback lines, bearings, deflection angles, central angles, radius for all arcs and tangent distances.

All proposed public lands, designated as to their potential use, shall be labeled on the map along with the acreage, square footage, survey monuments, and municipal boundary lines.

The location of all existing and proposed buildings, ruins, and other prominent structures, extent and alignment of all existing and proposed watercourses, wetlands, drainage ways and ponds.

Each proposed parcel of property shall be capable of containing a buildable square. The buildable square shall not contain any wetlands, watercourses or their setback area, nor shall it contain any significant areas of predevelopment slopes over twenty-five percent (25%).

7.3 Insert Map

The insert map shall contain match lines if two (2) or more sheets are submitted. The online of the tract shall be at a scale of no greater than one (1) inch equals one thousand (1,000) feet. Streets within one-half (1/2) mile of the tract shall be shown. Streets shall be indicated as either Federal, State, municipal or private.

7.4 Construction Plans

The applicant shall submit plan and profile drawings for all streets public water supply lines, storm drains, sanitary sewers watercourses, catch basins, manholes, ditches, headwalls, sidewalk, gutters, curbs and other structures. Profile drawings shall be based on Federal, State or municipal bench marks.

7.5 Plan and Profile Information

The Applicant shall provide the subdivision name, data and scale location of all lot lines, lot numbers, street names, proposed center grades width for all streets, the location, depth, invert slope and size for all pipes, ditches culverts, catch basins, watercourses, manholes, headwalls, siltation basins, drawings for bridges and other structures.

The Applicant shall also provide the location for all underground utilities such as cable television, electric, gas and telephone lines, and typical cross-section diagrams for all streets and watercourses.

Article 8 - Erosion and Sedimentation Control Plan

The applicant shall submit four (4) copies of the soil erosion and sediment control plan drawn to a scale of not less than one hundred (100) feet to the inch. Provisions shall be made for erosion and sediment control measures and to reduce stormwater runoff on the site.

The plan shall display all existing and proposed topography, disturbed areas, proposed area alterations and the location of and detailed diagrams for all erosion and sediment control measures and facilities.

The narrative section of the plan shall describe the project, the schedule for grading and construction activities, the application of adequate conservation practices, design criteria, construction details and a maintenance program for the erosion and sediment control facilities.

Article 9 - Design and Building Lot Standards

9.1 Suitability of Land

All Land, which is proposed to be subdivided, shall be of such character that it can be used for building purposes without damage or hazard to public health or safety.

9.2 Natural/Prominent Features

Features such as wetlands, stone walls, ridge tops, scenic points, and similar irreplaceable natural assets shall be shown on the subdivision plan. They shall be preserved and conserved to the maximum extent possible.

9.3 Suitable Building Lots

Building lots shall be of such shape and size to accommodate the building square as required in Schedule B of the Zoning Regulations and conform to the requirements for residential building lots as defined in Section 3.10e of the Zoning Regulations.

Lots shall have suitable topography with limited slope and good accessibility for emergency vehicles. They shall be of such character that they can be occupied and used without danger to the health and safety of the occupants and the general public.

Public utilities and other features shall be constructed and located on the property to minimize any potential hazard or damage.

9.4 Unsuitable Building Lots

When the Commission determines that a building lot is not suitable for construction purposes due to adverse or sensitive environmental conditions or physical concerns such as flooding, seasonal runoff, excessive slope, exposed ledge or bedrock, soil conditions or action taken by the Inland Wetlands Commission, the applicant may combine the lot with an adjacent property that meets the requirements or the lot may be left as is and marked on the print and mylar as follows: "This is not an Approved Building Lot".

Prior to making any improvements to render the non buildable lot buildable, the applicant shall submit an engineered plan describing in detail the improvements necessary to bring the lot into compliance with these regulations.

9.5 Terrain

Each lot shall make best use of the natural terrain by preserving substantial tree growth and forested areas.

Unless the lot has been specifically approved by the Inland Wetlands and Watercourses Commission, each lot shall be able to accommodate primary buildings, driveway access, and parking spaces without disturbing wetlands and watercourses.

Unless the lot has been specifically approved by the Inland Wetlands and Watercourses Commission, each lot shall be able to accommodate primary buildings, driveway access, and parking spaces without disturbing wetlands and watercourses.

9.6 Access to Lots

Each lot, with the exception of an interior lot, shall have direct access on an existing public street or on a street in a subdivision for which a record map has been approved. Each lot shall be capable of accommodating public safety vehicles such as police, fire, and ambulance from the public street to the proposed dwelling location.

Driveway grade shall not exceed twelve percent (12%). Driveways shall be constructed in such a way to direct runoff to the sides of the access way and not directly onto the public street.

9.7 Lot Numbers

All proposed lots on new streets including any deemed to be non-buildable, shall be numbered consecutively beginning with the number one (1).

9.8 Lot Lines

If practicable, the side lines of all proposed lots shall be at right angles to the street on which the lot faces. If the lot lines cross a municipal boundary, the applicant shall contact the other municipality.

9.9 Building Location and Buildable Square

The proposed map shall identify on each buildable parcel of property the ideal site location for the proposed building. Each lot shall be of such size to accommodate the buildable square in accordance with the regulations.

The building square shall not contain any wetlands, watercourses or their setback area nor shall it contain any significant areas of predevelopment slopes over twenty-five percent (25%).

9.10 Sewer and Water

Each lot shall be provided with an adequate and safe means of sewage or septic disposal along with facilities for water supply on a continuous, long term basis in order to meet the requirements of uses permitted under the Zoning Regulations.

Provisions for each lot in a subdivision shall be made for sewage disposal and water supply by one of the following:

a. Municipal and Public Utility Providers

Each lot shall be served by and provided with a curbside connection to the municipal sanitary sewer system and to a public water supply system. Systems shall meet all of the sanitation and health requirements of the State Director of Health and the Torrington Area Health District.

b. On-Site Systems

The Commission shall determine whether or not public facilities are available or can reasonably be provided or extended by the applicant to service the lot.

The lot shall be of adequate size, dimension, slope, and contain a sufficient area of suitable soils to accommodate a primary and reserve field in accordance with the requirements of the Torrington Area Health District.

Article 10 - Street Planning

Streets shall be designed in accordance with the following standards and conditions, whether or not they are proposed for future dedication to the Town.

10.1 Proposed Streets

Proposed streets and rights-of-way shall be designed to provide safe and convenient access to each lot and circulation patterns for projected vehicular traffic. Due consideration shall be given to accomplishing functional and attractive layout of each parcel in the development.

Streets should be designed to follow the contour of the land and, to the land, and to the greatest extent possible, preserve the natural terrain, substantial tree growth, old stone walls, and other natural features.

10.2 Adjacent Properties

Proposed streets, which at some time in the future may connect to adjacent streets or properties, shall terminate at the boundary line. Reserve strips shall not be permitted unless approved by the Commission. Streets shall be designed to provide for their continuation into adjoining properties not part of the proposed subdivision.

10.3 Street Centerlines

The right-of-way shall be measured from the center of the street and be twenty-five (25) feet on center for local streets which shall be fifty (50) feet in width.

10.4 Relationship to Existing Streets

All proposed streets within a subdivision shall be designed to coordinate with other existing streets as follows:

a. Abutting Streets

Proposed subdivisions abutting an existing municipal street or a State Highway shall provide for proper widening of the right-of-way to the width as provided in Section 10.3. Provisions shall be made for improvements in the travel way to provide adequate width grade and alignment (vertical and horizontal), base, drainage, and pavement.

b. Access

Proposed streets shall be constructed to the required width and have a suitable travel way, grade and alignment in order to provide safe access for police, fire, ambulance, emergency vehicles including service and maintenance vehicles. Existing municipal streets or State Highways shall be capable of accepting vehicular traffic without hazard to pedestrians, vehicles or property.

10.5 Street Names

Every proposed street designated for acceptance by the Town shall be given names by the applicant. Street names shall be appropriate in character with the community. The Commission shall have the option to rename streets. Names shall not closely resemble or approximate in spelling or sound likes names of other approved streets. Proposed names shall be subject to the approval of the Commission.

10.6 Street Names Signs

The proposed location of street name sign shall be clearly shown on the plan. The cost for installation of these signs shall be included in the amount of the surety bond. Street names shall appear on both sides of the sign and shall be placed at all intersections. Signs shall conform to the design specifications of the Highway Department and Police Department. Sign shall be erected before any residential structure may be issued a Certificate of Occupancy.

10.7 Future Streets

The Commission may require provisions in the street layout design in order to accommodate right-of-way connections to future streets.

10.8 Street Lighting

All public streets shall be required to have lighting at appropriate intervals. The cost for the installation of the poles and lights shall be the responsibility of the applicant. The number and location of individual lights shall be determined by the Commission, the Town Engineer, and public safety officials.

10.9 Street Trees

If the Commission requires planting street trees, they shall be planted on both sides of the street, dedicated to the Town, and planted approximately fifty (50) feet apart subject to the location of driveways, sidewalks, and corners. Trees shall be located at least ten (10) feet from the street line and have a minimum height of eight (8) feet and subject to the approval of the Tree Warden or Commission.

Trees shall not have low branches, be diseased, or cause interference with utility poles, overhanging wires or other public improvements. Existing mature trees along the street may be substituted.

Article 11 - Street Standards

11.1 Dead-end or No Outlet Streets/Cul-de-Sacs

Cul-de-sacs and streets permanently closed at one end, which will not be extended, shall not exceed one thousand (1,000) feet in length. By a three quarters (3/4) vote, a cul-de-sac may be extended beyond one thousand (1,000) feet if in the opinion of the Commission; it will not adversely affect adjacent property. Permanent dead-end streets shall be avoided unless connecting streets are impracticable.

A one hundred (100) foot turn around shall be provided at the closed end for all permanent dead-end streets. A ninety (90) foot turn around shall be provided for dead-end streets which may be projected into adjoining property.

Rights-of-way for turnaround located on temporary dead-end streets shall be provided by a temporary easement and a note on the plan map providing for automatic termination of the easement upon extension of the street.

11.2 Width of Pavement

Streets shall be designed with a twenty-six (26) foot width of pavement centered between the street lines curb to curb. The Commission shall, after a careful review of the proposed subdivision plans and vehicular circulation patterns by the Town Highway Superintendent, Town Engineer and other public safety officials, have the authority thru its regulations to waive the street width requirement depending upon individual circumstances.

a. Boulevard Streets

At the discretion of the Commission, streets may be designed as a boulevard, which shall consist of two (2) one-way traffic lanes separated by a grassed or suitably landscaped median area.

The lane and median widths shall be variable but shall be a minimum of fourteen (14) feet and eight (8) feet. Respectively suitable crossing strips shall be placed across the median for traffic to turn or reverse course at intervals not to exceed three hundred (300) feet.

The boulevard lanes shall be graded from the median towards the gutter with a cross slope equal to the standard road cross section. Suitable drainage structures shall be placed as required to control storm water runoff.

A boulevard street shall be required to meet all other grade, alignment, and construction criteria of Article 11.

11.3 Grades

The minimum grade for any proposed street shall be one percent (1.0%), except that a grade of point five percent (0.5%) to one percent (1.0%) may be established for one hundred (100) feet or less. This can also be established for tangents of vertical curves. The maximum grade for any proposed street shall not exceed ten percent (10%).

11.4 Vertical Curves

Vertical curves for transition shall be established on all streets and at all streets and at all intersections to insure adequate sight visibility. With the exception of intersections, vertical curves shall provide a minimum sight distance of two hundred (200) feet along the edge of pavement.

Where a street approaches an intersection at a grade of four percent (4%) or more, a transition area, having a maximum grade of two percent (2%) shall be provided for at least a minimum of fifty (50) feet as measured from the right-of-way line of the street intersected.

11.5 Intersections

No more than two (2) streets shall be permitted to intersect at one point. They shall be spaced at least two hundred (200) feet apart; however, the Commission may vary this requirement if justified by conditions and the situation.

Streets shall intersect as near to a right angle as is possible and practical. No intersection shall be at an angle of less than sixty (60) degrees. Property line corners shall be rounded by an arc having radius of twenty-five (25) feet.

11.6 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. The minimum radius of curvature at the centerline of streets shall be at least one hundred-fifty (150) feet for local streets and six hundred (600) feet for thoroughfares.

11.7 Cross Section

Plans for residential streets shall be designed with a cross section entitled "Typical Street Cross Section".

11.8 Street Supervision and Inspection

Street construction shall be subject to the approval of the Board of Selectmen or their agent. No pipes, catch basins, manholes or structure shall be backfilled until they are inspected and approved by the Board of Selectmen or their authorize agent.

The Commission, Board of Selectmen, or their agent shall have free access to the construction work at all times and shall be authorized to take samples of material, cores, and other test as deemed necessary to determine compliance with these regulations.

The applicant may be required to have various tests made and certified by a professional engineer. The applicant may also be required to perform other types of inspections and provide for overall supervision and other onsite services.

11.10 Clearing and Grubbing

The right-of-way area shall be cleared of trees and stumps, roots, brush, large rocks, ledge, and unsuitable materials. Those trees suitable for street trees shall be left standing as directed by the Commission, Board of Selectmen or their agent.

11.11 Preparation of Subgrade

All soft spots, peat, loam, organic material, spongy soil, boulders, ledge, and other types of unsuitable material shall be removed and replaced by material conforming to the latest edition of the publication "Connecticut Transportation, Standard Specifications for Road, Bridges, and Incidental Construction".

Subgrade shall be stripped to below the base course of the pavement and for the full width of the pavement. If ledge is encountered, it shall be removed to a depth of twelve (12) inches below subgrade and the area backfilled with gravel. The subgrade shall be compacted by distributing the hauling equipment over the area by the use of tread type equipment or power rollers of at least ten (10) tons or by other means.

Subgrade shall be brought to a uniform surface to conform to the shape of the required cross section. Where rock fill is used, it shall be installed in lifts no greater than three (3) feet to the desired depth. The Board of Selectmen or their agent may require the installation of under drains beneath the street pavement in the right-of-way to protect the stability of the pavement.

11.12 Embankments

Embankments shall be constructed of suitable earthen material deposited in successive layers. Each layer shall not exceed twelve (12) inches in depth after compaction. Embankments constructed to an elevation of three (3) feet or more above a water surface shall be constructed of shot rock or free draining materials. No stone over five (5) inches shall be placed within twelve (12) inches of the subgrade elevation.

11.13 Base Course

The base course shall be constructed to a minimum depth of ten (10) inches per DOT specifications.

11.14 Surface Course

The base course shall contain a two (2) course surface of bituminous concrete. Each course shall be one half (1.5) inches in depth after compaction and shall meeting the Class 1 or Class 2 standard.

11.15 Bituminous Curbs

The Commission may require curbing to be constructed along either side of the street. Curbs shall be machine formed and approved by the Board of Selectmen or their agent. Curbs shall be built to a height of six (6) inches and have a base width of nine (9) inches. Where driveways exist or are planned, depressed curbing must be installed.

11.16 Slopes, Cuts, and Fills

Cut or fill slopes, beyond the sidewalk area, shall not exceed one (1) foot rise or fall for every three (3) feet of horizontal distance. The Board of Selectmen or their agent may require a change in the degree of slope to whatever is necessary to maintain stability of the bank under particular conditions.

Surfaces of slope that have been disturbed in any way due to construction of the streets, shall be covered with a minimum of four (4) inches of top soil, seeded or planted to prevent soil erosion.

The Commission may require the lowering or removal of embankments adjacent to intersections in order to assure adequate sight distances.

Cut or fill sections beyond the right-of-way shall not extend into the property outside the subdivision or property not owned by the applicant, unless slope rights are obtained for the Town. In the absence of such rights, appropriate retaining walls shall be constructed within the subdivision to prevent encroachment upon adjacent property.

11.17 Guide Posts

Posts shall be installed along streets if an embankment with a depth of five (5) feet or more is within twenty (20) feet of the proposed pavement. Posts shall be spaced eight (8) feet on center.

11.18 Site Cleanup

All boulders, felled trees, stumps, brush, and other debris shall be removed from the street right-of-way and deposited in a pre-approved location.

11.19 Permanent Bench Marks (Monuments)

Street monument stones shall be placed at all angle points, block corners, at selected curve points, and at other intermediate points as may be necessary. Street monuments shall be indicated on the final plan. Monuments shall be installed and their accuracy certified by a surveyor.

Monuments shall be made of concrete and shall be thirty (30) inches in length. Tops of monuments shall be four (4) inches square with an "H" cast onto it. The base shall be six (6) inches square. They shall be set with the top two (2) inches above finished grade. The Town Engineer shall check the location of all monuments for accuracy.

11.20 Sidewalk Requirements

The Commission may require concrete sidewalks to be constructed on all lots, which contain frontage of one hundred-twenty-five (125) feet, or less and on all lots, which contain frontage or border on a Federal or State highway in an urbanized area.

Sidewalks area also required on all streets and for all lots, which are within a public school "walking zone" as designated by the Board of Education.

11.21 Natural Gas Transmission Lines

Underground installations shall not intrude upon any transmission line easement except when constructed within the right-of-way of a public street. This restriction may be modified to permit the installation of sanitary sewers or public water if the line is cased at the applicant's expense and meets the requirements of the utility company. This must be approved by the Commission.

Lines shall be cased whenever they meet or cross the right-of-way of a public street. Parking shall not be permitted above the right-of-way easement. The Commission may require fencing or other type of measure as permanent observance of the above parking prohibition.

11.22 Pipes and Ditches

Piping and ditches shall be designed to carry existing water and drain the proposed streets along any other streets, which may reasonable, be expected to be constructed at some future date. Drainage systems shall be designed to accommodate a twenty-five (25) year storm design. Structures such as bridges, culverts or large arches shall be constructed to accommodate a fifty (50) year storm design.

If there is not substantial danger from soil erosion or danger to public health and safety, the Commission may permit the discharge of streams in their natural courses. The Commission may also permit stormwater and established watercourses to be discharged into ditches across proposed lots.

Pipes shall be of sufficient size to carry stormwater from the subdivision and from any other properties, which drain across the area of the proposed subdivision. The minimum slope and the amount of cover over pipe shall be determined by the Town Engineer.

11.23 Manholes

Manholes shall be installed at every change in direction or grade of the pipe. Distances between manholes shall be determined by the Town Engineer.

11.24 Catch Basins

Catch basins shall be provided for surface water to travel, without interception, not more than four hundred (400) feet on streets with gradients up to and including five percent (5%) and not more than three hundred (300) feet on streets with gradients over five percent (5%).

The Commission or their agent may require that catch basins be depressed in special grade situations or in steep slope areas or the use of double grate inlets may be required.

11.25 Discharge of Stormwater

Stormwater discharge shall be into streams, rivers, natural berms, municipal drainage systems, paved ditches or other physical features with adequate capacity to carry runoff. If the discharge flows onto private property adjoining the subdivision, the applicant shall secure proper easements and discharge rights before the Commission approves the record subdivision map.

If the discharge drains into a Town facility not capable of handling the additional runoff, the facility shall be replaced by the developer with a system specifically designed to adequately carry the runoff

11.26 Retention Basins

If stormwater is discharged into a wetland or watercourse that cannot handle the discharge, retention basins shall be constructed and included in an easement to the Town.

11.27 Headwalls and Culverts

Headwalls shall be provided at the open end of pipes. Culverts under streets shall be extended to the edge of the street right-of-way.

11.28 Special Structures

All bridges, box culverts, deep manholes, and other types of special structures shall be approved by the Commission and the Town Engineer. Special structures shall be designed in accordance with engineering practices acceptable to the Town Engineer. Bridges and box culverts shall be designed to the full width of the right-of-way.

11.29 Public Water Supply and Sanitary Sewage Systems

Public water and sanitary sewage systems shall be provided in those areas generally supplied with such services. They shall be constructed pursuant to requirements set forth by the Commission, Town ordinances, the Connecticut Water Company, and the Water Pollution Control Authority.

11.30 Easements

Easements shall contain a minimum width of twenty (20) feet for all public water supplies, stormwater runoff, and sanitary sewer pipes. Streams or drainage ditches shall be no less than ten (10) feet in width.

11.31 Channel Encroachment and Building Lines

Channel encroachment/building lines shall be provided on the map for any river or stream for the purpose of preventing encroachment upon the natural water channel by constructing, filling or other types of facility usage. Placement of the lines shall be based on sound engineering calculations. The engineer shall anticipate for long range storms and flow potentials. The Commission may require the placement of encroachment or building lines around natural features, wetlands, and watercourse areas.

The map of record shall contain a note explaining the reason for the building or encroachment lines. The record map shall state any restrictions or conditions in a manner approved by the Town Attorney.

Article 12 - Design Standards for Minimizing Flood Damage

Subdivisions shall be designed to control and mitigate potential flood damage. They shall be served by public utilities and have drainage facilities and other systems in place to reduce exposure to flood hazards. Base flood elevations shall be provided for those proposals, which exceed fifty (50) lots and/or five (5) acres in size.

Article 13 - Open Space Regulations

(New; Effective 10-3-2014)

13.1 General Regulations

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 and as authorized by C.G.S. 8-25. In determining the need for parks, playgrounds, recreation areas and open spaces, the Commission shall be guided by, but not limited to, a standard of ten percent (10%) of the land area of the subdivision, and shall take into consideration the value of the land to be set aside as open space, the size of the subdivision and any existing parks, playgrounds, recreation areas and open spaces in the neighborhood. Additional factors for consideration shall include preservation of important natural resources including wetland habitat, scenic areas, agricultural lands, expansion of adjacent open space land and potential greenway or river walk corridors. The preservation of land shall be consistent with the recommendations of the Thomaston Plan of Conservation and Development. The commission may require a maximum of fifteen percent (15%) of the land in a subdivision to be reserved in open space if the value of the proposed open space is below ten percent (10%) of the total appraised value of the total land in the subdivision, exclusive of section 13.8 below. The cost of all improvements on land to be deeded to the Town shall be included in the total amount to be bonded for subdivision improvements under Article 6 of these regulations. Upon approval by the Commission, open space may be deeded to the Town or set aside as privately owned with permanent deed easements and covenants granting enforcement authority to the Town.

13.2 Referrals to Other Boards & Commissions

The Commission will provide copies of the Subdivision Site Plan to the Conservation Commission and to the Recreation Commission for their review and recommendations. Any such recommendation must be presented to the Planning and Zoning Commission within 35 days of the application's date of receipt. The Planning and Zoning Commission shall consider these recommendations when making its decision.

13.3 Land Valuation

If the area or location of the open space required by the Commission is unacceptable to the applicant, a fair market appraisal of the parcel shall be required by a Connecticut licensed appraiser. The appraiser will be instructed to determine the fair market value of the entire parcel and of the required open space. If the value of the required open space exceeds ten percent (10%) of the value of the entire parcel, the Commission may modify the required open space or require the payment of a fee in lieu of open space as provided in Section 13.5 below.

13.4 Open Space Transfers

The transfer of open space land to the Town or the filing of deed restricted easements and covenants with the Town Clerk shall be approved in advance by the Commission and shall take place no later than the time at which roads and other public improvements are accepted by the Town of Thomaston Board of Selectmen. If the subdivision does not contain roads or other public improvements, the transfer or filing shall take place no later than the time the approved subdivision map is filed in the land records.

13.5 Payment of Fees in Lieu of Open Space

An applicant may, with the approval of the Planning and Zoning Commission, make payments to the Town in lieu of providing open space as required in this Article. Such payment is authorized by Section 8-25 of the Connecticut General Statutes as amended. Such payments, or combination of payments and the fair market value of land transferred to the Town or preserved by easement shall be equal to ten percent of the fair market value of the land to be subdivided. For the purposes of this paragraph, "fair market value" shall be established on the basis of the value of the entire parcel prior to its receiving subdivision approval. When such payments to the Town are to be made, the Commission and the applicant shall agree to an acceptable appraisal firm for property valuation. The fair market value shall be established by such chosen appraisal firm and the appraisal made part of the record. The cost of the appraisal shall be the responsibility of the applicant.

13.6 Form and Timing of Fee-In-Lieu Payments

Payments due to the Town shall be made in installments, with each installment due at the time an approved lot is sold. The applicant may defer payment of an installment until the issuance of the Certificate of Occupancy for the dwelling to be constructed on the lot. The amount of each installment shall be equal to the total payment due divided by the number of lots approved. Any outstanding balance due the Town shall be paid to the Town prior to the occurrence of the statutory five year expiration date under CGS section 8-26c. The Performance Bond required under Article 6 of these regulations shall include reservations for payments required under this section.

13.7 Use of Open Space Funding

Payments received under the provisions of this Section shall be deposited in a dedicated fund established by the Town exclusively for the purpose of preserving open space, improving existing open space for recreational or conservation uses, acquiring additional land for recreational or agricultural purposes or for public outreach and education related to open space and recreation. This fund shall be managed by the Town Treasurer with general guidance from the Conservation Commission as well as the Planning and Zoning, Inland Wetlands and Recreation Commissions.

13.8 Exceptions

The open space requirements of this Article shall not apply if: (A) the transfer of all land in a subdivision of fewer than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration or (B) there is any division of land resulting in fewer than three (3) new parcels. If a subdivider wishes to claim these exceptions, an affidavit to that effect must be submitted with the application. If exemption (A) is granted under the provisions of this section and a parcel is transferred to a non-exempt entity or individual or sold to any entity or individual within five (5) years of the approval date, a fee-in-lieu equal to 10% of the appraised land valuation of the parcel shall be required by the commission. If exemption (B) is granted and any approved lots are proposed to be further divided within five (5) years of the approval date, the Commission may require up to twenty percent (20%) of the proposed parcels to be set aside as open space or valued for fee-in-lieu. These provisions shall be recorded as a condition of approval and stated on the original recorded subdivision map.

The open space requirements of this Article shall not apply if the subdivision is to contain affordable housing as defined in Section 8-39a of the Connecticut General Statutes. Such affordable housing shall be proposed in accordance with Section 8-30g of the Connecticut General Statutes. If a subdivider wishes to claim this exception, an affidavit to that effect must be submitted with the application along with an affordability plan as required in Section 8-30g(b)(1) of Connecticut General Statutes.

Article 14 - Administrative Procedures

13.1 Record of Activity - Minutes

Minutes shall contain a complete record and be available for inspection during regular business hours. If an application is not approved by vote of the Commission, the minutes shall clearly state the reasons for disapproval with specific reference to the sections of the regulations and/or other facts and conditions.

13.2 Appeals to the Commission's Decision

Anyone aggrieved by an action of the Commission may appeal to the Litchfield Superior Court within fifteen (15) days from the date of publication of the legal notice.

In situations where the approval must be inferred because of the Commission's failure to act upon an application within the prescribed time frame, any person aggrieved by such approval or anyone owning land which abuts or is within a radius of one hundred (100) feet of any part of the subject property may file an appeal within twenty (20) days after the expiration of the sixty-five (65) day period for action by the Litchfield Superior Court.

13.3 Enforcement

The Commission shall designate an individual to enforce the Regulations. The Zoning Enforcement Officer may, but need not be, a member of the Commission. The Zoning Enforcement Office shall be charged with preventing illegal subdivisions, compliance with requirements and conditions imposed by the Commission, compliance with the sediment and erosion control plan, and inspection of facilities to ascertain they are properly installed, maintained, and functioning.

13.4 Disqualification

No Commission member shall appear for or represent any firm, person, corporation or other entity, except themselves or their firm or corporation, in any matter pending before the Commission or the Zoning Board of Appeals.

No Commission member shall participate in the public hearing or in the decision making process upon any matter in which he or she is directly interested in a personal or financial sense. In the event of a disqualification, such action shall be entered on the Commission's records.

Article 15 - Validity and Effective Date

14.1 Validity

If any section, paragraph, sentence, part, clause or phrase of the Subdivision Regulations shall for any reason be held to be invalid or unconstitutional by any decree or decision of any court or component jurisdiction, such decision shall not affect or impair the validity of any other section of remaining provisions of these regulations.

The provisions of these Subdivision Regulations in force and for any amendments as may be adopted, as far as they are the same as in these regulations, are to be deemed continued and not as new enactments.

Any and all provisions of these regulations as enacted, which are inconsistent with the provisions contained herein, are hereby repealed, but this shall not affect any violation already existing or any penalty incurred and the same may be prosecuted, as if these regulations had not been adopted.

14.3 Effective Date

The Subdivision Regulations and any amendments that may be adopted shall be in full force and effect from the date of adoption by the Commission or from a date subsequent to the adoption that the Commission may establish as the effective date.

APPENDIX A

TEXT AMENDMENTS

TEXT AMENDMENTS TO THE SUBDIVISION REGULATIONS

1. Amended Article 6, Bonding and Other Requirements. Effective date of January 13th, 2012
2. Added New Article 13, Open Space. Effective date of October 3, 2014