

# TOWN OF THOMPSON SUBDIVISION REGULATIONS

## 6<sup>TH</sup> EDITION

This 2023 edition includes all amendments and  
supersedes all previous editions

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# ARTICLE I - General Provisions

## SECTION 1 – Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the Town of Thompson, Connecticut, hereinafter “these Regulations.”

## SECTION 2 - Authority & Public Purpose

- A. The Planning & Zoning Commission of the Town of Thompson, hereinafter “the Commission,” is vested by the Connecticut General Assembly through Title 8, Chapter 124 and Chapter 126, as amended, of the Connecticut General Statutes with the authority to review and approve, conditionally approve or deny applications for the subdivision of land.
- B. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this municipality. Any applicant or developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.
- C. The Commission may grant waivers from these Regulations in accordance with Article 1, Section 9, of these Regulations.

## SECTION 3 – Purposes

These Regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the municipality.
- B. To guide the future growth and development of the municipality, consistent with the guidance of the Plan of Conservation and Development (PoCD).
- C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land.
- D. To protect the physical resilience and economic stability of all parts of the municipality.
- E. To encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development and the promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities.
- F. To assure proper urban form and open space separation of urbanized (higher density) areas.
- G. To protect environmentally critical areas and areas premature for urban development.
- H. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land; and to minimize the conflicts among the uses of land and buildings.
- I. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

- J. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets and highways, and for non-vehicular traffic movements appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets and building lines.
- K. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- L. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision; and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of any capital facilities needs generated by the development.
- M. To prevent the pollution of land, water, and air; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- N. To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features.
- O. To provide for open spaces through the most efficient design and layout of the land, including consideration of average density created by minimum width and area of lots, while preserving the density of development as established in the Zoning Regulations of the municipality.

## SECTION 4 - Interpretation, Conflicts, Separability & Appeals

### A. Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These Regulations shall be construed broadly to promote the purposes for which they are adopted.

### B. Conflicts

#### 1. Public Provisions

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law except as provided in these Regulations. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

#### 2. Private Provisions

These Regulations shall not abrogate any easement, covenant, or other private agreement or restriction, unless the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or

other private agreement or restriction. In such a case, the requirements of these Regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these Regulations, then the private provisions shall be operative and supplemental to these Regulations and the determinations made under the Regulations.

#### **C. Separability**

If any part or provision, or the application of these Regulations to any person or circumstances, is adjudged invalid by any court of competent jurisdiction, then the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these Regulations or the application of them to other persons or circumstances. The Commission hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application which is judged to be invalid.

#### **D. Appeals**

Appeals may be made in accordance with Conn. Gen. Stat. Sec. 8-28, as amended.

### **SECTION 5 - Saving Provision**

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision Regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or entity, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these Regulations.

### **SECTION 6 - Reservation & Repeals**

Upon the adoption of these Regulations according to law, these Subdivision Regulations of Thompson, Connecticut supersede the Subdivision Regulations previously in effect.

### **SECTION 7 – Amendments**

To protect public health, safety, and general welfare, the Commission may from time to time propose amendments to these Regulations which shall then be approved or disapproved by the Commission at a public meeting, following a public hearing and with public notice; and followed by a published notice of the results of that hearing.

### **Section 8 – Prohibitions**

- A. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plan of the subdivision has been approved by the Commission and submitted to the Town Clerk in accordance with the provisions of these Regulations.
- B. The subdivision of any lot or any parcel of land using metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- C. The ZEO shall not countersign any building permit for the construction of any building or structure located on a lot or plan subdivided or sold in violation of the



provisions of these Regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these Regulations.

- D. No street or utility construction shall be started until a plan for such construction has received either conditional or final approval from the Commission, and been filed with the Town Clerk

## **SECTION 9 – Waivers**

- A. Where the Commission finds that extraordinary legal hardships or practical difficulties may result from compliance with these Regulations, it may approve waivers so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these Regulations; and further provided the Commission shall not approve waivers unless it shall make findings based upon evidence presented to it in each specific case that:
  - 1. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or have a significant adverse effect on other adjacent property.
  - 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
  - 3. Because of the unique physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if these Regulations are carried out.
  - 4. The waiver will not in any manner conflict with the provisions of the Zoning Regulations, or the Regulations of any other Town Board or Commission.
- B. In approving waivers, the Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these Regulations.
- C. The specific conditions under which waivers may be granted for sidewalks that would otherwise be required in a subdivision are described in Article IV, Section 2, O, 4 of these Regulations.
- D. Petitions for any such waiver shall be submitted in writing by the applicant at the time when the subdivision plan is filed for the consideration of the Commission. The petition shall state fully the grounds for the waiver request and all the facts called upon by the petitioner. The Commission shall hold a public hearing before acting on any such request. A three-quarters vote of the total members of the Commission shall be required to approve a waiver. The Commission shall state upon its records the reasons for which a waiver is granted, in each case, as provided in Section 8-26(a) of the Connecticut General Statutes.

## **SECTION 10 - Enforcement, Violations & Penalties**

### **A. Enforcement**

It shall be the duty of the Zoning Enforcement Officer of the Planning & Zoning Commission to enforce these requirements and to bring to the attention of the Commission any violations of these Regulations.

#### **B. Violations and Penalties**

Any person making a subdivision or re-subdivision of land without approval of the Commission shall be subject to the penalties provided in Conn. Gen. State. Sec. 8-25. The Town and the Commission may seek other remedies as provided by the laws of the State of Connecticut.

### **SECTION 11 - Revision & Effective Date**

#### **A. Regulation/Revision**

These Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission, in accordance with the General Statutes of the State of Connecticut. The adoption of any amendment shall not render as conforming or legal any previous non-conforming or illegal division of land, but anything previously classified shall retain that classification, except as expressly changed.

#### **B. Amendment of Regulations**

The "Subdivision Regulations of the Town of Thompson - 5th Edition" made effective by the Planning & Zoning Commission on December 22, 2008, and all amendments thereto, are hereby amended by striking all existing language and substituting these amended Regulations thereof with the effective date of these Regulations.

## ARTICLE II - Definitions

Unless the context clearly indicates a different meaning, for the purposes of these Regulations, the following words and terms shall be defined as follows:

**Abutting Owner** - The owner of property sharing a contiguous boundary with the subject property; or with parallel frontage on the opposite side of a Town, State, or private road or a shared driveway.

**Applicant** - Any person or entity having a legal interest in a parcel of land, or appointed agent of such person or entity, who applies to the Commission for approval of a subdivision of such land under these Regulations. The term Applicant shall be used in sections where the application process is the topic (e.g., Article III). The “applicant” becomes the “developer” after the mylars are filed.

**Application** - The forms, maps, texts, reports and supporting data required by these Regulations by any applicant proposing a subdivision or re-subdivision.

**Aquifer Protection Area Regulations** – A regulatory document of the Town of Thompson adopted 27 November 2017, as amended. The Aquifer Protection Area Regulations make provisions for implementing regulations consistent with State regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes 22a-354a to 22a-354bb; for delineating aquifer protection areas on the zoning map and/or wetlands and watercourse area maps for the Town of Thompson; regulating land use activity within the aquifer protection area; and administering and enforcing the Aquifer Protection Area Regulations.

**As-Built Plans** - Plans, including the site development plan, a grading plan, and a construction plan, showing any modifications or changes made including those made during construction.

**Binder Course** – A coarse aggregate bound with bitumen between the foundation and the wearing course of an asphalt pavement.

**Board of Selectmen** - The Board of Selectmen of the Town of Thompson, Connecticut.

**Bond** - A deposit in a specified amount, as determined by the Commission, for the purpose of guaranteeing completion of a subdivision plan or its maintenance following completion.

**Bond, Surety (also Surety)** - A promise by a guarantor to pay one party a certain amount, if a second party fails to meet some obligation, such as fulfilling the terms of a contract. The surety bond protects the obligee against losses resulting from the principal's failure to meet the obligation.

**Buffer** - An area identified on a site plan or by a zoning regulation that is unoccupied by buildings, structures, or pavements, and is maintained as a grass area and/or planted with trees/shrubs, or left in its natural state, the purpose of which is to protect one type of land use from another.

**Building** - Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or materials. The connection of two or more buildings by means of a porch, breezeway, passageway, carport or other roofed structure shall be deemed to make them one building.

**Certificate of Occupancy** - A document issued by the Building Official, allowing the occupancy or use of a building, and certifying that the structure or use has been constructed and will be used in compliance with all applicable State and local ordinances, and regulations, and all State Building Codes.

**Collector Road** - A traveled way which carries traffic from local streets to primary streets and arterial highways, including the principal entrances to developments and streets for circulation within such developments. The standards for construction of Collector Roads are described in Appendix A – Road Construction Standards.

**Commercial Use** - Activity involving the sale, trade or provision of goods or services carried out for profit.

**Commission, The** - The Planning and Zoning Commission of the Town of Thompson, Connecticut.

**Connecticut Erosion and Sediment Control Guidelines (E&S Guidelines)** – The guidelines for soil erosion and sediment control developed by the Connecticut Council on Soil and Water Conservation, pursuant to Section 22a-327 of the Connecticut General Statutes, as may be amended. This document was historically known as the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control

**Connecticut Stormwater Quality Manual (CSQM)** – The manual published by the Connecticut Department of Energy and Environmental Protection to provide guidance on post-construction stormwater controls for new development, redevelopment, upgrades to existing development (i.e., retrofits) and non-structural Low Impact Development (LID) stormwater runoff.

**CTDOT** – The Department of Transportation of the State of Connecticut. Another common acronym for the Department is ConnDOT.

**CTDOT Drainage Manual** – A document produced and maintained by the Connecticut Department of Transportation, found at <https://portal.ct.gov/DOT/Hydraulics-and-Drainage/Drainage-Manual>

**CTDOT Form 818** – A document produced and maintained by the Connecticut Department of Transportation entitled “The Standard Specifications for Roads, Bridges, Facilities and Incidental Construction, form 818, 2020,” as may be amended, found at [https://portal.ct.gov/-/media/DOT/documents/dconstruction/specs\\_section/000\\_Form818\\_2020\\_Color-\(I\).pdf](https://portal.ct.gov/-/media/DOT/documents/dconstruction/specs_section/000_Form818_2020_Color-(I).pdf)

**CTDOT Highway Design Manual** – A document produced and maintained by the Connecticut Department of Transportation entitled “Highway Design Manual 2003 Edition,”

as revised, found at [https://portal.ct.gov/-/media/DOT/documents/dpublications/highway/CTDOT\\_HDM\\_20.pdf](https://portal.ct.gov/-/media/DOT/documents/dpublications/highway/CTDOT_HDM_20.pdf)

**Cul-de-sac** - A no-outlet street which has only one intersection with another right of way. The exit from the cul-de-sac street is the same as the entrance.

**Date of Receipt** - The day upon which the application is received by the Planning & Zoning Commission.

**Day** – A calendar day, unless otherwise specified.

**Developer** –Any person responsible for performing work approved or action required by the Commission after approval by the Commission of a subdivision application. The term Developer shall be used where the topic generally refers to the actions required for the subdivision of land (e.g., Article IV). The “applicant” becomes the “developer” after the mylars are filed.

**Development** - Any construction or grading activities to improved or unimproved real estate. Development includes but is not limited to the installation of required improvements and the disturbance of land related to the construction of a structure, installation of appurtenant utilities, and access from the existing or proposed public right of way.

**Directly Connected Impervious Area (DCIA)** – The impervious area from which stormwater runoff discharges directly to waters of the State, or directly to a storm sewer system that discharges to waters of the State. Impervious areas that discharge through a system designed to retain the appropriate portion of the Water Quality Volume (pursuant to Section 6(a)(5)(b)(i) or (ii) of the MS4 Permit) are not considered DCIA.

**Disturbed Area** - An area where the ground cover is destroyed or removed, and therefore subject to accelerated erosion.

**Driveway** - A private access-way connecting one or more buildings to a traveled right-of-way, public or private. The term “shared driveway” is used when the private access-way connects multiple buildings with different owners or tenants in an undivided lot (e.g., for a condominium development, a business park or similar uses); or connects multiple lots in a subdivided parcel.

**Dwelling** - A building or part of a building which contains living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more individual residents.

**Easement** - A right, established by deed or other legal means, of one party to use a designated portion of the second party's land for a specific and limited purpose.

**Eastern Connecticut Conservation District (ECCD)** - Formerly the Windham County Soil and Water Conservation District, established pursuant to section 22a-315(a) of the Connecticut General Statutes.

**Engineer, The** – A professional engineer, licensed to practice in the State of Connecticut, whose services have been secured by the applicant and/or developer for the subject subdivision.

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

**Excavation** - The severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil, or any other earth material.

**FEMA** – United States Federal Emergency Management Agency

**Final Subdivision Plan** - The final layout, plans, and all required supporting data that is presented to the Commission for approval of a subdivision.

**Flood Plain** - Any land area susceptible to being inundated by floodwater from any source.

**Floodway** - The channel of a river or other watercourse and the adjacent land area that must be reserved, in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot anywhere in Thompson. The regulated floodway is delineated on the maps produced by FEMA, as referenced in Thompson Ordinance No. 10-055, Ordinance Amending the Flood Damage Prevention Ordinance adopted Sept. 9, 1988

**Frontage** - The boundary of a lot abutting a Town street or private street.

**Grading** - Any excavating, grubbing, filling (including hydraulic fill), or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

**Impervious Surface** – Any surface area that is impenetrable by surface water, including but not limited to: exposed bedrock, pavement, concrete, roofs, patios and swimming pools.

**Improvement** - Any change to the existing conditions of the subdivision site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include, but are not limited to: construction and installation of roads or streets, curbs, gutters, sidewalks, utilities, street signs, monuments, landscaping, drainage facilities, erosion and sedimentation control measures, fire ponds, sewer and water systems, buildings, earth filling or removal, seeding, and grading.

**Inspection** - The periodic review of the construction of a subdivision.

**Land Surveyor, The** – A land surveyor, licensed to practice in the State of Connecticut, whose services have been secured by the applicant and/or developer for the subject subdivision.

**Landscaping** - A component of a subdivision or re-subdivision plan on which is shown: proposed woody and/or herbaceous species (such as number, spacing, size at the time of planting, and planting details); proposals for the protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the Commission.

**Local Lane** – A type of street that provides frontage for access to lots and carries traffic having destination or origin on this street itself, and that conforms to design criteria and cross section described in Appendix A – Road Construction Standards.

**Local Street** – A type of street accepting traffic from collector roads to distribute the traffic through subdivisions, neighborhoods and business areas to individual homes, apartments, business sites, and industrial sites. A local street shall conform to design criteria and cross section described in Appendix A – Road Construction Standards.

**Lot** – A lot is either of the following:

1. An accepted subdivided portion of a parcel, approved by the Commission or its predecessor Planning Commission and created in accordance with the Subdivision Regulations of the Town of Thompson in force at the time of such approval; or,
2. A lot of record which predates the February 3, 1969, adoption of the Subdivision Regulations by the Town of Thompson

**Lot, Interior** - A lot that lies at the end of a long driveway, not containing the minimum road frontage generally required by the Zoning Regulations but otherwise conforming to all specific area and dimensional requirements for the district in which it is located. An interior lot may lie behind residences, buildings, or open land. An interior lot may share a driveway with the lot behind which it is located, or it may have a separate driveway. Interior lots are also commonly referred to as “flag lots.”

**Lot Frontage (also Lot Frontage Line)** - The length measured between side lot lines, located entirely within the lot, and passing through any point(s) of the front lot line. Such frontage may be non-continuous, i.e., it is not required to be a straight line between points but may be irregular.

**Low Impact Development (LID)** - An approach to environmentally friendly land use planning. LID practices are designed to mimic pre-development site hydrology by identifying opportunities to soak rainwater into the ground onsite, rather than directing it offsite, often into storm drain systems. By capturing and retaining stormwater onsite, any pollutants contained in the stormwater runoff are prevented from being transported into nearby waterbodies.

**Maintenance Bond** - A deposit in a specified amount, as determined by the Commission, for the purpose of guaranteeing the adequate performance of completed improvements.

**Mixed-Use** – A parcel with both business and residential units, including all land, amenities, and improvements.

**MS4 Permit** – The stormwater discharge permit issued by the Connecticut Department of Energy and Environmental Protection (CT DEEP) under the authority of Section 22a-430b of the Connecticut General Statutes entitled ‘General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems,’ issued January 20, 2016, and under which Thompson is a required registrant.

**NDDH** - Northeast District Department of Health

**Open Space** - Land set aside on a subdivision plan for parks, playgrounds, active or passive recreation, or conservation purposes, and not including unbuilt land on any single lot.

**Owner** - A person or entity having title to a parcel of real property as recorded in the land records maintained by the Thompson Town Clerk.

**Owners' Association** - A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area which is responsible, through the sharing of costs, for owning, maintaining and overseeing a common road, facility and/or structure, common areas and open space.

**Parcel** – Any legally existing, undivided tract of land. The subject property of a subdivision plan is the parcel, which is then divided into lots.

**Passive Solar** - A technique whereby a dwelling or structure is designed to use natural and architectural components for the collection and storage of solar energy, without the use of external mechanical action. Passive solar in the creation or supplement of hot water may use a mechanical means to facilitate the movement of water to and from solar panels.

**Performance Bond** - A deposit in a specified amount, as determined by the Commission, amounting to the estimated cost to complete the public improvements required for an approved subdivision.

**Petition** – A request, submitted in writing, for a waiver from the requirements of these Regulations, made pursuant to Article I, Section 9 of these Regulations.

**Plan of Conservation and Development (PoCD)** - A guidance document for the most desirable use of land for residential, recreational, commercial, industrial, and other purposes. The PoCD contains the Commission's recommendations for density, streets and other public ways, municipal development, public utilities, public housing, and re-subdivision pursuant to Chapter 126 of the General Statutes of Connecticut, as amended.

**Private Street** – A traveled way serving more than three privately owned properties that:

1. Was created shown on a map or plan filed in the Thompson Land Records prior to the adoption by the Town of the first edition of the Subdivision Regulations on February 3, 1969; was never accepted as a Town road in accordance with Section 13a-48 of the Connecticut General Statutes; is used for parcel address identification in the Grand List maintained by the Thompson Tax Assessor; and is not identified either in the maps maintained by CTDOT showing Town roads, nor is identified in the listing of Town maintained roads provided to CTDOT by the Town; or,
2. Has been established as a private street pursuant to the requirements of these Regulations.

**Public Improvements** - Any improvement, facility, or service proposed by the applicant for conveyance to and acceptance by the Town, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.



**Re-subdivision** – As defined in Section 8-18 of the Connecticut General Statutes: a change in a map of an approved or recorded subdivision or re-subdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**Residential Use** - Lands, buildings or structures used, or designed or intended for use as a dwelling unit or units, including a residential use accessory to a non-residential use and the residential component of a mixed use or of an agricultural use.

**Right-of-Way** - Any of the following:

- That portion of land which is made available for the construction of roadway, ditches, drainage structures, and utility lines, and is to be conveyed to the Town in the case of a proposed Town street or conveyed to an Owners' Association charged with maintenance of such right of way in the case of a private street or shared driveway.
- The land located between street property lines, which are defined as the limits of land dedicated, secured, or reserved for public transportation uses.
- A narrow strip of land used to gain access to a parcel of land that does not otherwise have access to a street right-of-way. Right-of-way is owned in fee by the party having the right to use it.
- A legally cognizable right belonging to a party to pass and repass on and over land of another for ingress and egress. Such right can arise by easement of deed, by judicial interpretation, or by common law or statute.

**Sediment** - Detached soil particles, either mineral or organic, that are transported from the site of origin by wind, water, ice, or gravity and ultimately deposited.

**Slope** - The deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Soil** – Any unconsolidated mineral and organic material of any origin, as defined in the Soil Erosion and Sediment Control Act, Sections 22a-325 through 22a-329 of the Connecticut General Statutes.

**Soil Erosion and Sediment Control Plan** - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a written narrative, in conformance to the Connecticut Erosion and Sediment Control Guidelines.

**Soil Scientist** – The term “soil scientist” shall have the meaning set forth in Section 22a-38 of the Connecticut General Statutes.

**Soil Types** - The classification of soils in a development as defined and explained in the Soil Survey of Windham County, Connecticut, Soil Conservation Service, as amended.

**Soils Map** - A map indicating the names and spatial distribution of soil types on a site including information relating to soil characteristics, such as slope, depth to seasonal high water, depth to bedrock, permeability, natural drainage class, stoniness, and stream and

overflow hazard consistent with data prepared by the United States Department of Agriculture.

**Special Flood Hazard Area** – Any area having a 1-percent chance of being inundated by flood waters in any given year, as identified by the Federal Emergency Management Agency (FEMA) on its Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) Zone A, A0, A1-A30, AE, A99, AH, AR, AR/A, AR/AH, AR/A0 or AR/A1-A30.

**Stabilization** - Structural or vegetative treatment applied to an area in order to prevent soil erosion.

**Stormwater Detention** - A provision for storage of stormwater runoff and the controlled release of such runoff during and after a storm or flood.

**Street** – An avenue, boulevard, road, lane, highway, or any other thoroughfare between taking lines or right of way lines which provides a principal means of access to property, which is improved and maintained to allow the safe movement of traffic, and which handles storm water drainage.

**Structure** - Anything that is constructed or erected and the use of which requires permanent attachment to ground or water areas, or attachment to something having permanent location on ground or water areas. An edifice of a building of any kind or any production or piece of work artificially built up or composed of parts and joined together in some definite manner. Signs, fences or walls, a wharf or dock, an above-ground tank or a detached solar panel or satellite dish would be defined as structures. A structure shall not include a flagpole or an ornamental well.

**Subdivision** – As defined in Section 8-18 of the Connecticut General Statutes: the division of a tract or parcel of land into three or more parts or lots made subsequent to the February 3, 1969, adoption of the first Subdivision Regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and including re-subdivision.

**Subdivision, Conservation** - A type of cluster development, as defined by sections 8-18 of the Connecticut General Statutes and further described in Article IV, Section 7 of these Regulations, in which the required dimensions, under the Zoning Regulations and these Regulations, may be reduced for the purposes of encouraging the preservation of additional open space.

**Tax-Exempt Organization** - a nonprofit organization, organized under the laws of the United States of America or any state thereof, that is an organization described in Section 501(c)(3) of the Internal Revenue Code and is exempt from federal income taxes under Section 501(a) of the Internal Revenue Code.

**Topsoil** - The surface layer of a soil profile (known as a horizon of a soil), generally characterized as being darker than the subsoil due to the presence of organic matter, containing most of the nutrients available to plants, and supplying a large amount of the

water used by plants and the zone where the respiration of plant roots occurs. For the purposes of stabilizing disturbed ground with permanent vegetative cover, the specifications for topsoil shall meet the requirements found in the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control for the topsoiling measure.

**Town, The** – The municipal corporation having its territorial limits within the Town of Thompson, County of Windham and State of Connecticut.

**Town Counsel** - means the attorney or attorneys retained by the Town.

**Town Street** – A public right-of-way meeting any of the following criteria:

- Any street maintained by the Town that is shown on the map entitled "[Thompson, Connecticut](#)" prepared by the Connecticut Department of Transportation in cooperation with the U.S. Department of Transportation Federal Highway Administration accepted as of Dec 31 2020, as may be amended.
- A street accepted as a Town Road by Town Meeting action.

**Unit** – A physical portion of a common interest community designated for separate ownership or occupation.

**Upland Review Area** – The term “upland review area” shall have the meaning as defined in the Inland Wetlands and Watercourses Regulations of the Town of Thompson, as amended.

**Use** - Any purpose for which a building, structure or premises may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on in a building or structure or on a lot or parcel.

**Watercourses** - The term “watercourses” shall have the meaning set forth in Section 22a-38 of the Connecticut General Statutes.

**Wetlands** - The term “wetlands” shall have the meaning as set forth in Section 22a-38 of the Connecticut General Statutes.

**Zoning Enforcement Officer (ZEO)** - The individual employed by the Town who is appointed by a majority vote of the Commission to carry out the functions and purposes identified in these regulations until such time as the appointment is revoked by the majority vote of the Commission or such officer otherwise ceases to be employed by the Town.

## ARTICLE III - Application Procedures & Commission Consideration

### SECTION 1 - Preliminary Plan

- A. The submission of a preliminary plan for subdivision is an informal opportunity for the applicant to receive feedback from the Planning & Zoning Commission, the Conservation Commission and the Inland Wetlands Commission. A preliminary plan for a subdivision is recommended for all subdivisions of three lots or more. Because a preliminary plan submission is not required, no comments or suggestions made therein shall constitute prejudgment of any plan or bind the Commission.
- B. Persons wishing to submit such preliminary plans must notify the ZEO 10 calendar days prior to the date of the next regularly scheduled meeting of the Commission, in order to be placed on the agenda.
- C. The Commission's discussion of a preliminary plan of a subdivision does not constitute an approval, which can only be made by the Commission after submission of a formal application under the provisions of Article III, Section 2.

### SECTION 2 - Formal Application

#### A. Timetable

- 1. All applications, maps, plans, documents, and data required by these Regulations shall be submitted to the ZEO. Any application received less than five days prior to the next regularly scheduled meeting may not be discussed by the Commission at that meeting.
- 2. In accordance with the requirements of Section 22a-26(e) of the Connecticut General Statutes, if an application involves land regulated as a wetland or watercourse under the provisions of Chapter 440, the applicant shall submit an application for approval to the Inland Wetlands Commission, in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Thompson, no later than the day the subdivision application is filed with the ZEO.
- 3. In the case of a subdivision proposing the alteration of wetlands or watercourses, outside the proposed lots, involving new road construction and/or stormwater discharges, then an additional Inland Wetlands Commission permit application shall be required.
- 4. The official date of receipt of applications and requests shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission at the office of the Commission, or 35 days after such submission, whichever is sooner.

#### B. Required Documents

The applicant shall submit to the Commission an application consisting of the following documents:

- 1. A **written or an online application** completed in full on forms prescribed by the Commission, signed by the applicant, or by a duly authorized officer or agent of the

applicant. If the subdivision or re-subdivision is proposed by a person or entity other than the owner of the land to be subdivided, the application shall also be signed by the owner or the owner's lawful agent.

2. A **non-refundable application fee**, as described in the Table of Fees (**Appendix B**), also inclusive of any land use fees required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes as amended. All application fees shall be made payable to the Town of Thompson.
  - a. The Commission may waive the application fee requirement, in whole or in part, for:
    - i. The resubmission of an application denied by the Commission within the previous 90 days, or
    - ii. Submission or a revision of a previously approved subdivision when such revision does not constitute a re-subdivision, or
    - iii. Submission of an application solely for the purpose of correcting an existing illegal subdivision.
3. **Technical Review Fee:** if the Commission determines it necessary to obtain specialized technical review to fully and properly review and evaluate the application, the fees for such expertise shall be paid by the applicant within 10 days of the Town's written notice of the actual or estimated fees. If the applicant fails or refuses to deposit the actual or estimated fees, the application will be considered incomplete as of the next regularly scheduled meeting of the Commission, which shall be sufficient grounds for denial of the application without prejudice.
4. The applicant shall submit a **letter of approval from NDDH** certifying that the lots as proposed will be suitable for on-site sewage disposal systems. The letter shall confirm that the test pits as numbered correspond to testing in the field. The letter shall also state which date of revision of the plan was approved. Any changes in the plan after NDDH approval shall require further review from NDDH prior to approval by the Commission.
5. At a minimum, a **PDF file and two copies of all required documents** for each application needing approval shall be submitted and accompanied by the same number of copies of a site plan on 11 x 17-inch paper. The ZEO or the Commission, as applicable, may require additional copies.
6. **The plan**, which shall conform to the requirements of Article III, Section 3 of these Regulations.
7. A report describing the **stormwater management site strategies** to be used, as required by Article IV, Section 3 of these Regulations.
8. An **Erosion and Sediment Control Plan** as required by Article IV, Section 4 of these Regulations.
9. A **certificate of public convenience and necessity** as required by Section 16-262m of the General Statutes of the State of Connecticut, if water is to be supplied by a water company by means of a community water supply system as defined in that section.
10. Copies of **all other approvals issued by local, state, or federal commissions or agencies** in connection with the proposed development, and any contingencies of those approvals.

11. For any access-ways or rights-of-way proposed, the justification of the nature and intent of such access-ways shall be described, e.g., whether the access-way is proposed as a private street, shared driveway or Town accepted street.
12. Where a proposed street or storm drainage system joins with a State Highway and/or Town street, the applicant shall present a letter or other documentation giving evidence that the construction plans have been submitted to the Connecticut Department of Transportation and/or the Town of Thompson Public Works Director with an application for a permit for such connection in accordance with the General Statutes of the State of Connecticut. Any applicant who receives a Connecticut Department of Transportation permit which requires an alteration to the plan as submitted & approved by the Commission shall resubmit that portion of the plan for review & approval by the Commission. Connections to Town streets require submission and approval by the Town of Thompson Public Works Director.
13. An agreement signed by the applicant, and by the owner of the land if other than the applicant, granting to officials and agents of the Town and of the Commission permission to enter onto any part of the land that is the subject of the application for the purposes of inspection and, in the event of the failure of the applicant to make required improvements, in order to make such improvements.
14. The applicant shall send notice of the proposed subdivision by certified mail, return receipt requested, to abutting owners within 200 feet of any boundary line. Such notice shall be mailed not less than 10 days nor more than 30 days before the scheduled public hearing of the subdivision application to the Commission. Receipts of notice of proposed subdivision shall be submitted to the Commission or the ZEO no later than five days prior to the scheduled Public Hearing. A template for the letter of notification to abutters is included as **Appendix C**.
15. The Commission may require an environmental assessment where it determines that the subdivision may contain significant natural and/or cultural resources, based on the National Resources Inventory, Inland Wetlands Commission report, Conservation Commission report, Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.
16. For any subdivision containing one or more private streets, the applicant shall provide a document containing the proposed language for the establishment of the Owners' Association for the maintenance and liability agreement that is proposed to be filed on the land records and reviewed (not approved) by the Town's legal counsel. Any fees associated with review by Town Counsel shall be at the cost of the applicant. Requirements for Owners' Associations are found in Article III, Section 3, G of these Regulations.
17. For any subdivision containing one or more shared driveways, the applicant shall provide a document containing the proposed language for maintenance and liability, to be placed on the deeds for any proposed lots with shared driveways, in accordance with Conn. Gen. Stat. Sec. 42-47f. A template for such declaration is included in these Regulations as **Appendix D**

## SECTION 3 - Subdivision Plan Requirements

### A. General Requirements

1. Subdivision plans shall meet the requirements of Article III, Section 3, A-E of these Regulations.
2. Subdivision plans shall be prepared, signed, and sealed by The Land Surveyor and/or the Engineer.
3. Subdivision plans shall meet or exceed standards for a Class A-2 survey as defined by the "Minimum Standards for Surveys and Maps in the State of Connecticut" by the Connecticut Association of Land Surveyors, Inc. latest edition. The Commission may accept a Class "D" Survey, subject to the above-referenced code, for large parcels not proposed for sale or development or to establish the perimeter ownership boundary of a large parcel where a portion of the parcel is proposed for subdivision and shall be subject to an "A-2" survey.
4. A minimum of three documents shall be included for each subdivision. The scale of each such document shall be determined by the preparer for optimal legibility. The three required documents are as follows:
  - a. Cover Sheet
  - b. Record Subdivision Map
  - c. Site Development Plans and Detail Sheets
5. Additional sheets, such as an index map (if the proposed subdivision is divided into sections or is of such size that more than one sheet is required), or detail sheets may also be required.
6. All the information described below shall be included on the plans submitted. The Commission may allow the information to be placed on additional or alternate plan sheets if it helps to make the project more understandable and legible.

### B. Cover Sheet

The cover sheet shall include:

1. Subdivision Name. The name of the subdivision shall not resemble any other subdivision name in the Town too closely.
2. A location map including the proposed parcel to be subdivided and all properties within 200' of the perimeter boundary of the area to be subdivided and the approximate area and dimension of the adjacent tracts.
3. Zoning classification
4. Proposed lot lines.
5. Soil types, as identified by the USDA Natural Resources Conservation Service (NRCS)
6. Location of existing buildings on or within 200' of the subdivision
7. Street intersections and driveways on both sides within 200' of the subdivision boundaries
8. Name of the owner of record
9. Name of the applicant
10. Name of the designer, the Engineer and the Land Surveyor
11. An Approval block, formatted as shown below:

<p style="text-align: center;">Approved by the Town of Thompson</p> <p style="text-align: center;">Planning &amp; Zoning Commission</p> <p>Chairman Signature_____</p> <p>Date of PZC Approval_____</p> <p>Date of Expiration_____</p>
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12. The following statement:

“Per Section 8-26c of the Connecticut General Statutes, as amended, approval automatically expires five years from date of approval if all physical improvements required by this submitted plan are not completed by the expiration date.”

13. The following statement:

“The Subdivision Regulations of the Thompson Planning and Zoning Commission are a part of this plan. Approval of this plan is contingent on completion of the requirements of said regulations, excepting any waivers or modifications made by the Commission. Any such waivers or modifications are on file in the office of the Commission.”

14. For subdivisions containing land regulated as an Inland Wetland or Watercourse and subject to the requirements of Section 8-26(e) of the Connecticut General Statutes, an approval block as formatted below:

<p style="text-align: center;">Approved by the Town of Thompson</p> <p style="text-align: center;">Inland Wetlands Commission</p> <p>Chairman Signature_____</p> <p>Date of IWC Approval_____</p>
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#### C. Record Subdivision Map

The Record Subdivision Map shall include:

1. Date of preparation of the map and any revisions thereto, scale, visual scale, north arrow, Town, and State
2. The location of the subdivision in relation to existing roads, streets, and intersections within 2,000 feet of the subdivision
3. Name, width and location of existing and proposed property lines, streets and other rights-of way or easements within 200 feet of the property to be subdivided.
4. All wetlands and watercourses, along with all other areas regulated by the Thompson Inland Wetlands Commission
5. All special flood hazard areas, including any floodways. as delineated by FEMA and as shown on the most recently amended maps; or the map shall include the following



notation: "This subdivision does not include land areas within the Federal Emergency Management Agency's special flood hazard area".

6. Property lines shall be drawn with dimensions to the hundredth of a foot, bearings or deflection angles on all straight lines and the central angle, tangent distance and radius of all arcs.
7. Names of adjacent subdivisions and all owners of property abutting the tract, and the Assessor's map, block, and lot numbers for all such properties.
8. Proposed lots and lot numbers, and the area and dimensions of each lot.
  - a. For the purpose of these Regulations the number of lots shall be determined by the cumulative number of lots which have been created out of the original tract as the original tract existed on the effective date of Subdivision Regulations in the Town of Thompson, which is February 3, 1969.
9. Location and dimensions of existing and proposed easements, and existing and proposed monuments.
10. Within 500 ft. of the proposed subdivision, any municipal or district boundary line; any channel encroachment line.
11. Area to be dedicated to open space and the purpose of such open space, along with land trust preserves, designated open spaces, parks and playgrounds within 200 ft. from the tract.
12. Boundary lines of the parcel being subdivided, showing any lots previously subdivided.

#### **D. Site Development Plans and Detail Sheets**

The site development plans and detail sheets shall include:

1. Title of the subdivision, date, scale, Connecticut grid North point, Town, and State.
2. Plans shall be drawn to a horizontal scale of 1" = 20', 1" = 30' or 1" = 40', depending on the site and the legibility of the plan, as determined by the preparer.
3. A class T-2 or T-3 topographic survey with 2' contours in the area of development. Datum shall be NAD 83 horizontal and NAVD 88 vertical. In areas not proposed for development statewide GIS LIDAR contours shall be indicated.
4. A legend
5. Any ledge outcrops and existing stone walls and fence within the subdivision.
6. Clearing and grading limits and tree preservation areas
7. Proposed contours.
8. For each proposed lot, the proposed septic leach field system and reserve field shall be shown.
9. Location of percolation test holes and deep hole tests for each lot
10. Location of proposed wells and water sources for each lot
11. Existing and proposed easements, described precisely with respect to location and limits on all easements and rights of way.
12. Location and names of new proposed streets, whether private or proposed for acceptance by the Town. The names of new streets shall not duplicate any previous street names in the Town.

13. Proposed driveways and buildings. This requirement is not intended to “lock in” the builder to a particular area of the lot, but merely to demonstrate that the lot can be built upon.
14. For streets and shared driveways, the existing grades at the center line and both street lines and the proposed grade at the center line at appropriate intervals, street lines, and width of pavement; a typical street cross section; and a cross section at all cross culverts
15. Existing and proposed utilities.
16. Top of frame, invert, slope, and size of all pipes, ditches, utility conduits, telephone poles, culverts, manholes, catch basins, headwalls and watercourses; typical ditch and watercourses cross sections.
17. On the plan drawing, the location of lot lines intersecting the street line; lot number and street names.
18. Curbs, gutters, water mains, hydrants, and special structures.
19. Detailed drawings of any bridges, box culverts, deep manholes and other special structures.
20. Stormwater management provisions, as required by Article IV, Section 4 of these Regulations.
21. An Erosion and Sediment Control Plan, as identified in Article IV, Section 5 of these Regulations.
22. The seal and wet-ink signature of the registered professional engineer who prepared the plans shall be imprinted on each print submitted.

#### **E. Presentation**

The plans presented to the Commission and the public during any public hearing shall be rendered in color. Use of specific colors is not prescribed; but the various elements shall be clear and easy to differentiate during the presentation.

### **SECTION 4 - Application Process & Consideration**

After it has been determined by the ZEO that the application is complete and that an application has been received by the Inland Wetlands Commission, two copies shall be retained for study by the Commission and other interested agencies. The ZEO shall transmit copies of the maps and plans to other boards, commissions, public agencies, officials, and consultants as in the opinion of the Commission may be advisable, for their information, review, and recommendations. If a subdivision abuts or includes land in another town, the applicant shall submit three additional copies to the Northeast Connecticut Council of Governments (NECCOG).

#### **A. PUBLIC HEARING**

1. A public hearing shall be held on any subdivision of four lots or more. A subdivision of less than four lots shall not require a public hearing, but it shall be subject to site plan review by the Commission. The Commission shall hold a public hearing on any application for a re-subdivision.
2. The public hearing shall be scheduled within 65 days of the date of receipt of the application by the Commission and shall be completed within 35 days thereafter. Notice of a public hearing shall be given in accordance with Section 8-26d of the General Statutes of the State of Connecticut.

3. If the applicant demonstrates to the satisfaction of the Commission that the application conforms to the requirements of these Regulations, then the Commission shall approve it. The purpose of the public hearing is to determine what additional conditions may be appropriate for inclusion, based on the concerns of the public.

#### B. DECISION

1. In accordance with Sections 8-26(e) and 8-7d(e) of the Connecticut General Statutes, if the proposed subdivision requires work in an area regulated by the Inland Wetlands Commission (IWC) the Commission shall not render a decision until the IWC has submitted a report. If time for a decision by the Planning & Zoning Commission elapses prior to 35 days after a decision by the Inland Wetlands Commission, the period for a decision shall be extended to 35 days after the decision of the Inland Wetlands Commission. This provision shall not be construed to apply to any extension consented to by the applicant.
2. A decision on a proposed subdivision shall be made within 65 days of the completion of a public hearing. When no public hearing is held, a decision shall be made within 65 days of the date of receipt of the application. The applicant may consent to one or more extensions of time, which may be up to a total of an additional 65 days.
3. The failure of the Commission to act within the prescribed time shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand, in accordance with Section 8-26 of the General Statutes of the State of Connecticut.
4. In granting approval, the Commission may require the modification of the proposed Record Subdivision Map, plans or documents, in order to preserve the purpose and intent of these Regulations.
5. If the Commission does not approve the application and its accompanying maps, plans, certificates and documents as presented, then the Commission may modify and approve, or deny the application. The Commission shall provide public notice of its decision as required by law.
6. Commission approval shall include and be conditioned upon the following as applicable to the particular application:
  - a. Approval by the Director of Public Works of any required road, drainage, or other public infrastructure improvements, prior to the Director's endorsement of the Record Subdivision Map or, in lieu of such approval prior to endorsement, execution of an agreement and posting of an improvements bond payable to the Town of Thompson and acceptable to Town Counsel guaranteeing such completion. The standards and conditions for the bond are described in Article IV, Section 7 of these Regulations.
  - b. Date when construction of streets, drainage and other improvements is authorized and a date when such construction shall be complete, which completion date shall not be later than five years after the date when construction is authorized.
  - c. Presentation of written conveyances and/or deeds in a form satisfactory to Town Counsel containing language as written below, accompanied by an appropriate

map delineating the land involved in accordance with the standards of these Regulations, unless such land is shown on the Record Subdivision map for:

- i. Any subdivision containing streets, easements, open space, parks, or playgrounds dedicated to and accepted by the Town; easements for storm drainage, sanitary sewers, and rights-of-way to be dedicated to the Town; the language describing the land involved and the privileges and/or responsibilities of the Town.
  - ii. Any subdivision containing private streets, the final language for the Owners' Association declaration.
  - iii. Any subdivision containing shared driveways, the final language to be included in the deeds for each affected lot that contains, at a minimum, the rights and responsibilities as identified by Section 47-42f of the Connecticut General Statutes.
- d. Presentation of a copy of an approved permit from the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway.
- e. A letter of approval from the Director of Public Works, indicating that any proposed driveway locations on the plan conform to the specifications set forth in the Town of Thompson Driveway Ordinance, as amended.
- f. Presentation of evidence that final arrangements have been made for provision of any proposed public water supply by a public utility company as per Section 8-25a of the General Statutes of the State of Connecticut.
- g. Presentation of results of NDDH percolation tests and approvals and recommendations.
- h. Presentation of a copy of report and plans showing approval from the Thompson Inland Wetlands Commission to conduct any activity necessary to complete required streets, drainage, and other subdivision improvements in regulated wetlands and watercourses.
- i. Presentation of one mylar each of the approved Record Subdivision Map, the construction plans and grading plan for required signatures, incorporating all modifications and conditions specified by the Commission, if such map and plans have been modified since submission of the application, three blue line or black line prints thereof shall also be presented.
- j. The applicant shall also deliver the Record Subdivision Map, construction plans and grading plan in digital format prior to the signing of final mylars. All digital mapping data shall be provided in a format accessible to staff in the appropriate Town offices (e.g., Assessor, Town Clerk, Zoning Enforcement Officer).
- k. Authorization, by vote of the Commission, for the Commission Chairman or Secretary to endorse the Record Subdivision Map when all conditions of approval have been met. The final mylar shall be endorsed with the date of Commission approval.

#### F. FILING AND RECORDING

1. The endorsed Cover Sheet, Record Subdivision Map, and Site Development Plans and Detail Sheets showing any modifications upon which final approval of the subdivision was contingent, shall constitute the approved subdivision plan.
2. Following approval by the Commission, the approved subdivision plan shall be filed by the applicant and shall subsequently become the record subdivision plan. The record subdivision plan shall include all the information required in **Article III, Section 3, B-D** (above) in a neat and legible manner, drawn on polyester film (mylar) at least .003 inches thick on 24"x36" sheets.
3. The date of endorsement of the record subdivision plan shall be noted on the map by the Chairman or Secretary of the Commission as well as the date, five years from approval hence, when approval may expire as provided in Section 8-26c of the General Statutes of the State of Connecticut.
4. Within 90 days after delivery of the endorsed map to the applicant, the applicant shall file and record the map in the Office of the Thompson Town Clerk, except that the Commission may by resolution extend the time for such filing and recording for two additional periods of 90 days. The map shall remain valid until the expiration of such extended time.
5. If the endorsed map is not filed prior to the expiration of all allowable extensions, then the plan shall be null and void, as set forth in Conn. Gen. Stat. Sec. 8-25.
6. Filing and recording fees shall be paid by the applicant.

#### G. Owners' Associations

1. Common property within a subdivision shall be owned, administered and maintained by an Owners' Association, as defined in Article II of these Regulations.
2. The common property within a subdivision shall include, but is not limited to, any undivided land, dedicated open space, shared facilities such as recreational areas or community centers, community wells, septic systems, fencing/landscaping, lighting, stormwater retention, shared driveways and private streets.
3. The Owners' Association shall be formed pursuant to legal agreements in form and substance acceptable to the Commission, which shall, at the Commission's discretion, be subject to review by the Town Counsel. If the documents establishing the Owners' Association are found acceptable by the Commission, then the documents shall be filed in the Office of the Town Clerk by the developer as part of the mylars.

## ARTICLE IV - Requirements for the Subdivision of Land

### Section 1 – Basic Requirements

- A. Each lot in a subdivision shall conform to the dimensional requirements for the district in which it is located, as defined in the Thompson Zoning Regulations. The Commission may waive this requirement for a proposed Conservation Subdivision, according to the provisions of Article 5B, Section 1 of the Zoning Regulations and as described in Article IV, Section 6 of these Regulations.
- B. Boundaries of wetlands and watercourses shall be determined in the field by a qualified soil scientist and on any plan showing wetlands boundaries said plan shall be accompanied by a signed statement by that soil scientist that the plan accurately depicts his/her wetlands flagging and delineation.
- C. Maintenance of views, historic buildings, monuments, and significant landscaping elements shall be encouraged.
- D. A narrative may be required by the Commission for all subdivisions of three or more lots describing the following items in detail: General Description, Vehicular and Pedestrian Circulation, Utilities and Storm Water Drainage, Natural Conditions, Design Factors, Impacts and Phasing.
- E. The Commission may require the applicant to prepare an Impact Statement evaluating the effect on the environment and estimated traffic on the site, waste disposal, surface drainage, water supply, and other issues if, in the opinion of the Commission, the community has a significant interest. The Commission may request a report from the State Environmental Review Team (ERT).
- F. Any subdivision or re-subdivision plan shall conform to the requirements of the [Town of Thompson Aquifer Protection Area Regulations](#).
- G. No plan for a subdivision with lots having the required frontage on an impassable or unimproved Town street shall be approved unless the applicant agrees to improve such Town street at all points along said street which provides the required frontage to lots in the subdivision, in accordance with the requirements of these Regulations, as amended, or provide reasonable bonding as determined by the Commission.
- H. Each subdivision plan shall provide for stormwater management, surface water drainage, sanitary sewage disposal, fire hydrants, fire ponds, and dry hydrants, underground utilities, curbs, walkways, and any other improvements, in amounts and locations considered necessary by the Commission to protect health, safety and general welfare.
- I. New subdivision streets and roads shall have underground utilities.
- J. To provide safe and structurally adequate access onto streets, all driveways shall conform with the specifications set forth in the Town of Thompson Driveway Ordinance.
- K. Streets shown on a Record Subdivision Map, approved by the Commission, and fully recorded, shall not deviate in any line or grade unless the applicant has submitted and been approved for a revised plan following the procedures for a new subdivision. Such new subdivision plan shall contain a clear and distinct reference to the former subdivision plan and to the book and page on which it is recorded in the Town Clerk's Office and shall clearly show revisions or departures from the original plan.

- L. Once the proposed plan meets the basic requirements described in A-K, above, a completed subdivision application may be submitted for the consideration of the Commission.

## Section 2 – Design & Construction Standards

### A. Design

Subdivisions shall be designed with consideration of the guidance of the current Plan of Conservation and Development adopted by the Commission for the Town, particularly in regard to streets, drainage and reservation of land for open space. Proposed subdivisions and all street, drainage and other improvements required by these Regulations shall also be designed and constructed in accordance with all other applicable ordinances and regulations of the Town of Thompson.

### B. Supervision and Inspection

Construction of all improvements shall be carried out to the specifications described in the approved plan and shall be subject to inspection and/or supervision by the Director of Public Works and/or the Building Official for the Town of Thompson, as appropriate. The Director of Public Works and/or the Building Official shall be authorized to take materials, samples, cores, and tests as deemed necessary to determine compliance with these Regulations. The Commission may require the developer, at the developer's sole expense, to have such tests performed and certified by a professional engineer licensed to practice in the State of Connecticut.

### C. Building Lots

Proposed building lots shall be of such shape, size, location, and topography that the buildings can be constructed reasonably and so they can be occupied and used for building purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock, shallow depth to bedrock, or other conditions shall be combined with another lot or lots that are suitable, which may result in a reduction of the total number of lots; or shall be designated as an unbuildable lot. No lot designated as unbuildable by the Commission shall be considered for approval until a grading plan meeting the requirements of Article IV, Section 2, H has been submitted. Proposed building lots shall be designed and arranged to make best use of the natural terrain, avoiding unnecessary re-grading, and to preserve substantial trees, woods, wetlands, and watercourses.

### D. Frontage

Each lot shall have frontage on a public or private street, except as otherwise allowed by these Regulations for interior lots or shared driveways.

### E. Lot Numbers

Wherever feasible, lots intended for separate ownership shall be numbered beginning with the number 1 and shall continue consecutively throughout the entire subdivision. Re-subdivisions having the same title shall not duplicate lot numbers.

#### F. Lot Lines

The Commission may refuse to permit Town boundary lines to cross any lot. In the event of such refusal, such Town boundary line shall be made to constitute one of the lot boundary lines.

#### G. Lot Grading

Lots shall be graded to divert water away from planned structures, and to prevent runoff of water into neighboring properties or onto streets. Developers are encouraged to include rain gardens and/or infiltrations systems on the plan, to prevent such situations. Where filling of lots for final grading is required, compactable fill and topsoil suitable for lawn or plant growth shall be used. Tree stumps, logs, or other decomposable material, or building debris shall not be used as fill material. When rocks or boulders are used for fill, they shall be located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities or underground utility vaults or conduits. Any such areas shall be noted on the plan as unbuildable, and the materials shall be so deposited that they shall not result in an unsafe concavity on the lot.

#### H. Interior Lots

1. Interior lots (also commonly known as flag lots) shall have the same minimum lot size required in the underlying district and shall meet all other requirements of the paragraphs above. The access right-of-way shall not be included in the calculation of the lot size for an interior lot. Up to three interior lots may share the frontage of a single shared driveway; however, no additional lots shall be permitted to stack behind the initial 3 lots.
2. Interior lots shall have the following limitations:
  - a. In a residential subdivision, only uses allowed under the “zoning permit – simple” level of review on the Table of Uses for the given district shall be permitted. No such limitations apply to proposed commercial or mixed-use subdivisions.
  - b. The maximum number of interior lots shall not exceed one-third of the total number of lots in any subdivision.
  - c. The lot line or lines nearest to the street to which the lot has access and most nearly parallel thereto shall be considered the street line for the purpose of establishing a building line.
  - d. No interior lot shall be to the rear of another interior lot, except as provided above for interior lots with shared driveway frontage.

#### I. Street Design and Construction

Streets shall be designed and constructed in accordance with the Town of Thompson Road Ordinance, as amended; CTDOT standards; and the standards described in **Appendix A** of these Regulations.

##### 1. Street Planning

- a. Proposed streets and rights-of-way shall be planned in such a manner as to provide safe and convenient access to proposed lots, with due consideration for accomplishing a logical layout and development of the land in the subdivision and in the neighborhood.
- b. Streets should in general follow the contour of the land, bear a logical relationship to the topography, and shall have a location and grade which preserves the natural features in the subdivision, and which enhance property values in the



neighborhood. Natural features shall be preserved where so required by the Commission.

- c. Street lines on each side of a proposed street shall be parallel or shall be concentric arcs, except at intersections and turnarounds designed in accordance with the Road Ordinance, as amended, and these Regulations. No street right-of-way shall be widened beyond the minimum width specified in the Road Ordinance and these Regulations for the purpose of securing additional street frontage for proposed lots.
- d. Streets shall be designed to establish building lots at or above the grade of the street, wherever possible.
- e. It is the preference of the Town of Thompson that any new street proposed shall be privately maintained, unless it can be demonstrated to the satisfaction of the Commission that such new street shall be of general benefit to the community (e.g., by improving connectivity between existing streets, reducing the length of car trips within the Town, or similar benefit).

## **2. Existing Streets**

- a. Proposed 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 in accordance with the requirements of the Town Road Ordinance, as amended; CTDOT standards; and these Regulations.
- b. Drainage and other improvements made necessary by the proposed subdivision shall be constructed in the existing Town street or State Highway as required by the Road Ordinance, as amended; CTDOT standards; and these Regulations.

## **3. Subdivisions on Existing Private Streets**

- a. The Town strongly prefers all subdivisions to connect to existing Town streets or State highways, wherever possible. Where development of a subdivision is only possible by connecting to an existing private street, for that proposed subdivision to be approved one of the following conditions shall be met:
  - i. The existing private street shall be demonstrated to conform to the standards for new private streets, as described in Appendix A of these Regulations, to the satisfaction of the Director of Public Works; or
  - ii. The existing private street shall be improved to conform to the standards for new private streets, as described in Appendix A of these Regulations, to the satisfaction of the Director of Public Works.
- b. Where the only possible access to the proposed subdivision is to connect to an existing private street, any new proposed streets in the subdivision shall only be private streets, and an owners' association shall be established to maintain such streets.
- c. The property owners on the existing private street may join the owners' association formed to maintain the new private streets within the subdivision, but they shall not be required to do so. If the property owners on the existing private street agree unanimously to join the owners' association, then that association shall also maintain the connecting private street.

## **4. Access**

- a. Each Town street, private street or shared driveway proposed on a Plan of Subdivision shall connect with an existing Town street or State Highway; or with

- a proposed Town accepted street or private street in the subdivision connecting with an existing Town street or State Highway approved by the Commission; or with a connecting private street in a subdivision approved by the Commission.
- b. Each lot proposed on the Plan of Subdivision shall have access to the Town of Thompson roadway system without requiring travel out of the boundaries of the Town of Thompson. Proposed Town accepted streets or private streets may intersect with rights-of-way outside the boundaries of Thompson, so long as such intersections are not the sole means of access to the subdivision.
5. **Street Names**
- a. Streets shall bear names which do not duplicate or closely approximate the spelling or sound of existing street names in the Town of Thompson.
  - b. Streets which extend or are in alignment with existing streets shall bear the same name as the existing street.
  - c. All street names shall be subject to the approval of the Commission.
6. **Acceptance of Road Construction**
- a. The sub-grade and sub-base of any street, together with all drainage required for the street, shall be completed to the satisfaction of the Commission and the Director of Public Works, in accordance with the Town of Thompson Road Ordinance, as amended; CTDOT standards; and these Regulations; and, if applicable, any permit issued by the Inland Wetlands Commission. prior to approval of an application for Certificate of Occupancy for any structure on or served by such street.
  - b. Pavement base courses and surface courses, and curbs shall be completed to the satisfaction of the Commission and the Director of Public Works in accordance with the Road Ordinance, CTDOT standards and these Regulations before application for Town acceptance of any street.
  - c. The specific requirements for acceptance of Road Construction are found in **Appendix A** of these Regulations.

## **J. Easements**

1. Easements for access to and use of land, or other necessary rights or restrictions of 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 Record Subdivision Map with adequate survey information, so that the land subject to easement may be accurately located by field survey. Easements may be required in the following types of cases as applicable to the particular subdivision:
  - a. Easements for access to bridges and culverts by construction and maintenance equipment. Such easements shall not be less than 20 feet wide.
  - b. Easements for storm water pipes and water mains and sanitary sewers and appurtenances. Such easements shall not be less than 20 feet wide.
  - c. Easements for use and access to storm water basins and fire ponds. Such easements shall be not less than 20 feet wide.
  - d. Easements for identification of points or areas of stormwater discharge rights from streets when storm drainage conduits systems are not to be installed.
  - e. Temporary construction easements for grading and other construction work in the front 25 feet of each lot along a proposed street.

- f. Sight-line easements across corners of lots at all street intersections to assure safe line of sight on the street, and to remove obstructions to regrading within the easement area.
- g. Easements for pedestrian, cycling or equestrian paths to open spaces, parks, playgrounds, schools, and other public or semi-public places as part of an open space plan or when otherwise proposed for the subdivision. Such easements shall be not less than 10 feet wide, but they may be wider depending on the quality of the surface of the path.
- h. The Commission may require an easement for highway purposes of not less than 25 feet from the centerline of the road, where the right-of-way of any highway adjoining a proposed subdivision is less than 50 feet wide, to allow widening or straightening of a Town highway; or where any proposed subdivision has frontage on the inside of any curve in a town highway.
- i. Conservation easements
- j. Easements for pipe systems shall be located so that the pipe is positioned at least five feet from the boundary of such easement, unless otherwise directed by the Commission. Easements for pipe systems may be required in the following cases:
  - i. For storm water pipes and facilities that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision.
  - ii. Where natural prescriptive drainage rights must be altered by land subdivision.

## **K. Driveways**

### **1. General Provisions – All Driveways (Individual or Shared)**

- a. No building or structure to be served by a newly constructed or relocated individual or shared driveway shall be used or occupied, in whole or in part, until such driveway has been constructed in accordance with the specifications of the Town of Thompson Driveway Ordinance, as amended, and these Regulations; and has been approved by the Director of Public Works.
- b. All driveway entrances (aprons) shall be constructed in accordance with the Town of Thompson Driveway Ordinance, as amended. If the intersecting street is unpaved and is not planned for pavement within 5 years, the apron need not be paved. No certificate of occupancy shall be issued for a dwelling or building until such time as the driveway and apron are constructed in accordance with Town standards. If the season or weather prohibits the required driveway construction, including paving, a bond-in-lieu may be accepted by the Town.
- c. Notwithstanding the provisions of Article IV, Section 2, L, 1, b (above), no certificate of occupancy shall be issued if it is determined by the Director of Public Works that safe and reasonable emergency access cannot be achieved without further improvements.
- d. All newly constructed or relocated driveways, shared or individual, shall be constructed in accordance with the following specifications:
  - i. Driveways may not exceed a grade of 12%, or as otherwise described in the Town of Thompson Driveway Ordinance, as amended.

- ii. The maximum slope of the first 30 feet of the driveway measured from the edge of the traveled way into the property shall not exceed 4%
- iii. A sufficient drainage system shall be installed to prevent the runoff of water or other material from the driveway into the intersecting street.
- iv. The center line of a driveway entrance shall intersect the street at an angle of approximately 90 degrees for a minimum distance of 30 feet from the traveled portion of the intersecting road.
- v. Where the physical limitations of the site prevent an intersecting angle of 90 degrees, the Commission may allow a deviation from that standard; but, in no case shall the angle of intersection be less than 75 degrees or more than 105 degrees.
- vi. Requirements for sight distances shall be as described in the Town of Thompson Driveway Ordinance, as amended. Where a driveway is connected to a State Road, the requirements for sight distances shall conform to CTDOT standards.
- vii. All driveways shall be of satisfactory construction and have sufficient clearance from vegetation and cut-and-fill banks to allow safe and reasonable passage for passenger, service, and emergency vehicles.
- viii. All driveways over 150-feet long shall have a turnaround on the lot, capable of handling an SU-30 vehicle (e.g. a delivery box-truck) and located not less than 10 feet from property lines.
- ix. All driveways shall be designed and constructed to prevent surface runoff from discharging to the traveled portion of public roads. Wherever possible, the runoff shall be diverted away from traveled rights-of-way. Driveway aprons shall be paved and designed to prevent the discharge of runoff from streets onto the driveway or any adjacent property. Culverts, if required, shall be HDPE or RCP of a minimum of 15 inches.
- x. Whenever a private drainage swale or private detention area is utilized in diverting driveway water from a Town accepted street, the owner of the subject lot(s) shall be responsible for maintaining the swale or detention area and any culverts in accordance with the approved design. To ensure proper maintenance, no certificate of occupancy/use shall be issued for the subject lot until a deed restriction, approved by the Commission or its agent, is filed on the land records. Said deed restriction shall clearly note the maintenance responsibility, including timelines for compliance. If, through improper maintenance, unsafe conditions for the public are created in the Town accepted street, then the owners shall allow the Town, subject to proper notification, to undertake any necessary maintenance activity. In such case, the Town shall bill the property owner(s) for expenses related to such maintenance.
- xi. Driveway side slopes in a cut or fill section shall not exceed 3:1, except as provided for in the Town of Thompson Driveway Ordinance, as amended.
- xii. During construction of all proposed structures, driveways shall be installed and maintained in such a manner as to provide reasonable access to the site by emergency vehicles. Access may not be blocked by construction-related delivery or service vehicles.

- xiii. Driveways shall be of such size, grade, and shape as to allow at least two cars to be parked beyond the limits of the traveled way.
- xiv. Where culverts or other drainage systems shall be required to control the flow of water:
  - If the water discharged by such culverts or drainage systems establishes a flow of water onto an adjoining parcel of land, a permanent drainage easement shall be obtained.
  - If the water from the driveway is to be discharged to a stormwater drainage system maintained by the Town, permission from the Town shall be obtained to use such culvert.
  - The driveway access to interior lots shall be 50 feet wide. If however, the area of such lot shall exceed twice the area requirements of the district in which it is located, such right of access to said area shall be at least 50 feet wide, and 20 feet wide sloping right areas grading easements shall be reserved on the lots adjacent to the access if considered necessary by the Commission.

## 2. Shared Driveways

- a. All shared driveways are to be maintained by either an Owners' Association, or through the establishment of private maintenance and liability agreements, in a form acceptable to the Commission and in accordance with CGS Chapter 822, Sec. 47-42f. The form of such Owners' Association or maintenance and liability agreement shall be subject to review by Town Counsel. Any costs for such review shall be borne by the applicant. A template for the maintenance and liability agreement is included as **Appendix C**.
- b. Shared driveways shall remain private in perpetuity. Appropriate easements shall be provided for travel, utilities, snow storage and pull-off, subject to review by Town Counsel and approval by the Commission. The costs for such legal review shall be the responsibility of the applicant. The applicant indemnifies and waives its rights against the Town following any approval by the Commission.
- c. Shared driveways serving more than one residential lot, commercial lot, or mixed-use lot in a subdivision are encouraged.
- d. Shared driveways may serve up to three residential lots in a subdivision.
- e. Limits on the number of lots sharing a driveway are not imposed for business/commercial subdivisions or for lots designated for business/commercial uses in mixed-used subdivisions.
- f. All newly constructed or relocated shared driveways shall be in accordance with the standards provided in the CTDOT Highway Design Manual, Section 11.8 (Driveways). Such design shall be signed and sealed by the Engineer, certifying that the design meets these standards. No certificate of occupancy/use for any structure served by such shared driveway shall be issued by the ZEO until the Director of Public Works has verified receipt of such certification, along with an as-built of the subject shared driveway, conforming to all applicable requirements of Article IV, Section 2, L of these Regulations.
- g. In a commercial or mixed-use subdivision, shared driveways shall conform to the standards described for minor commercial or major commercial driveways, as applicable, in the CTDOT Highways Design Manual Section 11-8.

- h. In a residential subdivision, the shared portion of the driveway shall be a minimum of 16 feet in width.
- i. In a residential subdivision, there shall be at least 20 feet of paved driveway into the property for a shared driveway intersecting a paved road.
- j. In a residential subdivision, where the shared driveway connects to the street, the apron shall be 30 feet wide. All driveways with access slopes of 10% or greater shall be paved to a minimum width of 16 feet with bituminous concrete or an equivalent material. The Director of Public Works may require that such driveways be paved to a greater width, based on the physical characteristics of the site. The pavement cross-section in such cases shall consist of:
  - i. 8 inches of bank run gravel subbase, or as required by the Director of Public Works.
  - ii. 4 inches of processed gravel base on a firm or compacted roadbed.
  - iii. 3 inches of bituminous concrete or an equivalent material
- k. Non-shared portions of the driveway shall be at least 12 feet in width and constructed according to the requirements of the Town of Thompson Driveway Ordinance, as amended.
- l. All shared driveways over 500 feet long shall be provided with at least one vehicle bypass area (turnout) of sufficient dimensions including length, width, and clearances to allow the safe and reasonable passing and/or standing of passenger, service, and emergency vehicles.
- m. All shared driveways over 500 feet long shall include one or more areas alongside the common portion which are suitable for snow storage and located in such a way as to prevent excess snow from being plowed into the connecting street.
- n. Shared driveways shall not serve as connecting rights-of-way between two Town streets, State highways or private streets and shall be wholly contained within an access strip with a minimum width of 50 feet throughout.
- o. No shared driveway shall be constructed connecting to another shared driveway.

#### **L. Monuments**

Monuments shall be provided on both street right-of-way lines at all angle points of curvature and tangent. At least two monuments shall be provided for each 800 feet of street. Monuments shall be made of concrete and shall be not less than five inches square by 30 inches in length with a suitable marked top. Each monument shall be set in place, after all street construction is complete, with the marked point set on the point of reference.

#### **M. Special Structures**

Bridges, box culverts, deep manholes, dikes, and other special structures shall be designed in accordance with CTDOT engineering standards and acceptable to the Director of Public Works.

#### **N. Sidewalks**

- 1. Sidewalks are generally required on at least one side of the street in any subdivision in the Rural Residential Agricultural District (RRAD), Thompson Common Village

District (TCVD) and Lake District (LD) for any subdivision of **16** or more lots. The conditions under which waivers of sidewalks may be permitted in these districts is detailed below in **O, 4. Waivers: b.**

2. Sidewalks are generally required in any subdivision where 12 or more lots are proposed in the Business Development District (BDD), Common Residential District (CRD), Downtown Mill Rehabilitation District (DMRD) and Thompson Corridor Development District (TCDD). The conditions under which waivers of sidewalks may be permitted in these districts are described below in O, 4, b, Waivers.
3. The construction standards for sidewalks shall be as described in **Appendix A, Section 6** of these Regulations.
4. **Waivers:**
  - a. In the RRAD, LD or TCVD the Commission may waive the sidewalk installation, in whole or in part, where any two or more of the following conditions apply:
    - i. The traveled way for the subdivision is proposed as a private street or a shared driveway.
    - ii. The subdivision is for less than 16 lots.
    - iii. There are no connecting sidewalks at existing intersecting streets.
    - iv. Unusual topographic conditions render installation impracticable.
    - v. Footpaths are incorporated into the plan with connectivity to other trails or pedestrian access.
  - b. In the BDD, CRD, DMRD or TCDD the Commission may waive the sidewalk installation, in whole or in part, where any three or more of the following conditions apply:
    - i. The subdivision is for less than 12 lots.
    - ii. There are no connecting sidewalks at existing intersecting streets.
    - iii. Unusual topographic conditions render installation impracticable.
    - iv. Footpaths are incorporated into the plan with connectivity to other trails or pedestrian access.

#### **O. Street Trees**

1. Where new streets are proposed as part of a subdivision plan, the inclusion of street trees in the plan is desirable. Street trees have been shown to have many environmental, ecological and economic benefits including, but not limited to: reduced traffic speeds, improved absorption of stormwater, reduced CO<sub>2</sub> emissions and improved property values.
2. To that end, the Commission may require that street trees be planted where new roads are proposed in a subdivision plan.
3. While non-native species are not strictly prohibited, the Town has a strong preference for the use of species native to the region as street trees. Benefits of landscaping with native species include general suitability and tolerance for local growing conditions; and higher habitat value for native and migratory insects, birds and mammals. Developers are referred to the Thompson Conservation Commission for advice on suitable native species for inclusion in the plan.
4. Species from the most current [Connecticut Invasive Species List](#), compiled by the Connecticut Invasive Plant Council, are prohibited.



5. Developers shall follow the guidelines articulated in the [Urban Tree Selection Manual](#), a publication of the University of Connecticut College of Agriculture and Natural Resources. Developers are referred to Section 4 – Selection by Situation, Section 5 – Fact Sheets (pertaining to particular species) and Section 6 – Other Information (pertaining to species to avoid, as well as species suited to particular conditions).

#### **P. Underground Utility Lines**

New electric, telephone, television cable, and other utility wires shall be installed underground. Underground utilities shall be installed using conduit. Direct burial of bare or unprotected lines is prohibited. Installation of new utilities shall not occur under existing street pavement.

#### **Q. Street Lighting**

1. These standards for street lighting are intended protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky.
2. Street lighting shall be provided in any subdivision where sidewalks are required. In general, when required, the placement of lighting should be limited to intersections, unless otherwise recommended by the Director of Public Works.
3. The subdivision plan shall show location, type, height, color temperature (Kelvin degrees), lumen output and number of all proposed fixtures.
4. Lighting shall conform to the following standards:
  - a. Uplighting is prohibited.
  - b. All area streetlights and parking area lighting shall be level mounted and eighty-five degrees (85°) full cutoff type fixtures
  - c. Streetlights shall be limited to 1125 lumens, unless otherwise recommended by the Director of Public Works.
  - d. Freestanding luminaires shall be no higher than 25-feet above the stand/pole base, except that streetlights located at the intersection with major roads may exceed this standard, if necessary, as determined by the Director of Public Works.
  - e. Street lighting required in new subdivisions shall be solar powered. If solar powered fixtures are unfeasible due to tree cover or other limiting factors, LED shall be used instead.
5. More detailed requirements and standards for street lighting, including examples of acceptable vs unacceptable fixtures, are included as **Appendix E**

#### **R. Corner Markings**

Property boundaries shall be marked in accordance with “Minimum Standards for Surveys and Maps in the State of Connecticut” by the Connecticut Association of Land Surveyors, Inc. latest edition.

#### **S. Maintenance**

For streets proposed for acceptance by the Town pursuant to the Thompson Road Ordinance, the developer shall maintain all improvements and provide for snow removal on streets, as required, until acceptance of said improvements by the Town of Thompson. For private streets or other private rights of way within the subdivision, maintenance following construction shall be the responsibility, in perpetuity, of the owners' association.



## Section 3 Stormwater Management and Low Impact Development

### A. Intent

This section is intended to:

1. Minimize pollution from non-point source runoff.
2. Mitigate impacts to the hydrologic system from development.
3. Reduce or prevent flooding, stream channel erosion and/or other negative impacts created by stormwater runoff.
4. Promote the application of Low Impact Development (LID) strategies.
5. Meet the requirements of Thompson's registration for coverage under CT DEEP's General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4), issued pursuant to Section 22a-430b of the Connecticut General Statutes.

### B. Stormwater Management Requirements

1. Subdivision applications shall include stormwater management provisions using the best available technology to treat stormwater quality and control stormwater quantity prior to its discharge to any wetland, watercourse, or existing stormwater drainage system. All design principles and methods shall be in compliance with the standards found in the Connecticut Stormwater Quality Manual (CSQM), published by the Connecticut Department of Energy and Environmental Protection (CT DEEP), as amended; and the latest edition of the CTDOT Drainage Manual unless the Commission finds, based on the report described in Article IV, Section 4, B, 2, below, there are limiting factors that warrant a variance from such standards.
2. Provisions for stormwater management, including all practices and stormwater systems, shall be designed by a professional engineer licensed to practice in the state of Connecticut and shall be identified in a report with accompanying site plans signed and sealed by said engineer. This report shall contain a description of the site strategies used, what parts of the CSQM and CTDOT Drainage Manual were followed and include the design calculations produced to support the function of the stormwater management design features proposed. At a minimum the report shall identify practices and designs involving:
  - a. Pollution reduction (see CSQM Section 7.4).
  - b. Groundwater recharge and runoff volume reduction (see CSQM Section 7.5).
  - c. Peak flow control (see CSQM Section 7.6) of the 2-, 10-, 25- and 100-year frequency storm events.
  - d. A description of any site design strategy that maintains, mimics, or replicates pre-development hydrology using various site design principles and small-scale treatment practices distributed throughout the site to manage runoff volume and water quality at the source.
  - e. Details on the operation and maintenance of structural components, such as detention basins and infiltration basins, proposed for stormwater management.
  - f. The retention of the water quality volume for the site, as defined in the CSQM, for new development and redevelopment of sites that are currently developed with a Directly Connected Impervious Area (DCIA) of less than 40%.

### C. Stormwater System Design and Calculations

1. Computations and design storm criteria shall be in accordance with the latest edition of the CTDOT Drainage Manual. Stormwater systems shall be designed using LID principles to the greatest extent possible.
2. Stormwater systems shall be designed for the following objectives:
  - a. Prevention of flooding of on-site or off-site property
  - b. Recharge of wetlands, surface and subsurface waters
  - c. Minimization of pollutant load in stormwater runoff into wetlands, surface and subsurface waters
  - d. Maintenance of the hydrology of existing sub-watersheds, including wetlands and watercourses
3. Design Storm Criteria  
All stormwater drainage facilities shall be designed based on the storm return frequency criteria identified in the latest edition of the CTDOT Drainage Manual, Appendix 6.A – Design Frequencies:
4. Submission of Stormwater Drainage Information  
The Engineer's report shall include the following specific information:
  - a. Topography contour map(s) with sufficient detail to adequately show the existing and proposed drainage characteristics of the watershed and drainage area(s) delineated.
  - b. Method used to calculate stormwater runoff.
  - c. Stormwater runoff characteristics of the property before and after development.
  - d. Maximum velocity and peak flow at point(s) of discharge from the system.
  - e. Design calculations for all drainage piping, structures and appurtenances.
  - f. Calculations addressing the adequacy of off-site drainage features, as applicable.
5. Pipe  
All pipe for storm drains shall conform to CTDOT Form 818 standards and shall be approved for use by the Commission. The minimum pipe diameter shall be 12 inches. If groundwater or wet conditions are encountered during construction, slotted pipe may be required by the Commission.
6. Minimum Pipe Slope  
All stormwater piping shall be designed to provide a self-cleansing velocity of at least 2.5 feet per second when flowing full. Generally, stormwater piping shall have a minimum pitch of 0.5%. Lesser pitch may be approved by the Commission, provided the self-cleansing velocity is maintained.
7. Pipe Cover  
The minimum clear cover over all pipes shall be 2.5 feet. Coverage begins with proper engineered lifts.
8. Outlet Structures  
All storm drain systems shall be terminated with a flared end section or other approved structure. Special energy dissipaters may be required to prevent erosion.
9. Underdrains  
Underdrains shall be designed and installed where localized seeps, springs, or high groundwater less than three feet below the proposed grade of an access drive or other traveled way are observed. Underdrains shall not be less than six inches in diameter and shall be perforated PVC.

## 10. Stormwater Treatment

- a. The stormwater system shall include primary or secondary treatment practices, as described in the most recent edition of the CSQM.
- b. Primary Practices include, but are not limited to, the following:
  - i. Stormwater ponds
  - ii. Stormwater wetlands
  - iii. Infiltration practices
  - iv. Bioretention
  - v. Water quality swales
- c. Secondary Practices include, but are not limited to, the following:
  - i. Dry detention basins
  - ii. Hydrodynamic separators
  - iii. Underground detention facilities
  - iv. Grass drainage channels

## 11. Drainage to Off-Site Properties

- a. No increase in stormwater peak flows or volume of runoff from 2-, 10-, 25-, and 100-year storms shall be allowed unless it can be demonstrated there will be no downstream damage or deleterious effects. The following items shall be investigated in determining whether increased peak flows or runoff volumes are compatible with the overall downstream drainage system:
  - a. The timing of peak flows from sub-watersheds.
  - b. The increased duration of high flow rates.
  - c. The adequacy of downstream drainage features.
  - d. The distance downstream that the peak discharges are increased.
- b. When it is determined that stormwater detention structures are required, they shall be designed so that the peak flow(s) or volume of run-off after development shall not exceed nor be substantially less than the peak flow(s) or volume of run-off prior to development for each of the design storm events.

## 12. Stormwater Detention Structures

- a. Wherever practicable, stormwater detention structures shall be designed as surface structures. Whether designed as surface or subsurface structures, they shall be designed as an integral part of the stormwater treatment system, as well as limiting peak discharge from the storm drainage system of the developed area where such discharge would adversely affect receiving streams and/or storm systems. The developer shall be responsible for establishing short- and long-term maintenance of detention structure(s) and appurtenances. In the event that the owner of the property fails to maintain such areas in reasonable order and safe condition, the Commission may serve written notice to such individual or association, setting forth the nature of the maintenance deficiency and requiring its correction within thirty (30) days, after which time, if the deficiency remains, the Town may assume maintenance to avoid the creation or promulgation of a public nuisance and shall assess the owner(s) of such property for Town expenses incurred in the form of a lien on the property.

- b. The following information, as a minimum, shall be submitted for detention structures:
  - i. Inflow and outflow hydrographs for detention area.
  - ii. Maximum storage volume.
  - iii. Design of emergency spillway or other measures for the release of excess flows beyond that of the design capacity of the structure.
  - iv. Flood routing of all runoff greater than the design capacity of the detention structure.
  - v. Time which is required for the structure to drain completely.
  - vi. Storm Return Frequency
  - vii. Stormwater detention structures shall be designed and stormwaters regulated for storm return frequencies of 2, 10, 25, and 100 years.

#### c. Design Procedure

The procedure for computing the outflow from the detention areas shall consist of the development of an inflow hydrograph and the routing of the inflow through the detention basin to develop an outflow hydrograph.

#### d. Maintenance

- i. The size and location of all detention structures shall be within the ability of the Town to appropriately maintain, repair or modify as determined by the Commission in consultation with the Director of Public Works.
- ii. Maintenance roads and easements shall be provided for all detention facilities, as provided in Article IV, Section 3, 12, a (above). The road shall be a minimum of 15 feet wide, capable of providing access for maintenance and emergency vehicles. Grades shall not exceed 10%.

#### e. Fire Protection

Where proposed detention basins involve permanently ponded water and where deemed practical by the Commission, access to storm detention basins should be provided for fire-fighting equipment. The addition of dry hydrants and related fire-fighting appurtenances with the detention basins shall be coordinated with the Fire Marshal.

#### D. Special Flood Hazard Area Requirements

When the subdivision includes land in a special flood hazard area, the lots, streets, drainage, and other improvements shall be demonstrated to be, or shall be designed to be safe from flood damage and shall conform to Ordinance No. 10-055, Ordinance Amending the Floor Damage Prevention Ordinance (adopted September 29, 1988), as may be amended, and to the following:

- 1. The lots and such improvements shall be consistent with the need to minimize flood damage within the special flood hazard area and shall be capable of use without danger from flooding or flood related damages.
- 2. All utilities and facilities, such as sanitary sewer systems, water supply systems, and electric and gas systems shall be located and constructed to minimize or eliminate flood damage.

3. Streets shall be of such elevation or shall be suitably protected to allow reasonable emergency access during flood conditions.

#### **E. Drainage Easements**

##### **1. General**

All applicants proposing easements as a part of the development shall submit properly executed written easements and deed describing the land involved and privileges of the Town and/or property owner(s) in a form eliminating any Town liability for installation and maintenance, satisfactory to the Town. Said easements shall be submitted to the Town for review by the Commission and by legal counsel before any approval shall be granted.

##### **2. Easements Dedicated to the Town**

Drainage easements for drainage systems located outside of the street right-of-way lines shall be a minimum of 20 feet wide centered on the installed pipe and shall be adequate to provide access and maintenance to all drainage features. Easements shall be provided for channels and shall be of minimum width to include a 10-foot access strip in addition to the width of the channel from top of bank to top of bank.

##### **3. Easements Not Dedicated to the Town**

The location and size of these easements shall be established as easements for short- and long-term maintenance for the drainage system within said easements. The Town shall be granted the right to enter such easements to maintain, repair and/or modify the drainage systems contained therein.

##### **4. Drainage Easements to Private Properties**

Where downstream drainage features are not adequate to handle the increase in flows, the applicant shall secure drainage easements, in writing from all affected property owners. Such easements shall be secured prior to final approval, noted on the final plans and filed on the deeds.

##### **5. State Highway Department (CTDOT) Permit**

Where a proposed storm drainage system connects with a State highway for its appurtenances, the applicant shall obtain a permit for the connection from the Connecticut Department of Transportation (CTDOT) and shall present a copy of said permit to the Town prior to final approval.

#### **F. Low-Impact Development**

##### **1. Intent**

- a. LID is a design strategy to maintain, mimic or replicate pre-development hydrology using numerous site design principles and small-scale treatment practices distributed throughout a site to manage runoff volume and water quality at the source.

- b. These regulations are intended to identify LID practices for proposed subdivisions within the Town and to articulate a strong preference for utilizing LID design strategies.
- c. LID shall be incorporated to the extent practicable in all subdivisions.

## **2. LID Practices**

### **a. Street and Driveway Runoff**

- i. Applicants are encouraged to use Best Management Practices (BMPs) identified in the CSQM to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from streets and driveways.
- ii. The stormwater management system shall be designed, constructed, and maintained with BMPs to minimize run-off volumes, prevent flooding, reduce soil erosion, protect water quality, maintain, or improve wildlife habitats and contribute to the aesthetic values of the project.
- iii. Infiltration of stormwater shall be accommodated to the extent possible though limitation of land disturbance and grade changes, use of shared driveways, reducing street length, retention of existing natural drainage area and wetlands and use or creation of vegetated islands, vegetated medians, and vegetated perimeter buffer strips.
- iv. Wherever possible, drainage shall be designed such that all surface runoff (both piped and overland flow) is conveyed through vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with biofiltration prior to discharge into existing wetlands or watercourses.

### **b. Roof Runoff**

Where practical and feasible, drainage of rooftop runoff shall be directed into rain gardens or a suitable designed and landscaped area on the property or directed to underground infiltration chambers.

- i. On-lot stormwater treatment practices such as bioretention areas and rain gardens, vegetated swales, infiltration practices and rain barrels or cisterns are encouraged.
- ii. Applicants and engineers are referred to the Connecticut Stormwater Quality Manual for design specifications.
- iii. Management responsibility and management schedules for these on-lot stormwater practices shall be included with the approved plans.

### **c. Clearing and Grading**

- i. Clearing and grading of forests and native vegetation at a site shall be limited to the minimum amount needed to create lots, allow access, and provide fire protection.
- ii. Clearing, grading and tree preservation areas shall be delineated on project plans.

### **d. LID Checklist**

Applicants for subdivisions of 3 or more lots or subdivisions proposing one or more shared driveways shall submit the LID checklist found in **Appendix F** with their application.

## Section 4 Erosion and Sediment Control

### A. Intent

The provisions of this section are intended to prevent or minimize erosion and sedimentation by requiring the submission and certification of an Erosion and Sediment Control plan (E&S Plan) for any application for a subdivision approval that involves a land disturbance of one-half acre or greater, as required by Section 22a-329 of the Connecticut General Statutes

### B. Erosion and Sediment Control Plan Requirements

1. The applicant shall provide, in mapped and narrative form, the measures to be taken to control erosion and sediment both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards provided in the Connecticut Erosion and Sediment Control Guidelines, as amended. Alternative principles, methods and practices may be applied, with the approval of the Commission, provided the justification for such alternative methods is thoroughly demonstrated in the application.
2. The E&S Plan shall consist of the following:
  - a. A narrative that describes:
    - i. The proposed project.
    - ii. The sequence and schedule for grading and construction activities, including start and completion dates, installation and/or application of erosion and sediment control measures and the stabilization of the project site.
    - iii. The design criteria, construction details, installation and/or application procedures for proposed erosion and sediment control measures.
    - iv. The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management structures, as well as the name of the individual or organization responsible for maintenance during construction and following completion.
  - b. A map at the same scale as the site development plan that shows:
    - i. The existing and proposed topography, wetlands, watercourses and water bodies.
    - ii. Any existing structures on the project site
    - iii. The location and design details for all proposed erosion and sediment control measures and stormwater management structures.
    - iv. The limits of disturbance including areas to be cleared, excavated, filled, and graded.
3. The E&S Plan shall comply with the following criteria:
  - a. Any proposed development shall be fitted as closely as possible to the existing topography and soils, to minimize the potential for erosion.
  - b. To the greatest extent possible, existing vegetation should be retained and protected.

- c. During the sequence and schedule of activity, the smallest practical area of land should be exposed at any one time and that exposure should be kept to the shortest practical time.
- d. Site-appropriate measures shall be used to protect areas exposed during development. Such measures may include, but are not limited to, temporary vegetation, mulching and/or erosion control blankets or netting.
- e. Provisions shall be made to effectively accommodate any increased runoff caused by changed soil and surface conditions, during and after development.
- f. The permanent final vegetation and structures shall be installed as soon as is practical, in accordance with the schedule proposed in the E&S plan.

#### C. E&S Plan Certification and Compliance

- 1. Upon receipt of the complete E&S Plan, the ZEO will review it for compliance with these regulations. If the ZEO requires additional expertise, any plan submitted may also be referred by the ZEO to the Wetlands Agent for the Town and/or the Eastern Connecticut Conservation District (ECCD). The Wetlands Agent and/or ECCD may propose additional control measures to be incorporated into the plan, which the Commission may take into consideration. Any such review shall be completed within 30 days of the submission of the plan.
- 2. When the ZEO is satisfied that the E&S Plan complies with these regulations, the ZEO will so certify that plan.
- 3. The Commission may require the posting of bond specific to the E&S Plan, in accordance with Article IV, Section 7 of these Regulations. In such instance, the applicant shall submit itemized estimates of the installation and maintenance costs for all erosion and sediment control measures identified in the certified plan. Such bond shall be in the form of a pledge of savings account.
- 4. All erosion and sediment control measures indicated on the certified E&S Plan shall be installed and maintained as scheduled.
- 5. After installation, the ZEO, Director of DPW and/or Wetlands Agent shall inspect the site to verify that all necessary erosion and sediment controls have been properly installed. When satisfied that they have been properly installed, the ZEO shall so indicate on the application.

#### D. Enforcement

- 1. Enforcement of the erosion and sediment control regulations shall be the responsibility of the Commission or the ZEO. Failure to properly install and/or maintain any erosion and sediment control measures may result in the issuance of a "Stop Work Order" until the problem is satisfactorily corrected.
- 2. If, in the opinion of the ZEO, the control measures have not been installed or maintained in conformance with the certified plan, the property owner will be so notified by certified US Mail. If the problem, as described in that notification, is not addressed within 24 hours of delivery, the ZEO may take steps to correct the problem using funds from any bond posted pursuant to this Section of these Regulations.



3. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands, or watercourses in the Town of Thompson face imminent danger of pollution or obstruction from erosion and/or sedimentation and the permittee or his designated agent cannot be contacted through reasonable effort, the Town shall act to stem the emergent effect. Except to the extent prohibited by any applicable law, any expense for such remedial action shall be recovered by the Town from the developer.

## Section 5 Open Space

### A. Purpose of Open Space

1. All subdivisions of four lots or more approved under these Regulations shall preserve areas of Open Space in perpetuity.
2. Land dedicated as Open Space shall be for the purpose of conserving natural or scenic resources; protecting cultural, historic, or archaeological resources, including but not limited to special flood hazard areas, stream belts, wetlands, ponds, aquifers, stone walls, specimen trees of native species exceeding 30" dbh (diameter breast height), wildlife habitat or corridors, outstanding forests, ridges, ravines, and ledge outcroppings and other unusual or fragile features; conserving prime and important farmland soils as defined by the USDA Natural Resource Conservation Service; meeting recreational needs of present and projected populations in the area; adding to or creating linkages between existing open space; providing buffer areas between adjoining land uses; or implementing the recommendations of the Town's Conservation and Open Space Plan.

### B. Size of Open Space

1. The minimum required area of Open Space shall be 20% of the total area of the land to be subdivided.
2. Conservation Subdivisions, as further described below in **Article IV Section 6**, employ a design strategy that preserves greater areas of Open Space. The Commission strongly encourages applicants to pursue this strategy.
3. Applicants are strongly encouraged to meet with land use staff including the Director of Planning & Development, ZEO, Conservation Agent and/or Wetlands Agent, to identify areas in the subject parcel most appropriate for permanent preservation as Open Space, prior to the development of any plans for presentation to the Commission.

### C. Types of Open Space to be Dedicated

1. The dedicated use of the Open Space shall be indicated on the plan, and shall adhere to one or more of the following purposes:
  - a. Provision of parks, playgrounds, or other outdoor recreation areas and facilities;
  - b. Protection of natural streams, ponds, or surface or subsurface water supply;
  - c. Protection of watersheds;
  - d. Conservation of wetlands and watercourses;
  - e. Protection of natural drainage systems or protection from flooding;
  - f. Provision of walking or biking paths;

- g. Preservation of sites or areas of scenic beauty, or of historic or archaeological interest;
  - h. Conservation of forests, field meadows, stands of unique or scenic trees, wildlife habitats, or other natural resources
  - i. Connection to existing or potential open space, greenways, wildlife habitat or corridors, or recreation areas;
  - j. Preservation of ridges, ravines, ledge outcroppings, hilltops, scenic vistas, and other unusual physical features;
  - k. Protection of agricultural land for which development rights have been assigned or otherwise aliened in perpetuity.
  - l. Promotion of orderly community developments; or
  - m. Furtherance of the findings, goals and policies contained in the Town of Thompson's Plan of Conservation and Development.
2. The Commission, may consider the following, to approve the area proposed for Open Space:
    - a. If the proposed location is in proximity to Open Space property owned by the Town, a land trust or other similar entity, or
    - b. If any location is along the boundary of adjoining undeveloped land so that the Open Space may be potentially expanded if that adjoining parcel is the subject of future subdivision application.
  3. Prior to approval, the Commission may require review of proposed Open Space by the Recreation Commission, the Conservation Commission, or any land trust named as the Open Space recipient.
  4. Where the purpose of the Open Space is to permanently conserve land in its natural state, rather than for recreation areas or any other use which alters the natural state, the area so designated shall be named Conservation Land on the plan.

#### **D. Open Space Standards**

##### **1. Calculation**

In the calculation of the Open Space, the Commission may exclude land designated as wetlands soils, watercourses, slopes in excess of 25% and areas encumbered by easements, based on the relative value as Open Space of the proposed areas. The Commission may seek the advice of the Conservation Commission and/or the Inland Wetlands Commission in making such a determination.

##### **2. Access**

- a. Open Space dedicated for recreation purposes shall have access from a public street, where such dedication is meant to serve the general public. Where such access is solely meant to serve residents within the subdivision, access shall be from a public street, private way, or right-of-way easement from a shared driveway. Such access shall be at least 25 feet wide and having a maximum grade of ten percent (10%), or shall abut existing Open Space having such access, unless specifically waived by the Commission due to the unique characteristics of the Open Space or subdivision.
- b. For Open Space dedicated for certain preservation or conservation purposes, public access may be inappropriate. In such cases, the area so dedicated shall be

clearly indicated on the plan and shall be deed restricted in perpetuity. The town shall be granted rights for inspection and enforcement as needed.

### **3. Condition**

- a. Any land to be dedicated as Open Space for the purposes of preservation or conservation of natural features shall be left substantively in its natural state by the applicant or developer of any land in the subdivision. Such land shall not be graded, cleared, disturbed, or used as repository for stumps, brush, earth, building materials, or debris. Alterations which may be allowed include those which may increase public safety (e.g., clearing of excessive dry brush during periods of drought or high fire hazard), or the clearing of invasive species from the area to be preserved. If the developer or subsequent property owners intend to pursue such alterations, notice shall be given to the Conservation Agent. The Conservation Agent may seek access to the property to confirm that the alterations are consistent with the maintenance of the natural state of the designated area.
- b. Open Space for parks, playgrounds, or other outdoor recreational areas and facilities shall be provided in a condition suitable for the purpose intended. The Commission may require such Open Space area to be graded by the subdivider or subsequent developer to properly dispose of surface water, that it be seeded with appropriate native perennial grasses, and that all brush and debris be removed. Such improvement of Open Spaces will not be required until the subdivision is substantially completed.

### **4. Open Space in Phased Developments**

If the entire parcel is not to be subdivided at one time, or where the land to be subdivided is adjacent to other land of the applicant, or adjacent to land owned by the owner of the land to be subdivided, the Commission will review the entire parcel and the adjacent land to determine the location of the Open Space.

### **5. Dedication of Open Space**

The Open Space shall be dedicated by any of the following methods listed in this Section, as determined by the Commission; and the Town shall consider any such dedication as satisfying the Open Space requirements of this regulation and of Chapter 126, Section 8-25 of the Connecticut General Statutes.

### **6. Method of Dedication**

- a. Permanent dedication of each such area of Open Space shall be accomplished by:
  - i. Conveyance of fee simple ownership to the Town of Thompson.
  - ii. Creation of a Conservation Easement in favor of the Town of Thompson.
  - iii. Creation of a Conservation Easement in favor of the Town of Thompson, reserving specific agricultural rights as approved by the Commission, following review by and advice of the Agricultural Commission.
  - iv. Conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission.

- v. Creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission.
  - vi. Conveyance of fee simple ownership to an Owners' Association of which all owners of land within the subdivision are members, along with a Conservation Easement, in favor of the Town, over the entire Open Space area; or
  - vii. Any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.
- b. The Commission may require dedication of Open Space by methods listed in 6a i, ii, iii, or vi of the above paragraph; dedication by methods listed in 6a iv, v, or vii shall require the mutual consent of the Commission and the applicant/developer. Any such dedication, regardless of the method used, shall be completed prior to the endorsement, and filing of the final subdivision plans in the office of the Town Clerk. Any conveyance of an interest in the dedicated Open Space shall convey to the grantee good and marketable title to the premises, and unless otherwise specified by the Commission, shall be free of all encumbrances or defects.

## **7. Establishment of Ownership and Maintenance**

Where ownership and maintenance of the open space and/or recreation area is to be transferred to an Owners' Association, the document providing such transfer shall:

- a. Conform to the definition of an Owners' Association in Article II of these Regulations.
- b. Establish the mandatory participation of the association of property owners to maintain the land reserved for open space, park, playground and/or agricultural production purposes, with power to assess fees to all members for all necessary costs to assure adequate maintenance.
- c. Be binding on all future property owners.
- d. Be perpetual, and not affected by any subsequent changes in zoning or other land use regulations.
- e. Provide that, if maintenance or preservation of the dedication no longer complies with the provisions of the document, then the Town may take all necessary action to assure compliance and assess against the Owners' Association all costs incurred by the Town for such purposes, including any appropriate legal action.
- f. Be filed by the applicant/developer with the Town Clerk, after approval by the Town Counsel and the Commission.

## **8. General**

When any dedication of Open Space is made as per Article IV, Section 5, D, 6a, vi (conveyance to an Owners' Association), the deed, declaration, or other instrument transferring interest in the property shall be in a form acceptable to the Town and shall provide, at a minimum:

- a. That all such covenants or restrictions shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision.

- b. That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and by the Town, by appropriate action in court for damages or for affirmative or negative equitable relief.
- c. That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; and
- d. That if at any time maintenance, preservation, or use of such Open Space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its discretion take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision, either jointly, or severally, all costs incurred by the Town for such purposes.

#### **9. Evidence of Acceptance**

If Open Space is to be dedicated to an entity other than the Town, the applicant/developer shall provide written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space in perpetuity.

#### **10. Transfer of Interest**

The Commission shall approve any transfer of title of interest to any successor entity.

#### **11. Delineation/Marking of Open Space**

- a. All corners of the Open Space or Conservation Easement shall be permanently marked by iron pins or concrete monuments installed by a Land Surveyor.
- b. The Commission may require the applicant to post identification plaques each 50 feet along the edge of the Open Space as visual identification of these areas to future residents.

#### **12. Legal Transfer**

- a. Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted with the final subdivision map to be endorsed and filed.
- b. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance.
- c. All documents must be acceptable to the Commission and its Town Counsel and shall refer to the subdivision maps by title.
- d. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen.
- e. In the event that acceptance is rejected by the Board of Selectmen, the deed shall be returned, and the developer shall return to the Commission for determination of an alternative means of preserving the Open Space.

- f. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

**13. Banking Open Space**

- a. At the Commission's discretion, excess Open Space land within a subdivision under consideration, which is deemed suitable for Open Space purposes, may be banked to satisfy all or part of the Open Space consideration in another subdivision.
- b. The purpose of such "banking" of open space is to encourage increased preservation of open space in outlying districts while permitting increased density in districts where access to public water and sewer utilities makes such density feasible.
- c. The Commission may elect to receive a fee in lieu of Open Space, open space land within the proposed subdivision, banked Open Space from another subdivision, or any combination thereof, to satisfy the Open Space obligation for that subdivision.
- d. If a subdivision site does not provide desirable open space opportunities as determined by the Commission, with advice from the Conservation Commission, the applicant may offer previously "banked" open space on other land under his/her ownership in the Town. The Commission will determine the terms and conditions of such an arrangement and all appropriate land records will be modified and documents will be executed to ensure compliance with the provision.
- e. Banked Open Space shall be indicated on the original subdivision plan as to its area and dimensions and will be labeled as such. The amount of banked Open Space shall be included in the approval motion, shall be included in the minutes, and shall be noted in the final mylars.

**14. Fee-in-lieu of Open Space**

- a. As set forth in Chapter 126, Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide Open Space as set forth above. Such authorization may be granted by the Commission, at its sole discretion, if and when it determines that conditions such as subdivision size, population densities, existing Open Space in the neighborhood, topography, soils, or other characteristics are such that on-site Open Space is not as desirable as a fee-in-lieu of Open Space.
- b. Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.
- c. Such fee or combination of fee and land transferred shall be ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- d. To employ the fee-in-lieu of Open Space option, the following procedure shall be followed:
  - i. The applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of this Section.
  - ii. The applicant shall submit the appraisal during the formal application review process. The Commission, as part of the action of the applicant, shall either

- accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an Open Space dedication.
- iii. The Commission and applicant shall jointly select an appraiser to submit a report. Steps (a) through (c) may be accomplished at the application acceptance portion of the process.
  - iv. The Commission may deem a transfer of land to a Land Trust, or other similar non-profit entity organized to preserve land in its natural state, as a satisfaction of the applicant's obligation to transfer land to the municipality.
- e. The method of payment of any fees under this Section shall be one of the following two options:
- i. The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or
  - ii. The applicant may elect to submit a fraction of such payment, the fractional value of which is equivalent to the number of lots in the subdivision, to be remitted to the Town no later than the time of sale of each approved building lot.
- f. If option ii is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Bonding for such delayed payment shall be in conformance with the standards established in **Article IV, Section 7**, Bonding for Improvements, where applicable.
- g. A notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office.
- h. Any required fees shall be paid to the Town prior to the release of this bond.
- i. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee until paid.
- j. No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

**15. Open Space Waiver**

- a. In all subdivisions of four lots or more, the Commission shall require Open Space or shall require a fee-in-lieu of Open Space, as described in these Regulations. No waivers of this requirement shall be granted except in the following instances as specifically required by Chapter 126, Section 8-25 of the Connecticut General Statutes:
  - i. Where the transfer of all land in a subdivision of less than five lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents shall be filed in the Land Records along with the subdivision plan; or
  - ii. Where the subdivision is to contain affordable housing, as defined in chapter 126, Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall



run with the lots affected thereby in perpetuity. If, after approval of the subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

- b. If the Commission determines, subsequent to the approval of such subdivision, that such transfers as described in Section 6, 15a, above, were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

## **SECTION 6 - Conservation Subdivisions**

### **A. Purpose**

The purpose of this Section is to provide an enhanced mechanism for the conservation of natural or scenic resources; protection of natural streams and water supplies; conservation of soils, wetlands, and other significant natural features and landmarks; and enhancement of public recreation opportunities. The Regulations in this Section are intended to provide for increased flexibility, balanced by increased control, in the subdivision of land to facilitate the preservation of open space, natural resources and recreational uses.

### **B. Submission of a Conservation Subdivision**

Any applicant proposing a subdivision plan of three or more lots may submit such plan as a Conservation Subdivision. A plan for a Conservation Subdivision shall meet the requirements of this Section, as well as all other relevant provisions of these Regulations and the Thompson Zoning Regulations. The Commission recommends that, prior to the submission of an official application for a Conservation Subdivision, the applicant initiate a pre-application conference for informal consideration by the Commission. The presentation of a preliminary Conservation Subdivision Plan will better facilitate alterations recommended by the Commission. Neither the pre-application conference nor the consideration of the preliminary plan shall be deemed to constitute the official procedure of subdivision approval.

### **C. Dimensional Requirements**

The following dimensional standards shall apply to Conservation Subdivisions in all zoning districts where the minimum lot size is otherwise 40,000 square feet.

1. Minimum Lot Area: 30,000 sq. ft
2. Minimum Lot Frontage: 100 linear feet along a public or private street.
3. Maximum Impervious Surface: 20%

### **D. Design Standards**

In designing a Conservation Subdivision, the applicant shall consider the purpose statement in this Section, the standards set forth in these Regulations, and the following factors:



1. The proportion of the Open Space for a Conservation Subdivision shall be a minimum of 35% of the area of the subject parcel.
2. Dwelling units shall be grouped allowing a portion of the parcel to remain open.
3. The Open Space shall be in one contiguous piece, unless it is demonstrated to the satisfaction of the Commission that the purposes of this Section would be more effectively served by separated areas in the parcel.
4. When designing a Conservation Subdivision, it is recommended that the applicant refer to the Town's Open Space Plan and Plan of Conservation and Development.
5. Lots shall be laid out to meet the following objectives (listed below in order of priority):
  - a. To place septic systems on the most suitable soils for subsurface wastewater disposal.
  - b. Within any woodland contained in the parcel, or along the far edges of open fields.
  - c. In locations least likely to block scenic vistas, as seen from the public roadway(s)
  - d. Significant wetlands should be kept contiguous within or adjacent to Open Space
  - e. Along any part of the parcel perimeter where reduced-size lots abut conventional lots, a 25-foot buffer, thickly planted with native shrubs and trees, shall be required.
  - f. Unless prevented by ledge or other natural restraints, utilities shall be underground.
  - g. Proposed improvements should be designed to minimize alteration of the natural site.
  - h. Open Space areas should include any irreplaceable natural features on the parcel, such as stream beds, mature trees or tree stands, and historically or ecologically significant areas.
  - i. Open Space intended for active public use should be easily accessible to pedestrians and cyclists.

#### **E. Right to Modify**

The Commission may modify any application to designate Open Space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes, satisfy the applicable criteria, and meet the standards of these Regulations and the Zoning Regulations.

### **SECTION 7 - Bonding for Improvements**

Where public improvements are proposed in a subdivision plan, the developer shall provide a financial guarantee for the completion of such improvements. Such public improvements include proposed roads and drainage, improvements to existing roads and drainage, erosion and sedimentation controls, proposed utilities and other work necessary for public or private use such as open space, recreation, access roads or paths, lighting, fencing, etc.

#### **A. Financial Guarantee**

For the purposes of these regulations, the form of financial guarantee which may be provided and accepted by the Commission is as follows:

1. Pledge of Savings Account, which is a financial guarantee in the form of a secured passbook savings account that shall include:
  - a. A savings account passbook,
  - b. A withdrawal slip in the amount of the bond properly endorsed and made payable to the Town of Thompson.
  - c. A letter from the bank acknowledging that the account has been assigned to the Town for a period established for the construction or installation of the improvements plus one year and that no withdrawal from such account may be made without the signature of an authorized official of the Town.
2. Cash Deposit with the Town, which shall be treated as follows;
  - a. A certified check, cashier's check, or cash shall be delivered to the Treasurer of the Town of Thompson for the amount of the bond.
  - b. The Town shall deposit said sum in a specified and separate bank account earmarked by the name of the surety to the bond, in the name of the Town of Thompson.
  - c. The deposit shall be in a savings account drawing standard short-term interest. The surety shall use his, her, or its taxpayer I.D. number or Social Security number as the interest creditor for IRS and bank purposes.
  - d. Within 30 days of the release of the bond by the Commission the Town shall cause the account to be closed and the proceeds, plus interest less IRS deductions, to be paid to the surety.
3. A letter of credit in a satisfactory form from a federally insured banking institution, or
4. In the Commission's sole and absolute discretion, a Surety Bond, in a form satisfactory to the Commission and subject to review and approval by the Finance Director of the Town of Thompson. The issuing institution ("Surety") shall be licensed by the State of Connecticut and maintain permanent offices in the State of Connecticut.

#### **B. Developer's Agreement**

Any financial guarantee in the form of a letter of credit or surety bond shall be accompanied by a developer's agreement which shall include the provision that, if the financial guarantee expires before the deadline to complete public improvements, it shall be considered an event of default, unless a satisfactory replacement or renewed financial guarantee is provided within 30 days of the expiration of the letter of credit or surety bond entitling in the Town to collect the funds from the existing financial guarantee, to be deposited in a cash account in accordance Article IV, Section 7, A, 2, above.

#### **C. Computations of Costs**

1. Prior the approval of any subdivision or resubdivision plan and before the filing of the approved plan or proceeding with any work, the developer shall review the scope of the road(s), public utilities, and services to be completed to fulfill the conditions of the plan (herein after referred to collectively as improvements) with

the Commission. Based on this review, an estimate of construction costs shall be created by the developer for review by the Commission.

2. Using the developer's estimates of the cost of construction, the Commission shall determine the type and amount of the bond to be furnished by the developer, to guarantee the completion of the improvements.
3. For subdivisions requiring more than three years to complete, the performance bond shall increase in the amount of five (5%) percent per year after the third year, to compensate for inflation costs, until improvements are completed. The subdivider shall be required to appear before the Commission at the conclusion of the third year, and each year thereafter, to acknowledge the increase to the bond amount, and to confirm the rate of progress on the accepted plan.
4. Building permits and associated Certificates of Occupancy/Use for buildings within the subdivision shall be released on a case-by-case basis, based on whether certain required public improvements such as binder courses and drainage systems have been completed to an acceptable extent. Any such partial improvements must be approved by the Commission, following inspection and approval by the Director of Public Works. This partial acceptance would not relinquish responsibilities implied by these Regulations.

#### **D. Partial Releases**

As partial improvements are completed by the developer and approved by the Commission, the Commission shall authorize the release of any portion of the bond to cover such partial improvements, in accordance with the requirements of Conn. Gen. Stat. 8-25 (d) (2). The balance of the security always shall be sufficient to guarantee completion of all the remaining improvements.

#### **E. Failure to Complete Improvements**

Where financial guarantee has been posted and the required improvements have not been completed within the time required, the Commission may thereupon declare the developer to be in default and withdraw the total amount of surety to complete the improvements. All costs the Town may accrue in completing the work, including the value of the time of its public officials, employees, and attorney fees, shall be debited against the funds so withdrawn. If for some reason the security is insufficient to pay for all costs to the Town, the subdivider/owner shall remain liable for such costs in excess of the security. The Town may pursue any legally appropriate means to recover such costs in excess, which may include seeking liens on equipment or property related to the subdivision.

#### **F. Release of Financial Guarantee**

The financial guarantee shall not be released until the following conditions have been met:

1. All improvements of the subdivision or resubdivision have been approved and/or accepted by the designated Town Official.
2. All required monuments or markers shall have been set and a sworn affidavit filed by the Land Surveyor, stating that all boundaries have been marked as required by these Regulations.
3. The developer shall certify to the Commission, through submission of detailed "As-Built" Plans signed and sealed by The Engineer and/or Land Surveyor; and the "As

Built Certification Form” in Appendix G, that the improvements are in accordance with the construction plans of the subdivision or resubdivision. If there is no difference between the approved subdivision plans and the as-built plans, then The Engineer or the Land Surveyor may update, sign and seal the mylars of the approved subdivision plan.

4. When the completed subdivision differs from the approved subdivision plan, the developer shall present “As-Built” Plans meeting the standards of Article III, Section 3, A-D of these Regulations, showing all subdivision improvements as constructed, also showing clearly where the as-built plans differ from the approved subdivision plans.
5. A Warranty Deed shall have been executed and delivered to the Selectmen, with a copy to the Commission. Titles to new Town accepted streets and street stubs, and any road frontage along existing Town roads where no street line had been established, shall be unencumbered.
6. The developer shall file a written statement executed by the owner of the property and the developer in a form approved by Town Counsel, which permits the Town of Thompson or its officials and employees or independent contractors, to enter upon the property and to perform any and all work necessary to correct and abate any violations of these Regulations, or any failure by the developer to complete the actions of the approved subdivision plan recorded with the Thompson Town Clerk within the approved time. Such right of entry shall be pursued upon the certification of such violation(s) by the Commission and shall continue for such time thereafter as is required for the Town to remedy such default.
7. Any and all bonds with surety, agreements, deeds, or such other documents required by these Regulations shall be in such form as may be approved by Town Counsel.
8. The developer shall be required to file a maintenance bond prior to dedication to the Town of any public improvements, to assure the satisfactory condition of the completed improvements. The standards for the maintenance bond are described in Article IV, Section 9, below.

#### **Section 8 - Maintenance Bonding**

- A. Following the release of the performance bond (or a portion thereof) or Town acceptance of the improvements, a Maintenance Bond equal to 25% of the cost of improvements accepted by the Town shall be held for one full year following said acceptance, in accordance with Conn. Gen. Stat. 8-25 (d) (1). The purpose of the maintenance bond is to protect the Town against defective workmanship, materials, or design of improvements. The same types of financial guarantee acceptable for bonding for improvements shall also be acceptable for maintenance bonding.
- B. No performance bond shall be released until such time as a maintenance bond has been accepted by the Commission and posted with the Town.
- C. No maintenance bond shall be approved by the Commission unless said bond is in a form acceptable to the Commission. The Commission reserves the right to add conditions to the bond which it deems necessary to indemnify against defective workmanship, materials, or design of the improvements.

- D. The developer shall repair all defects in construction or operation during the period covered by the maintenance bond. The developer's failure to perform needed repairs within a reasonable time when so requested by the Commission, as advised by the Director of Public Works, may result in the Town undertaking such repairs and billing the developer for any associated costs In excess of the posted bond.
- E. No maintenance bond shall be released by the Commission until it has been in effect for a minimum of one year duration. The Commission shall release said bond only upon receipt of a favorable written report from the Director of Public Works or another qualified source retained by the Town to inspect all approved and required public improvements, indicating that all improvements are free of defective workmanship, materials, or design, or that any defects have been corrected to their satisfaction. This inspection is not intended to relieve the developer of liability for any cause of action arising from a covert or overt defect.

# Appendices

## APPENDIX A - Road Design & Construction

### SECTION 1 – General Standards

- A. Design Standards – Unless otherwise specified in this appendix, road design standards shall be from the latest version of the CTDOT “Highway Design Manual” for rural collector and local rural roads. Streets shall be developed according to standards that promote pedestrian and vehicular safety, assure adequate access for fire and rescue vehicles, and promote adequate circulation for all modes of transport.
- B. Grading – Roads shall follow the natural contours of the land wherever possible, to avoid conformity of lot appearance and to maintain the rural profile of the Town. Specific standards are contained in these Regulations in Article IV Section 2.
- C. Future Street Stubs - 50-foot-wide rights-of-way leading from subdivision streets to adjoining properties may be required by the Commission, to provide for a coordinated street system. It shall be the responsibility of the developer to donate the land and any required grading easements for future road construction to the Town, or, in the case of a proposed subdivision containing one or more private roads, to the proposed Owners’ Association, as applicable.
- D. Traffic Analysis - The Commission may require the applicant to submit a traffic analysis, prepared by a professional engineer licensed to practice in Connecticut with experience and training in traffic analysis, for any subdivision containing more than 20 lots, unless the access is from a State road. Where the access is from a State road, it is at the discretion of the CTDOT to request any traffic analysis.
- E. Utilities – All utility lines shall be located underground unless it can be demonstrated to the satisfaction of the Commission that underground installation is not feasible, in which case the Commission may waive this requirement.
- F. Right-of-Way Establishment Along Existing Town Roads – The street line (right-of-way line) for new lots shall be established at least 25 feet from the centerline of the existing traveled way, unless there is documentation verifying that the property line is further from the centerline of the traveled way. In subdivisions along monumented and defined State routes, the street line shall be as established by the CTDOT Right-of-Way Survey.

### SECTION 2 – Road Design Standards

- A. Road Classifications – Streets and roads shall be classified into three groups: Collector Road, Local Street, and Local Lane. Collector roads and all through-roads shall be designed for two-way traffic. No-outlet Local Streets or Local Lanes may have a loop portion that can be designed for one-way or two-way traffic.

- a. Collector Road standards shall apply to roads constructed within the Business Development District (BDD), or in any district when 60 or more lots are served or where 50% or more of the subdivision area, exclusive of wetlands or watercourses, is proposed for non-residential uses.
- b. Local Street standards shall apply in any district other than the BDD where the number of lots served is greater than 20 and less than 60 and where 50% or more of the subdivision area, exclusive of wetlands or watercourses, is proposed for residential uses.
- c. Local Lane standards shall apply in any district other than the BDD when the number of lots proposed is less than or equal to 20 and where 75% or more of the subdivision area, exclusive of wetlands or watercourses, is proposed for residential uses.

**TABLE 1: Road Design Standards**

	Collector Road	Local Street	Local Lane	One-way Local Street or Local Lane
Right of Way width	50'	50'	40'	36'
Minimum pavement width	26'*	24'*	22'*	16'
Minimum grade	1%	1%	1%	1%
Maximum grade	8%**	10%**	10%**	10%**
Minimum center line curve radius	200'	150'	125'	125'
Intersection Radii	30'	25'	25'	25'
Minimum graded shoulder width	6'	4'	3'	3'
Cross slope	2%	2%-3%	2%-3%	2%-3%

\* Pavement width may be decreased by 2' if the roadway is privately owned and maintained.

\*\* Grade may be up to 2% steeper than the maximum shown in the table for short lengths, up to 500', to minimize the environmental impact of cutting and/or filling the land.

- B. Vertical Curves - All grade changes shall be connected by vertical curves. Vertical sag and crest curves shall be designed in accordance with current Connecticut Department of Transportation (CTDOT) design standards for stopping sight distance.
- C. Design speed for vertical curves shall be 35 MPH for Collector roads and 30 MPH for Local roads and Lanes.
- D. Shoulders - The shoulder areas shall be graded to slope toward the centerline of the road where the road is in cut, and away from the centerline of the road where the road is in fill. In either case, the cross slope of the shoulders shall be one inch per foot.

- E. Slopes – Slopes outside of the shoulders shall not be steeper than 2 feet horizontal to 1 foot vertical except that rock cuts may have greater slopes. Slopes greater than 4 feet horizontal to 1 foot vertical require the installation of guide rail in accordance with CTDOT design criteria and standards.
- F. Pavement markings and traffic signs - Design of pavement markings and the design and placement of regulatory, warning, and guide signs shall conform to CTDOT standards or the most current edition of the Manual of Uniform Traffic Devices (MUTCD).
- G. Curbing – Curbing and formal closed drainage systems are to be held to a minimum.
  - a. Curbing is not required where the land generally has a gentle slope, where the road is in a fill situation and sheet flow away from the road is advantageous, and where no closed drainage system is required.
  - b. Curbing shall be required where the road is in a cut situation with surrounding land sloping toward the road and at a low point in the road with catch basins to collect stormwater runoff.
- H. Street Names and Signs
  - a. A proposed street which joins in alignment with an existing street shall bear the same name. Proposed streets shall be assigned names that do not duplicate or closely approximate, in spelling or sound, existing street names in Thompson.
  - b. One street name sign with supporting post shall be installed at each street intersection.
  - c. Town Road signs shall be extruded aluminum double sided town standard sign, with logo, in green with white reflective letters.
  - d. Private Road signs shall be 9" high extruded aluminum double sided red with white reflective letters. Street name signs for private roads shall also include the words "Private Road" on the body of the sign.
  - e. All street names shall be subject to approval by the Commission.

### SECTION 3 – Intersections

- A. General
  - a. Except where impractical because of topography or other physical conditions, all streets shall intersect so that, for a distance of at least 100 feet, the street is at right angles to the street it intersects. In no event shall an intersection be allowed where the angle of intersection is less than 75 degrees within 100 feet of the intersection.
  - b. No more than two streets shall intersect at one point and the centerline of the streets shall pass through a single point (i.e., no offset intersecting roads).
  - c. Intersections shall be spaced not less than 300 feet apart, except when the Commission grants a waiver of this requirement and states the reason for such waiver.
  - d. Intersections on state roads shall meet CTDOT requirements for slopes, curb radii, etc.



- B. Grading- At intersections, the maximum grade shall be 4% for a minimum of 50' measured from the street line of the intersecting street. No intersection shall be approved where centerline of the intersecting street exceeds 8%, unless the Commission grants a waiver of this requirement and states the reasons for such waiver.
- C. Intersection sight distance – All road intersections shall conform to the current CTDOT intersection sight distance requirements for the 85<sup>th</sup> percentile speed of the intersecting road or 40 MPH, whichever is higher. Permanent sight line easements shall be provided across private property as needed to obtain or maintain sight line.

#### SECTION 4 No-Outlet Roads (Cul de Sacs and Loop Roads)

##### A. General –

- 1. Cul-de-sacs and Loop Roads are both types of no outlet road.
- 2. These no-outlet roads are intended to provide residential areas with adequate vehicular access while maintaining privacy and minimizing traffic flow.
- 3. Any no-outlet road 500-feet in length or greater shall include one or more areas which are suitable for snow storage and located in such a way as to prevent excess snow from being plowed into driveways or the connecting street.
- 4. Whenever possible, a proposed no-outlet road shall be designed as a loop road and not a cul-de-sac, to better preserve the rural profile of the Town.

##### B. Cul-de-sacs – see diagrams

- 1. A cul-de-sac shall not exceed 2000 feet measured from the right of way line of the intersecting through road to the center of the turnaround.
- 2. A cul-de-sac shall not serve more than 20 lots.
- 3. The turnaround of a cul-de-sac may be round, oval, or oblong.
- 4. The turnaround portion of a cul-de-sac that does not include a center island shall be paved to a minimum of 100' in diameter.
- 5. The turnaround portion of a cul-de-sac that includes a center island shall have a paved portion with a minimum of diameter of 130' with a center island 78' minimum in diameter.
- 6. The center island may be used for snow storage, LID drainage features, landscaping, or preserving existing mature trees.
- 7. The right of way diameter shall be 12' greater than the outer pavement radius.
- 8. The pavement radius between the turnaround portion and the rest of the road shall be a minimum of 30'.
- 9. If the size of the center island exceeds 20,000 SF the road shall be considered a loop road and not a cul-de-sac and shall be subject to the requirements described in Section 4, C, below.

##### C. Loop Roads – see diagrams

- 1. A loop road is comprised of two portions: a stem portion which intersects with a through-street and the “loop” portion which begins and ends at the stem portion. The loop shall always contain an interior island.
- 2. The stem portion of a loop road may not exceed 2000' in length measured from the right of way line of the intersecting through-road to the intersection point with the loop portion.

3. A loop road shall not serve more than 60 lots.
  4. The loop portion of the road may be designed for one-way or two-way traffic.
  5. The interior island may be circular, oval, oblong or irregular in shape. An irregular interior island may be preferable where it would better preserve existing topography and allow for a more scenic or rural profile within the subdivision.
  6. The interior area of a loop road may be used to preserve vegetation; for building lots; for a neighborhood green, playground, or picnic area; or for LID drainage features.
- D. Temporary dead-end roads – Where it is anticipated that the proposed street will continue onto adjacent land in the future, or when a subdivision is being constructed in phases, temporary turnarounds may be permitted by the Commission. Temporary turnarounds shall be designed to permit turning movements by an SU-30 design vehicle and can be hammerheads or circular in shape. Temporary turnarounds shall be paved unless the Commission waives this requirement. The Town, or the owners' association in the case of a private road, as applicable, shall be granted an access easement over land required for any temporary turnarounds.

## SECTION 5 – Private Streets

- A. Private Streets – Private streets are permitted within subdivisions and shall be built to the same standards as public roads except that the pavement width may be decreased by 2'.
- B. Plan Notes:
1. The subdivision plan shall show the proposed street clearly labeled "Private Street".
  2. The subdivision plan shall contain notes, approved by the Commission, which clearly state the following: "Private streets shall not be owned by the Town. All maintenance, repair, and services, such as snow plowing, sanding, and sweeping of the street, shall be the responsibility of the abutting landowners association, in perpetuity. Municipal services such as school bus service, refuse pick-up, and postal delivery may be restricted from the Private street".
  3. A Private street shall not serve as a through-way between public roads.

## SECTION 6 – Sidewalks – see details

- A. Requirements: The conditions under which sidewalks shall be required in subdivisions are described in Article IV, Section 2, O of these Regulations.
- B. Sidewalk Location –The back of the sidewalk shall be placed a minimum of 2' inside the right of way.
- C. Sidewalk Ramps – sidewalk ramps shall be required at all intersections and cross walks. Ramp design and type shall meet the latest CTDOT's Office of Engineering Standard Details for Sidewalk Ramps.
- D. Sidewalk width – Sidewalk width shall be 5'.

- E. Sidewalk Material - Concrete sidewalks are required for new streets proposed in the Downtown Mill Rehabilitation District (DMRD), and the Thompson Corridor Development District (TCDD). Bituminous (a.k.a. asphalt) sidewalks are permitted in all other zoning districts. Sidewalks shall be installed in accordance with the typical sidewalk cross sections provided in the construction details.

## SECTION 7 – Road Construction Standards

- A. CTDOT Standards – Roads and related improvements shall be constructed in accordance with the latest edition of CTDOT's "Standard Specifications for Roads, Bridges, and Incidental Construction" unless otherwise modified in this appendix. This includes, but is not limited to, the following items:
1. Clearing and grubbing
  2. Roadway Excavation, Formation of Embankment, and Disposal of Surplus Material
  3. Borrow
  4. Subgrade
  5. Subbase
  6. Granular Fill
  7. Drainage Trench Excavation, Rock in Drainage Trench Excavation
  8. Processed Aggregate Base
  9. Concrete for Pavement
  10. Bituminous Concrete
  11. Curbing – concrete and bituminous
  12. Catch basins, Manholes and Drop Inlets
  13. Drainage Pipes
  14. Metal beam Rail
  15. Concrete Sidewalks and Ramps
  16. Bituminous Concrete Sidewalk
  17. Turf Establishment
- B. Construction staking –
1. The following items, at a minimum, shall be staked in the field by a Land Surveyor licensed to practice in the State of Connecticut.
    - a. Clearing limits
    - b. Benchmarks
    - c. Road at 50' stations with cut/fill lines
    - d. Catch basins and drainage structures.
  2. The construction stakes shall be maintained to the extent practicable during construction so that proper checks can be made on the work. If the developer's contractor utilizes GPS controlled excavation equipment the DPW director may not require physical stakes for the road cut and fills.
- C. Typical road cross section
1. Diagrams and details for typical cross sections are found below in **Appendix A Section 8**.
  2. Subbase shall consist of 12" after compaction of CTDOT specified subbase, grading B.
  3. Base course shall consist of 6" after compaction of CTDOT specified processed aggregate base.
  4. Pavement structure:

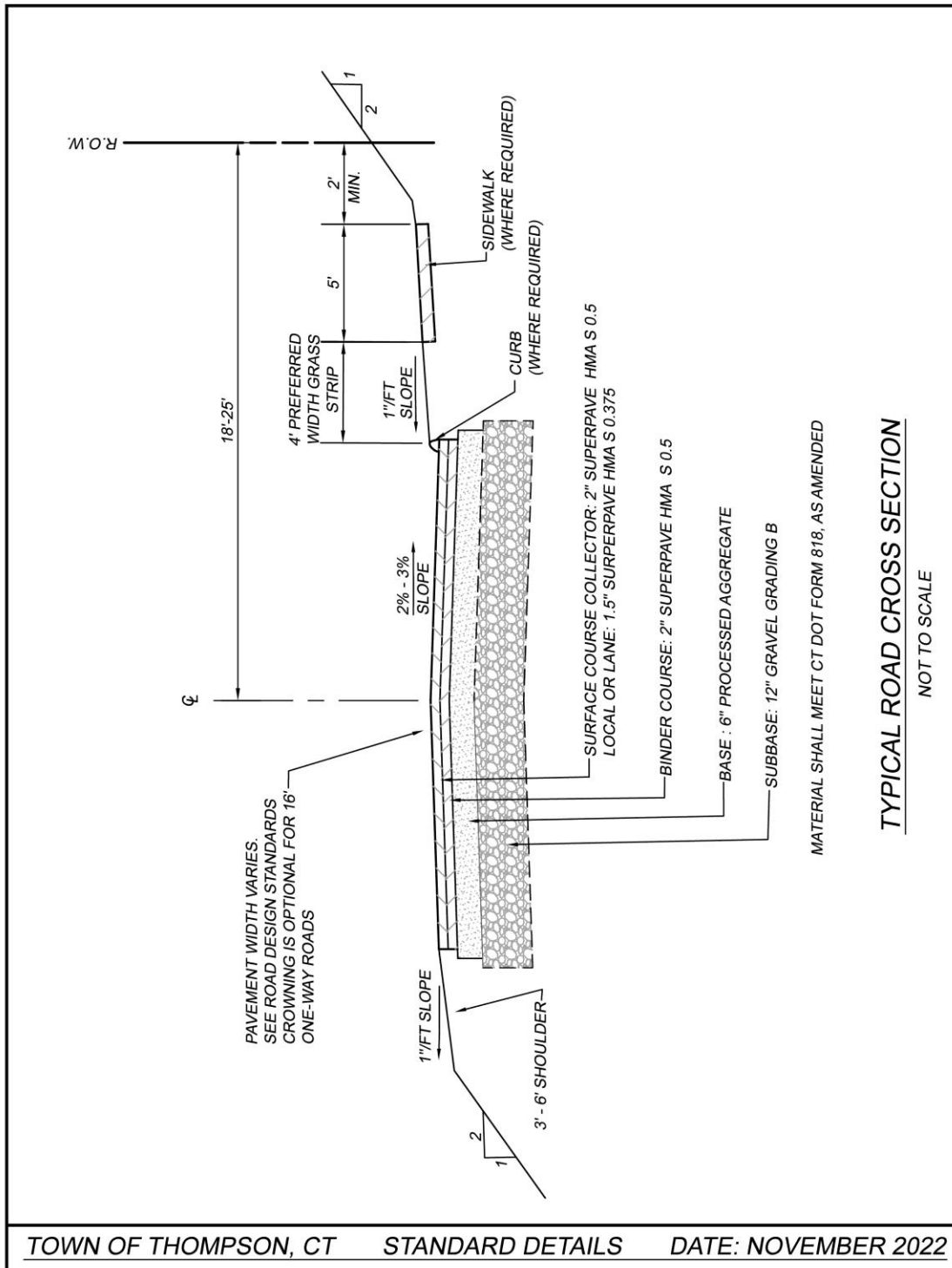
- a. Collector Roads: The finished pavement shall be 4" thick and shall consist of 2" Superpave HMA S0.5 level 2 binder course with a 2" Superpave HMA S0.5 level 2 surface course.
- b. Local and Lane Roads: The finished pavement shall be 3.5" thick and consist of a 2" Superpave HMA S0.5 level 2 binder course with a 1.5" Superpave HMA S0.375 level 2 surface course.

D. Additional Pavement Construction Requirements –

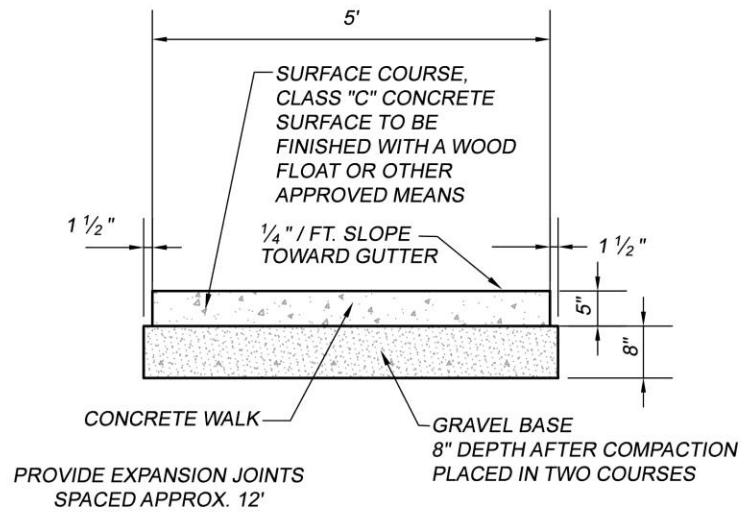
- 1. The minimum temperature for material in the truck prior to discharge into the paver hopper shall be 290 degrees F.
- 2. Placement of bituminous material shall not commence when the surface temperature is below 40 degrees F, nor during fog, rain, or when the base is wet or frozen or other unsuitable conditions. Air temperature shall be 40 degrees F and rising.
- 3. Hand spreading shall be avoided whenever possible.
- 4. Excessive hand raking (luting) behind the spreader causes segregation of the mixture and is not permitted.
- 5. The installer shall ensure that no roller marks are visible.
- 6. Placement of bituminous concrete pavement shall be performed by a reputable organization employing experienced personnel and maintaining specialized equipment for this type of construction on a regular basis. Personnel who are thoroughly trained and experienced in the skills required shall perform the actual finishing of bituminous concrete surfaces and operation of the required equipment.
- 7. Traffic shall not be permitted on the newly laid pavement until the material has cooled and hardened to the satisfaction of the Owner. In no case shall traffic be allowed if temperature exceeds 140 degrees. Flushing with water to hasten the cooling is prohibited.

## Section 8 – Diagrams and Details

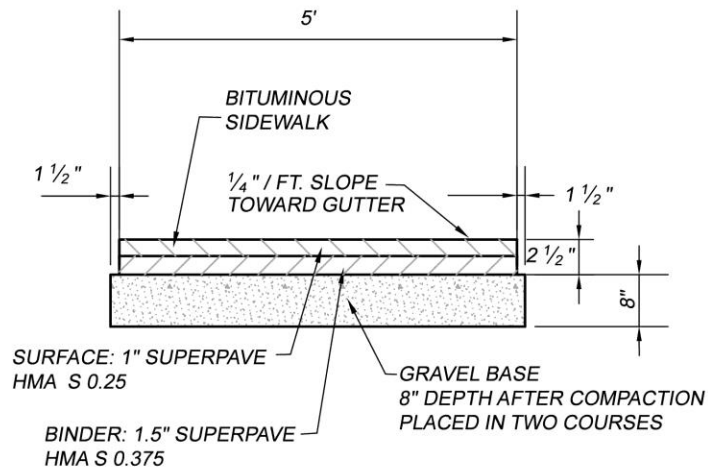
### A. Typical Road Cross Section



## B. Sidewalk Cross-sections - Concrete and Bituminous

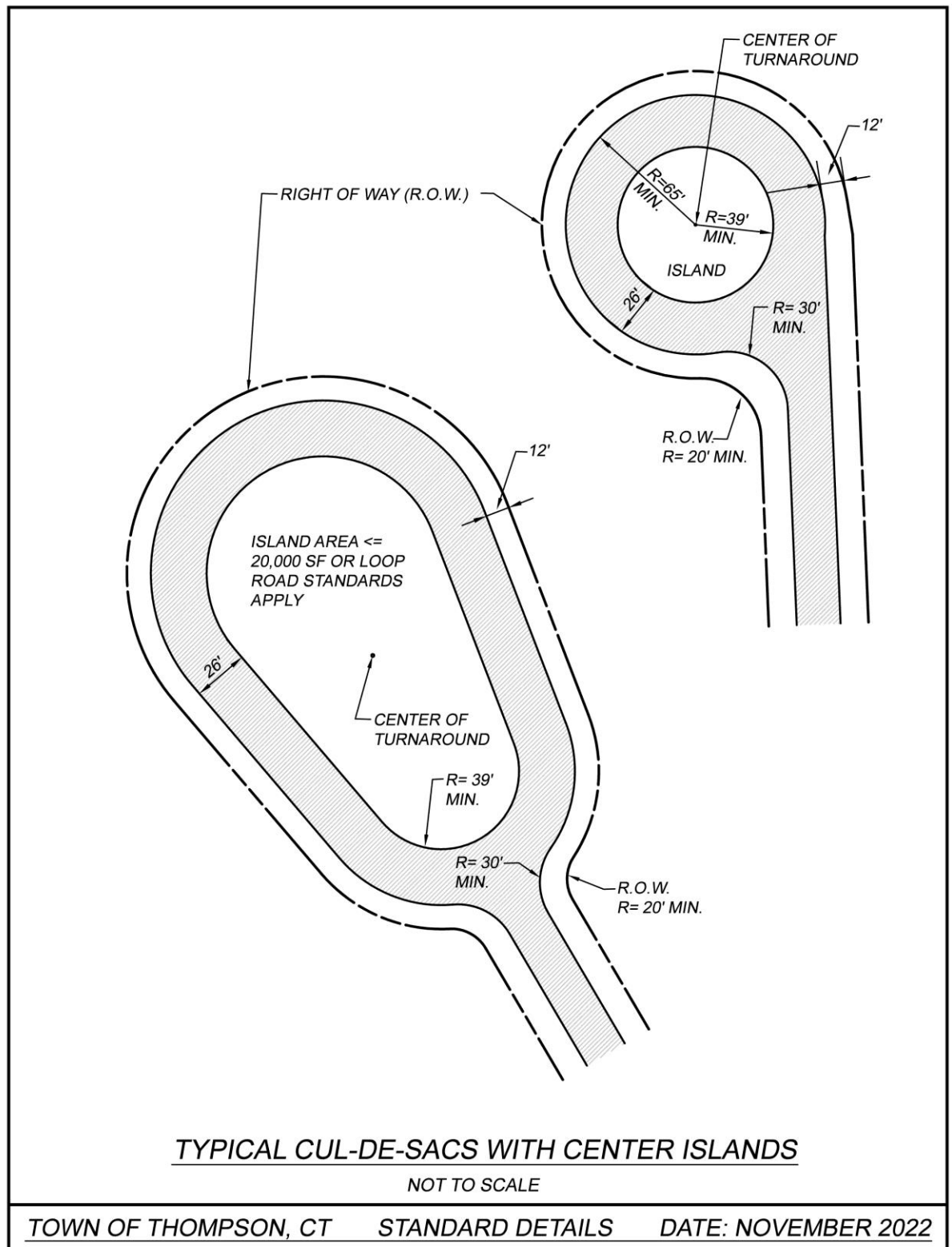


**CONCRETE SIDEWALK SECTION**  
NOT TO SCALE



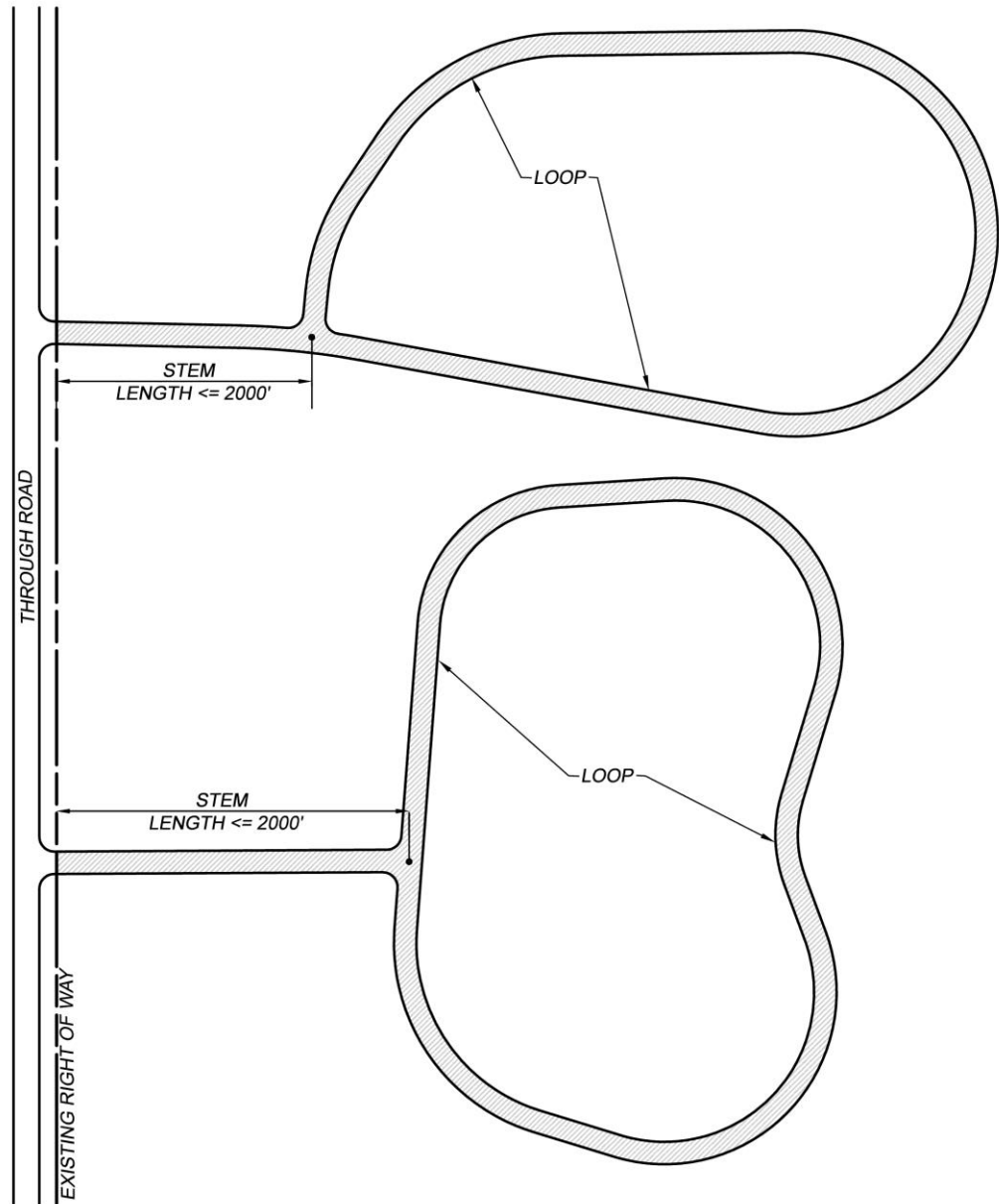
**BITUMINOUS SIDEWALK SECTION**  
NOT TO SCALE

### C. Typical Cul de Sacs with Center Islands





## D. Loop Road Diagrams



### LOOP ROAD DIAGRAMS

NOT TO SCALE

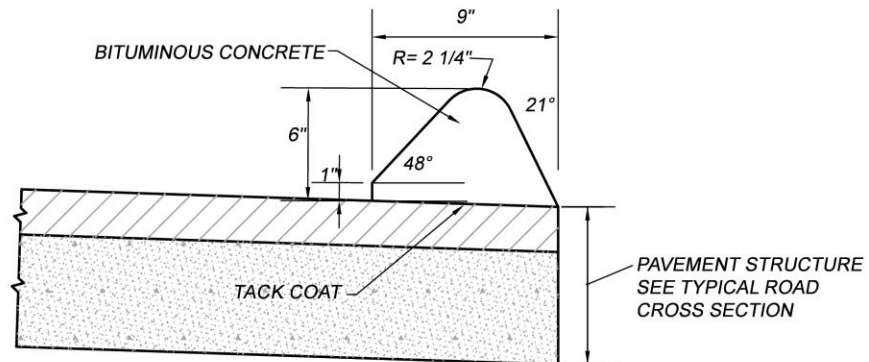
TOWN OF THOMPSON, CT

STANDARD DETAILS

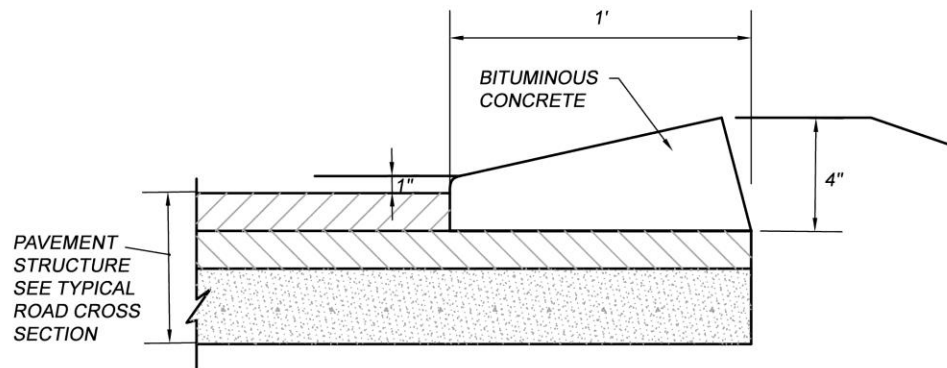
DATE: NOVEMBER 2022



## E. Typical Curb Details – Bituminous and Cape Cod Bituminous

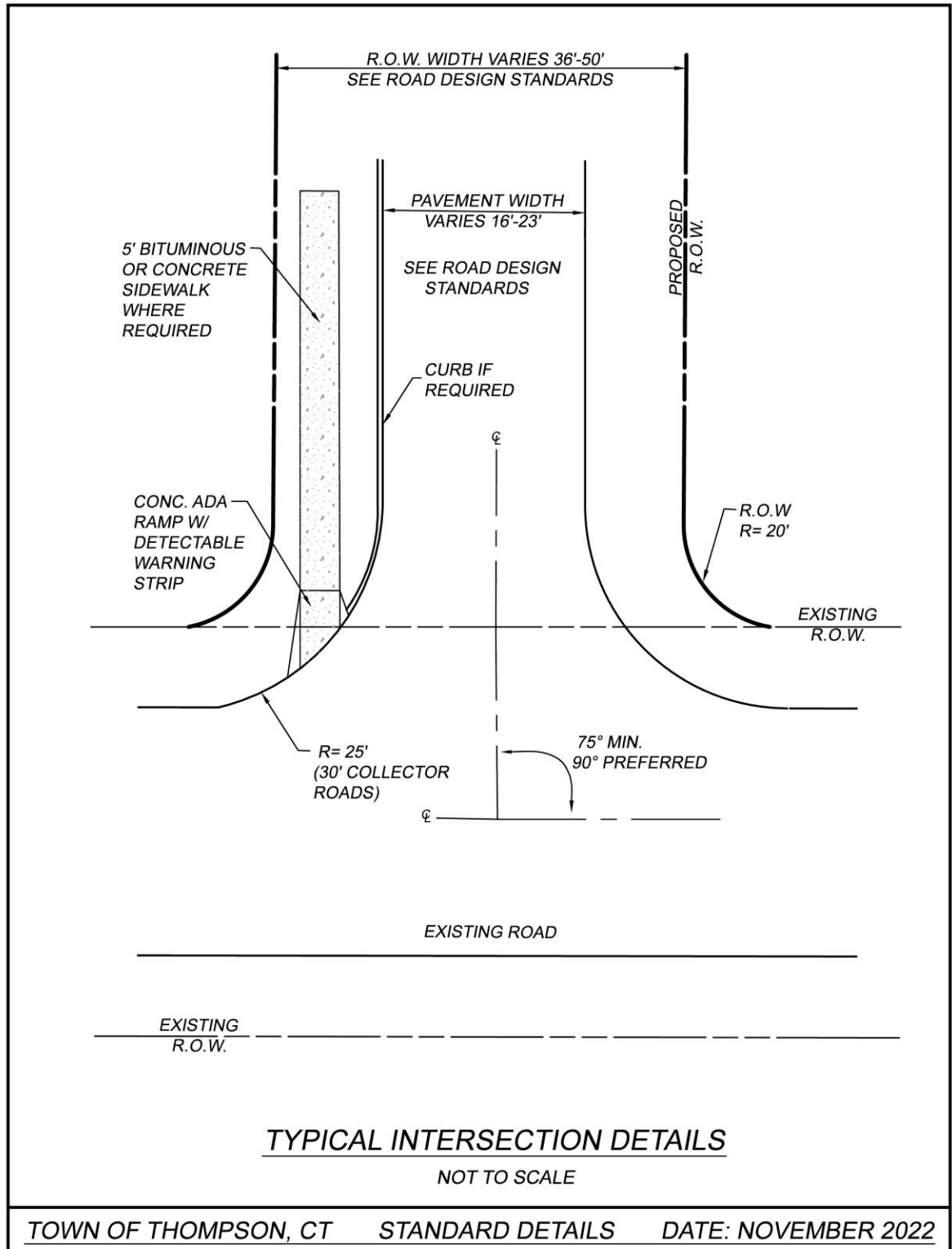


BITUMINOUS CONCRETE LIP CURB (BCLC) DETAIL  
NOT TO SCALE

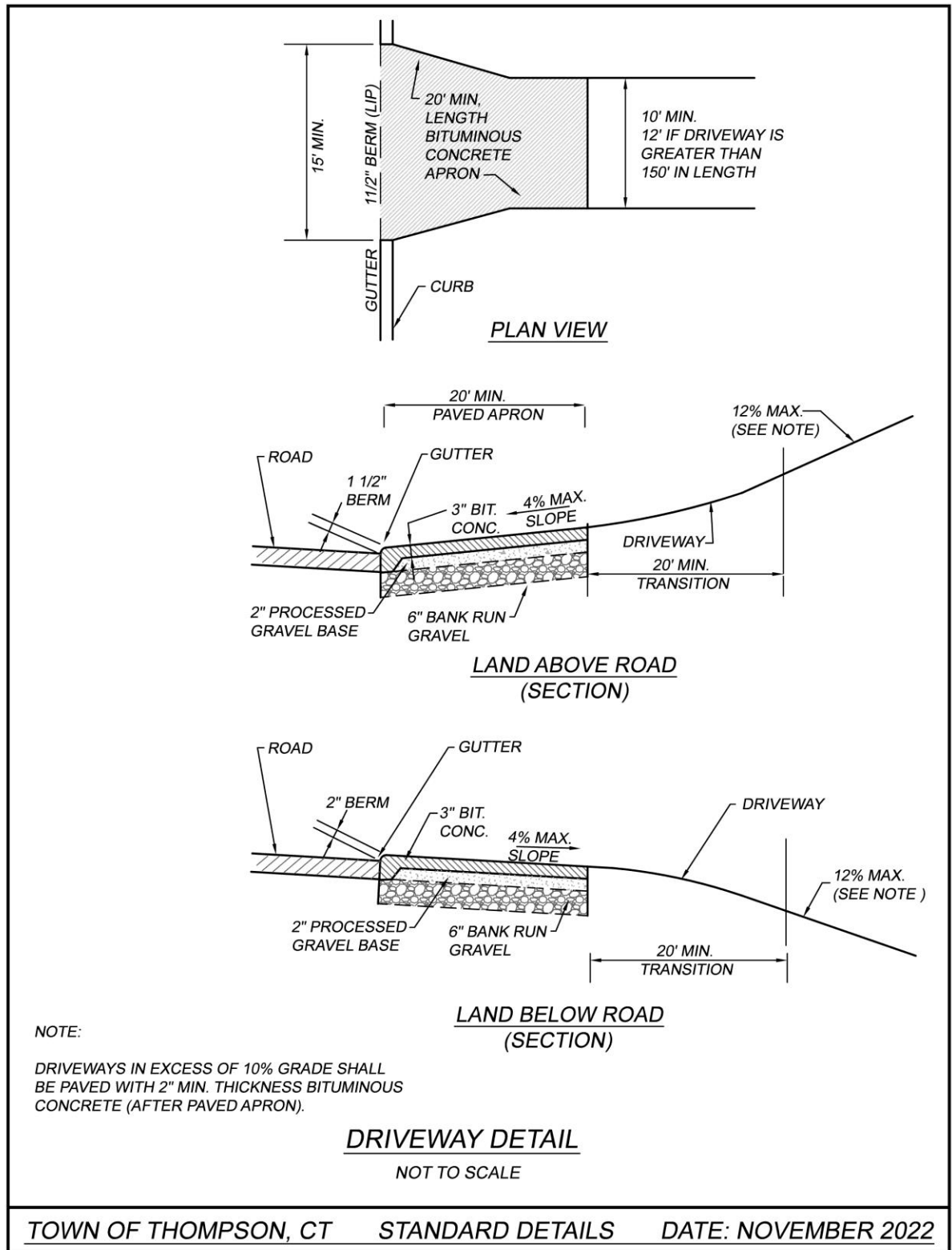


CAPE COD BITUMINOUS CONCRETE CURB DETAIL  
NOT TO SCALE

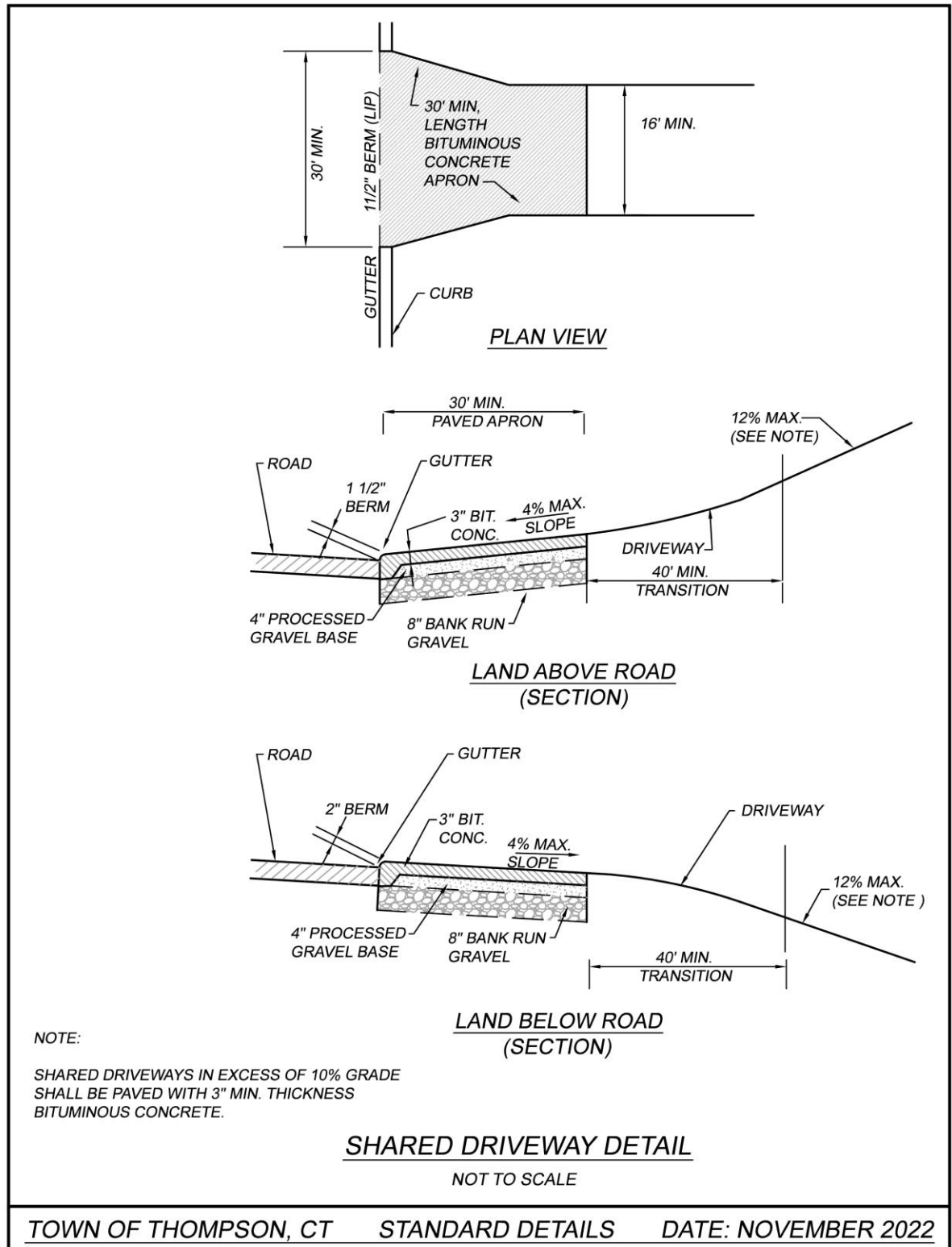
## F. Typical Intersection Details



## G. Driveway Detail



## H. Shared Driveway Detail



## Section 9 – Requirements for Road Acceptance by the Town

### A. Inspection

- i. The Director of the Public Works Department (DPW) or the Town's designated agent shall always have free access to the construction work and shall be authorized to take material samples, cores, and other tests as deemed necessary to determine compliance with these regulations.
- ii. Prior to any clearing and grubbing the developer shall schedule a preconstruction meeting with the DPW Director, Wetlands agent, and the Engineer. The developer shall provide a construction schedule to the Town at that meeting.
- iii. It is the responsibility of the developer to retain a professional engineer, licensed to practice in the state of Connecticut with experience and training in civil engineering, to make detailed inspections of the project to ensure compliance with the approved plans and town standards for road construction.
- iv. The developer is responsible for contacting the DPW Director, in writing, for the inspections listed below. Upon completion of each step a complete inspection shall be made by the DPW Director and the Engineer. If the work is approved, permission shall be granted to proceed to the next step. Special importance shall be given to proper notification of the DPW Director at the beginning or completion of the work. Any work begun or completed without such notification may be rejected by the Town and made subject to additional corrective action.
  - a. Clearing and grubbing
  - b. Erosion and sediment control devices
  - c. Subgrade
  - d. Drainage structures and pipes
  - e. Subbase
  - f. Base
  - g. Binder Course Paving
  - h. Surface Course Paving
  - i. Turf Establishment

### B. Material Testing Schedule

- i. Subbase

Gradation (sieve test)	each new source, & each 5000 cy
Lab density	each new source and each 20,000 cy
Field density	each 3000 cy
- ii. Processed aggregate base

Gradation	each new source and each 5000 tons
Lab density	each new source and & each 20,000 tons
Field density	each 3000 tons
- iii. Bituminous (HMA)

Provide mix design  
Provide original signed slips from each truckload of material delivered  
Nuclear density every 400 linear feet of road, base and top course

iv. Concrete (for sidewalks)

Provide mix design  
Cylinders for each 75 cubic yards or as per DPW

C. **Submittals**

The developer shall submit, at a minimum, shop drawings or manufacturer's information on the following items:

- i. Catch basins
- ii. Drainage Pipe
- iii. Guide Rail
- iv. Erosion control products – silt fence, erosion control blankets, etc.
- v. Seed mix

D. **Engineer's Final Report and Certification**

- i. **As-Built Plans** – An As-built survey shall be performed by the Engineer, and it shall contain the following information for both the approved design and the as-constructed condition:
  - a. Contoured Plan and profile view of road
  - b. Drainage system details – frame elevations, inverts, pipe sizes
  - c. Utility structures
  - d. Details such as signs, guide rails, retaining walls, etc.
  - e. Pins and monuments set or to be set.
- ii. **Final Report** – The developer shall submit a final report to the Commission and the DPW Director summarizing the details of the construction and providing copies of inspection reports, material testing results, submittals and as-builts. The report shall describe any variations from the approved plans.
- iii. **Engineer's Certification** – The Engineer shall submit a certification stating that they have reviewed the quality of the workmanship and materials and find it to be in conformance with good engineering practices and with the Subdivision Regulations.

## Appendix B - Table of Fees

Unless otherwise specified, all fees include the required State fee per CGS, as amended.

**Legal Notice Fee .....\$75**

**Public Hearing Sign .....\$50**

### **Subdivision/Resubdivision**

With public improvements proposed .....\$350/lot

Without public improvements proposed ..... \$150/lot

Additional fees: Public Hearing Sign Fee, Legal Notice Fee, State Fees per CGS, as amended.

**Appendix C – Sample Letter to Abutters**

Subject: Proposed (Subdivision/Re-Subdivision) PZC Application #\_\_\_\_\_

Dear \_\_\_\_\_

You are receiving this letter because your property is within a 200-foot radius of the property known as \_\_\_\_\_ (Map/Block/Lot # or Street Address of subject Property).

The owner(s) of Record, \_\_\_\_ (Name/s) \_\_\_\_, are seeking a (Subdivision/Re-Subdivision) according to the provisions of the Thompson Subdivision Regulations.

The following is proposed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Town of Thompson Planning and Zoning Commission Public Hearing on this application is on Monday, \_\_\_\_\_ (date) at 7 pm in the Merrill Seney Community Room located on the first floor of the Thompson Town Hall, 815 Riverside Drive, North Grosvenordale, CT 06255. Said application, #\_\_\_\_\_, is available for viewing in the Town of Thompson Planning and Development Office located on the first floor of the Thompson Town Hall, Call 860-923-9475 for an appointment.

All interested parties are encouraged to attend and be heard. Written communications will be received and read into the record.

Signature of applicant:

\_\_\_\_\_ Date \_\_\_\_\_



## Appendix D – Template: Declaration of Easement For Driveway and Utilities

### DECLARATION OF EASEMENT

#### FOR DRIVEWAY AND UTILITIES

DECLARATION (this “Declaration”) made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, having an address of \_\_\_\_\_ (hereinafter referred to as “Declarant”).

#### WITNESSETH:

**WHEREAS**, Declarant is the owner of certain premises (the “Easement Area”) shown and designated as \_\_\_\_\_ on a map or plan entitled “\_\_\_\_\_”, which map is to be filed with the Town Clerk of the Town of Thompson to which reference may be had and which Easement Area comprises parts of Lots \_\_\_\_\_ (when referred to collectively all of said Lots shall hereinafter be referred to as the “Burdened Lots”); and

**WHEREAS**, Declarant does not desire to service the Burdened Lots as shown on the aforementioned map (the “Easement Properties”) by separate driveways, but rather to establish a mutual easement arrangement which will service the Easement Properties and which will provide ingress and egress to and from \_\_\_\_\_ and provide a location for the installation of utilities to service the Easement Properties or any of the aforementioned lots individually; and

**WHEREAS**, Declarant desires to establish this Declaration of Easement to create an easement on, over, under and through the Easement Area for the benefit of the Easement Properties; and

**WHEREAS**, Declarant further desires to impose certain covenants and restrictions upon the use, operation and maintenance of the Easement Area;

**WHEREAS**, the Burdened Lots are specifically made part of this Agreement, and the owners of the Burdened Lots shall receive the benefits and be subject to the burdens contained herein; and

**WHEREAS**, the Easement Properties have been approved by the Thompson Planning & Zoning Commission as part of a subdivision, pursuant to the Thompson Subdivision Regulations.

**NOW, THEREFORE**, Declarant hereby submits the Easement Area to the terms, covenants, restrictions, and easements set forth herein for the benefit of the Easement Properties as follows:

#### I. GRANT OF EASEMENT.

Declarant hereby grants and declares, to the extent described herein, for the benefit of the Easement Properties, an easement and right of way over and upon the Easement Area, which easement shall be appurtenant to and for the benefit of the Easement Properties

and may be used by the owners of the Easement Properties, their heirs, successors, assigns, licensees, and guests.

II. USE OF EASEMENT AREA.

The Easement Area shall be used for the purposes of ingress and egress to and from \_\_\_\_\_ by vehicular, pedestrian and other non-vehicular traffic, and for the installation, maintenance, repair, and replacement of utility lines (including lines for storm water discharge, electric, cable, telephone, sewer, water and other residential utilities) together with any appurtenances related thereto (hereinafter referred to as "Utilities") in order to furnish utility services to the Easement Properties and designated as "\_\_\_\_\_" on a map entitled \_\_\_\_\_ as recorded in the Thompson Land Records immediately after the recordation of this Declaration.

The owners of the Easement Properties (hereinafter collectively referred to as "Owners" and individually referred to as "Owner") shall have the right in common with the other Owners to enter on, over, under and through the Easement Area for the purpose of construction, installation, maintenance, repair and replacement of the driveway and of Utilities, provided however, that any Owner/Owners who shall do any work or have any work done affecting the Easement Area upon completion of the work shall repair that portion of the Easement Area to the condition that existed prior to such Owner's entry (except for any work done pursuant to the rights created herein) and shall at all times keep so much of the Easement Area open so that vehicular, pedestrian and other non-vehicular traffic shall have reasonable access.

III. ACT EXPEDITIOUSLY.

When utilizing the Easement Area, the Owners shall do so as expeditiously as possible and in such manner as will cause the least possible disturbance to the other Owners.

IV. OWNERS OF BURDENED LOTS MAY CONTINUE TO USE EASEMENT AREA BUT SHALL NOT INTERFERE.

The Owners of the Burdened Lots may continue to use the Easement Area in any way that will not prevent the use of the Easement Area for the purposes described herein. The Owners of the Burdened Lots shall not erect or allow any structures to be erected on the Easement Area, nor shall they plant or allow to be planted or grown any large trees or any other obstructions which would prevent the use of the Easement Area by the Owners. Nothing contained in this paragraph shall diminish the rights and obligations of the Owners of the Burdened Lots which are established in this Declaration.

V. MAINTENANCE AND REPAIR OF EASEMENT AREA.

The Owners shall maintain the Easement Area in its present condition or in the condition to which it is improved from time to time, free and clear of obstruction, shall repair the same as necessary, shall keep the same reasonably free and clear of ice and snow, and shall keep the Easement Area insured with respect to liability. The cost of all necessary repairs, maintenance, snow and ice removal, clearing of the driveway, and insurance thereon shall

be paid equally by the Owners. Each owner shall be responsible for a \_\_\_\_\_ ( ) share of such cost (a "Required Share"). Notwithstanding the foregoing, no Owner shall be responsible for any expenses hereunder until a Building Permit has been obtained from the Town of Thompson to construct a building upon his lot. Therefore, when computing an Owner's Required Share hereunder, unless otherwise agreed by the parties, the lots for which no Building Permit has been issued shall not be included in the number of lots served by the driveway over the Easement Area.

The cost of maintenance, repair and replacement of Utilities within the Easement Area shall be borne by the specific Owner/Owners whose individual lot/lots is/are benefited by such Utilities and if more than one Owner is benefited, then such cost shall be borne on an equal basis. Once Utilities are installed in the Easement Area, then any of the Owners shall have the right to "tie in" to the Utilities, provided that they shall do so in a good and proper manner without damage to the Utilities. (The cost of the original installation of Utilities shall be paid by the Owner desiring said installation.) The obligations created in this paragraph deal with maintenance, repair, and replacement.

The construction material utilized in the driveway shall not be changed unless a majority of the Owners agree to install a different surface, provided no such change shall be permitted that would violate any land use permit issued by the Town of Thompson and any such change shall conform to the requirements of any governmental authority.

The rest of this paragraph notwithstanding, any Owner who shall, through negligence or willful action, cause any damage which must be repaired hereunder, shall be responsible for the cost incurred to provide the repairs, maintenance and replacement necessitated by the negligence or willful action of that Owner, provided, however, that the Declarant and all subsequent Owners mutually waive their respective rights of recovery against each other for any loss insured by fire, extended coverage and other property insurance policies existing for the benefit of the respective parties.

The cost for repairing, replacing, maintaining, or improving the Easement Area, pursuant to this Agreement, shall be shared as set forth above. Except as herein provided, no costs of any kind shall be charged to any Owner, unless that Owner has agreed in writing to pay said costs. In the event that the Owner of any lot shall decide that expenditures shall be incurred for repair and replacing, maintaining or improving the Easement Area, then said Owner shall send written notice to the other Owners which shall request that the other Owners agree to pay their Required Share of the cost of such repair, replacement, maintenance or improvement. In the event that the other Owners agree to pay their Required Shares in writing, then the cost shall be shared accordingly. In the event that one or more of the other Owners do not agree in writing to pay their Required Share, then the Owner proposing said activity and any Owners who agree to pay their Required Share may undertake said activity solely at their own cost and expense. In that event, after the work is completed, the Owner/Owners performing the work may institute legal action against the other Owners who did not contribute to the cost of such activity. In the event that a court should issue a final, non-appealable ruling that the work was necessary to maintain the Easement Area to the standard required hereunder, and if the work was done to the quality required, then the Owners who should have shared said cost shall be responsible for their

Required Shares of the cost, and the Owner/Owners who performed the work shall be entitled to be reimbursed by the other Owners not only for their Required Share, but also for the expenses incurred in said collection including a reasonable attorney's fee, if a court action is instituted. All repairs, replacement, maintenance, or improvements made to the Easement Area shall be made to a quality suitable to accomplish the purposes for which the Easement Area has been created.

VI. PERMANENT EASEMENT.

The easement created herein shall be a permanent easement, and shall bind the Declarant, all subsequent Owners, their heirs, successors and assigns.

VII. INTEREST DUE WITH REGARD TO UNPAID OBLIGATIONS.

In the event of a failure by any Owner to pay his Required Share of any costs or expenses incurred hereunder, such costs and expenses shall, commencing thirty (30) days after the date of billing therefor, bear interest at the rate of twelve (12%) percent per annum until paid.

VIII. GRANT AND RESERVATION.

Declarant, its successors and assigns, hereby reserves the right to grant rights of access and a utility easement over the Easement Area to any utility company required by the Public Utility Regulatory Authority of the State of Connecticut or to the Town of Thompson. The Owners will sign any documents required by the aforementioned utility companies or the Town of Thompson to carry out the intent of this paragraph which is to provide utility service to the Easement Properties.

IX. COVENANTS AGREEMENTS AND RESTRICTIONS.

The covenants, agreements and restrictions set forth herein shall be effective as of the date hereof and shall continue in full force and effect until written agreement of all of the Owners of the lots comprising the Easement Properties and all parties holding mortgages secured by any lots comprising the Easement Properties shall modify this Declaration of Easement, which modification shall be effective when recorded in the Thompson Land Records and upon approval of the Thompson Planning & Zoning Commission as an amendment to any Subdivision issued pursuant to the Thompson Planning & Zoning Commission for any or all of the Easement Properties. The covenants, agreements and restrictions herein may not be terminated, nor may any limit be imposed on the annual expenses to be paid by any Owner.

X. SUBSEQUENT MODIFICATIONS.

All modifications to this Agreement shall be in writing and signed by the Owners of all properties benefited or burdened by the easement rights created herein. However, in the event that Declarant shall request that minor modifications be made to this Agreement, or to the rights created hereunder, which shall not substantially interfere with any of the rights or obligations created hereunder, then the Owners of said properties will sign a modification prepared by Declarant in order to accomplish said minor modifications.

XI. MISCELLANEOUS.

A. The covenants, agreements and restrictions contained herein shall be covenants running with and for the benefit of and burden upon the Easement Properties and shall be binding upon and inure to the benefit of the Owners thereof, and their respective heirs, successors, and assigns. The rights granted herein shall be considered to create permanent easements.

B. In the event that the Owners desire to jointly make any decisions hereunder, they shall be made by majority vote of the Owners of the lots comprising the Easement Properties.

C. Each of the lots comprising the Easement Properties shall be treated as if it has one Owner. If any of said lots are owned by more than one person, then all said persons must unanimously agree on any decision to which they are entitled to vote hereunder. Therefore, if all said persons cannot unanimously agree, then the Owner of said lot shall have no vote.

D. All communications sent pursuant to this Declaration shall be sent in writing and sent by certified mail to the last known address of the recipient.

XII. MERGER.

The easement rights created herein shall not merge with the fee ownership interest of any lot.

XIII. RESTORATION

At any time that any Owner shall exercise any rights hereunder, then, when said activity is completed, the Easement Area shall be restored to the condition it was in immediately prior to said activity, except to the extent permitted hereunder.

IN WITNESS WHEREOF, the designated Declarant has hereunto caused its name and seal to be set as of the day-and year first above written.

Signed, Sealed and Delivered

in the Presence of:

\_\_\_\_\_ By: \_\_\_\_\_

Declarant

\_\_\_\_\_

STATE OF CONNECTICUT )

) ss. \_\_\_\_\_

, 20--

COUNTY OF Windham )

Personally appeared \_\_\_\_\_, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed, before me.

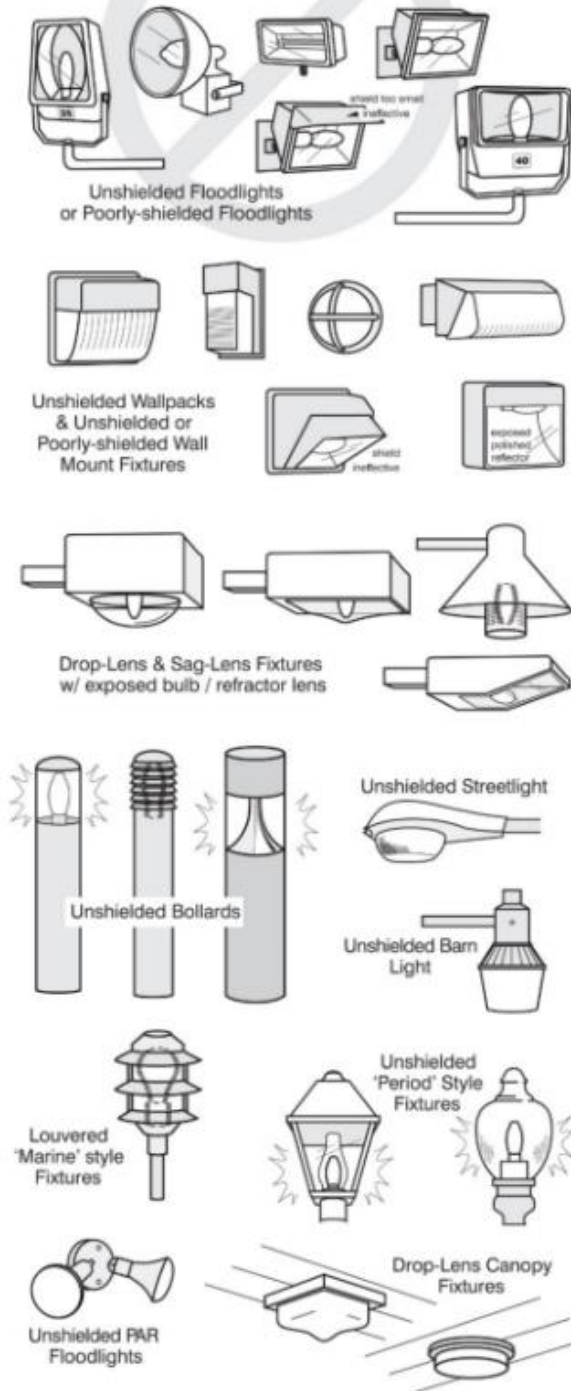
\_\_\_\_\_

Commissioner of the Superior Court

## Examples of Acceptable / Unacceptable Lighting Fixtures

### Unacceptable / Discouraged

Fixtures that produce glare and light trespass



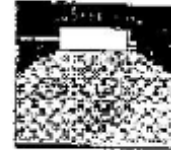
### Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

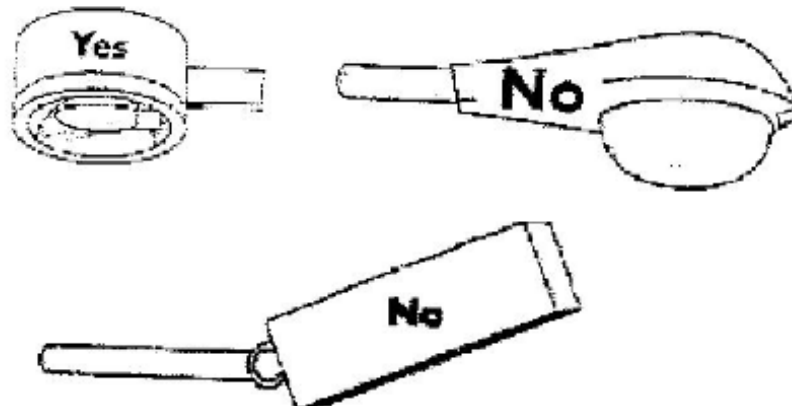


Figure 1

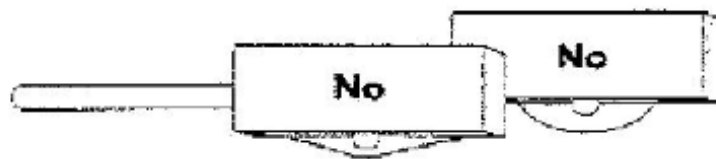
What is a true "full cutoff" outdoor lighting fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.



Forward throw style. Exposed bulb in the forward direction produces some direct glare.



**TOWN OF THOMPSON****LID CHECKLIST**—Required for site plan review.

Applicants must complete and submit the following checklist with the application.

Date: _____ Project: _____ Verifier: _____ <div style="text-align: center; margin-top: 5px;">Name and Profession</div>
Conformance with the following criteria shall be initialed in the spaces provided below by the Engineer, the Land Surveyor and/or a qualified Soils Scientist as appropriate. If conditions cannot be met, or are not appropriate for the project, comments addressing each item should be provided by the applicant in the space provided.

Item	Description	Verified	Comments
1	Development is designed avoiding critical watercourses, wetlands, and steep slopes.		
2	Development has been located to maximize preservation of contiguous natural sensitive areas.		
3	Natural areas, including woodlands, regulated wetland areas and naturally vegetated areas have been preserved and/or replicated to the maximum extent practical.		
4	Onsite soils have been assessed to determine suitability for stormwater infiltration.		

5	Limits of disturbance have been delineated to avoid unnecessary clearing or grading.		
6	<p>Reduce and Disconnect Impervious Cover</p> <p>Impervious surfaces have been kept to the minimum extent practicable, using the following methods:</p> <p>(Check which methods were used.)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Minimized road widths</li> <li><input type="checkbox"/> Minimized driveway area</li> <li><input type="checkbox"/> Minimized sidewalk area</li> <li><input type="checkbox"/> Minimized cul-de-sacs</li> <li><input type="checkbox"/> Minimized building footprint</li> <li><input type="checkbox"/> Minimized parking lot area</li> </ul>		
7	Impervious surfaces have been disconnected from the stormwater system and directed to appropriate pervious areas, where practicable. Pervious areas may be LID practices or uncompacted turf areas.		
8	Sheet flow is used to the maximum extent possible to avoid concentrating runoff.		
9	Vegetated swales have been installed adjacent to driveways and/or roads in lieu of a curb and gutter stormwater collection system.		

10	Rooftop drainage is discharged to bioretention/rain gardens.		
11	Rooftop drainage is discharged to drywell or infiltration trench.		
12	Rainwater harvesting methods such as rain barrels or cisterns have been installed to manage roof drainage.		
13	Bioretention basins or rain gardens have been incorporated within yards, median strips, cul-de-sac islands and parking lot islands.		
14	Permeable (porous) pavement has been incorporated into areas of low traffic, parking lots, residential and light commercial use driveways, walkways, bike paths etc.		
15	Stormwater infiltration for impervious areas has been provided using underground storage units, devices, and/or infiltration swales/trenches.		

16	Level spreader/vegetation has been provided at storm drainage outfalls to enhance water quality and mitigate erosion.		
17	On-site retention/detention facilities have been provided to address water quality and stormwater runoff.		
18	Impervious area sizes and percentages for pre and post development have been provided.		

## Appendix G - Additional Forms

### 1. AS-BUILT CERTIFICATION FORM

Date: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_  
Property Location: \_\_\_\_\_  
Map \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ Zone \_\_\_\_\_

Developer Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

I, the undersigned, as the Engineer or Land Surveyor, for the above-designated Subdivision, have field inspected the completed public improvements and have prepared the attached "As-Built" plans. These plans reflect the present conditions relative to location, size, elevation, and quantity of public improvements.

Check One:

\_\_\_\_\_ I have reviewed the quality of the workmanship, design, and materials and find it to be in conformance with good engineering practice and with the Subdivision Regulations.

\_\_\_\_\_ I have found variances from the Subdivision Regulations and have listed these with my comments on the attached sheet.

CT licensed Professional Engineer

License No. \_\_\_\_\_

Signature \_\_\_\_\_

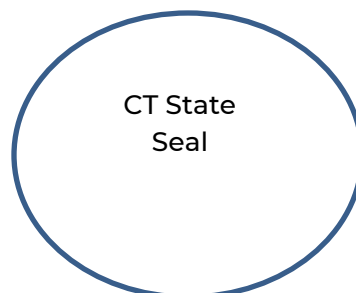
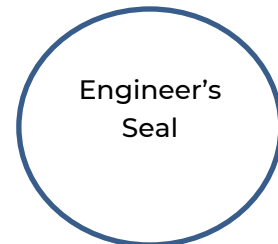
Date: \_\_\_\_\_

CT Licensed Land Surveyor

License No. \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_



## 2. BOND AGREEMENT

### For Construction and Installation of Public Improvements and Utilities in Subdivisions

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Town of Thompson, hereinafter called the "Town", a municipal corporation having its territorial limits within the County of Windham and State of Connecticut, acting herein by its Planning and Zoning Commission and \_\_\_\_\_ of the Town of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, owner and owners of record of property for which a final subdivision plan has been approved, and heirs, executors, administrators, successors and assigns of said owner or owners, hereinafter called the "Developer".

Witnessed:

WHEREAS, the Town by vote taken on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by its Planning and Zoning Commission, has approved a subdivision known as \_\_\_\_\_, said vote reading as follows:

\_\_\_\_\_

and

WHEREAS, the Developer desires to proceed with the construction and installation of public improvements and utilities in said subdivision in accordance with the specifications, ordinances, codes, regulations, and standards of the Town and as shown on the Final Subdivision \_\_\_\_\_ Maps \_\_\_\_\_ entitled:

\_\_\_\_\_

and

WHEREAS, the utilities, shown on said map are to be installed and constructed by, on behalf of, or by separate agreement with, private utility companies or public agencies having jurisdiction over such public improvements, which shall be deemed to include, without limitation, all streets, sanitary sewers, curbs, gutters, sidewalks, storm drainage, all erosion prevention measures, and all work on natural or relocated watercourses, whether within or without the boundaries of the subdivision, hereinafter, called the "improvements", as may be shown on said maps or otherwise required by the Thompson Subdivision Regulations and the conditions of any subdivision approval granted thereunder. Said improvements are to be installed and constructed by, on behalf of, or under contract with the Developer, and

WHEREAS, the estimated cost of constructing and installing improvements, said estimated costs having been approved by the First Selectman and the Town of Thompson Director of Public Works, is \_\_\_\_\_-(\$ \_\_\_\_\_) Dollars, and the Subdivider has filed with the First Selectman \_\_\_\_\_(\$ \_\_\_\_\_) Dollars as surety securing the Town the actual construction and installation of the improvements, which surety represents ninety-five percent (95%) of said estimated cost; and

WHEREAS, the Subdivider has deposited with the First Selectman \_\_\_\_\_ (\$ \_\_\_\_\_ ) Dollars as a deposit against which the Town may draw to defray the costs of maintenance and repair of the improvements and the costs of any necessary repairs to the improvements reasonably resulting from defects in workmanship or materials during the construction or maintenance period, which deposit represent five (5%) percent of said estimated costs. This agreement shall be reviewed on its anniversary and adjusted to secure an adequate surety amount. (The above-referenced bonding shall comply with all application provisions of the Thompson Subdivision Regulations.)

NOW, THEREFORE, be it agreed between the parties hereto, acting under the authority of the Subdivision Regulations of the Town of Thompson effective date \_\_\_\_\_ and may therefore be amended as follows:

The Town Agrees:

1. To accept by appropriate resolution of the Town body having jurisdiction over those improvements which have been dedicated to the Town upon recommendation of the Commission and certification by the First Selectman and Public Works Director, that the Developer has fulfilled all the terms of this agreement and has completed the construction and installation of the improvements in accordance with the plans, specifications, ordinances, codes, regulations and standards of the Town.
2. To release, following said acceptance, any surety company bond, cash bond, or savings account assignment securing the Town the actual construction and installation of the improvements, and to return to the Developer any balance of said deposit, with an itemization of any charges thereto, one year following said acceptance and upon conclusion of the maintenance period.

The Developer Agrees:

1. To construct and install the improvements at no expense to the Town in accordance with said Subdivision Regulations, said Final Subdivision Plan, as defined in said Regulations, Standard Specifications for the Design and Construction of Subdivision improvements, and as amended, applicable laws, regulations, standards, codes of ordinances of the Town and State of Connecticut, and any terms or conditions established by said Commission and herein contained.
2. To construct and install the improvements complete in every detail, in a good and proper manner, as directed by the First Selectman or his/her authorized agent, and in conformance with standard engineering and construction practices within one year from the date of approval of said subdivision by said Commission or within an earlier time as prescribed by said Commission, except as such completion date may be extended by said Commission.
3. The Developer agrees that he shall at all times indemnify and save harmless the Town and its respective officers, agents, and servants, on account of any and all claims, damages, losses, litigation, expenses, counsel fees, and compensation arising out of injuries (including death) sustained by, or alleged to have been sustained by, the public, any or all persons on

or near the work, or by any person or property, real or personal (including property of the Town), caused in whole or in part by the acts or omissions of the Developer, any contractor employed by him or any subcontractors or material man or any of them while engaged in the performance of any work covered by this Agreement and during any maintenance period specified therein.

4. The Subdivider shall, in part, secure his obligations under this standard agreement with the Town of Thompson by maintaining at his own expense at least the following forms of insurance, in such amounts as set forth by the Subdivision Regulations or otherwise:

- a. Owner's protective liability and property damage insurance for and in the name of the Town of Thompson and covering all claims against the Town arising out of this agreement.
- b. Public liability and property damage insurance, including coverage for acts of subcontractors, for all liability assumed under this agreement and where applicable, coverage for use of

WHEREAS, the estimated cost of constructing and installing improvements, said estimated costs having been approved by the First Selectman and the Town of Thompson Public Works Director, is (amount in words)\_\_\_\_\_ (\$\_\_\_\_\_)Dollars, and the Developer has filed with the First Selectman (amount in words)\_\_\_\_\_ (\$\_\_\_\_\_)Dollars as surety securing the Town the actual construction and installation of the improvements, which surety represents ninety-five (95%) percent of said estimated cost: and WHEREAS, the Developer has deposited with the First Selectman (amount in words)\_\_\_\_\_ (\$\_\_\_\_\_)Dollars as a deposit against which the Town may draw to defray the costs of maintenance and repair of the improvements and the costs of any necessary repairs to the improvements reasonably resulting from defects in workmanship or explosives, for collapse of buildings and damage to underground properties, and coverage by any law or municipal ordinance or regulation.

- c. Standard automobile liability and property damage insurance, including coverage for hired or borrowed vehicles.
- d. Workmen's Compensation and Employer's Liability Insurance, as provided by Connecticut law and custom.

5. To permit the Town to draw upon said deposit to defray the costs of maintenance and repair of the improvements or utilities prior to their acceptance by the Town, including but not limited to snow-plowing, cleaning of drainage facilities, and street sweeping and to defray the cost of any necessary repairs to the improvements or utilities reasonably resulting from defects in workmanship or materials during the maintenance period of one year following said acceptance, provided that the Town, except in cases of emergency, shall notify the Developer at least seventy-two (72) hours in advance of said repair and maintenance; and to deposit an additional sum with the First Selectman, such sum not to exceed the amount of the original deposit, if at any time the original deposit should prove insufficient to defray any such cost incurred by the Town. No principal or interest will be withdrawn from any surety or maintenance account before release



from this agreement by the Town. All principal and interest shall become property of the Town, upon default, for the purposes specified in this Agreement.

Additional or Special Clauses:

In Witness Whereof, the parties have hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at Thompson, Connecticut.

Signed and Sealed in the Presence of:

Town of Thompson Town Clerk

By: \_\_\_\_\_

Developer

First Selectman or His Designee

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## Appendix I – Energy Conservation

### 1. Preference for Sustainable Energy Techniques

The Commission encourages developers to consider the inclusion of strategies for energy conservation and efficiency in the preparation of the final subdivision proposal. This appendix describes several techniques by which improved efficiency may be achieved. Many of these techniques, such as the use of passive solar site design, may not significantly increase the cost of the housing to the buyer. With tax credits, subsidies, and exemptions the overall benefits to homeownership may be financially enhanced.

### 2. Techniques

Techniques and methods described below are derived from a variety of sources including, but not limited to:

- U.S. Department of Energy [www.energy.gov](http://www.energy.gov)
- The Center for EcoTechnology <https://www.centerforecotecology.org/>
- Sustainable Development Code <https://sustainablecitycode.org/>
- Energize CT <https://energizect.com/>
- Sustainable CT <https://sustainablect.org/actions-certifications/actions/>

The examples given are not intended to be either exhaustive or prescriptive; rather, they are intended to assist applicants in developing more sustainable and resilient subdivisions within the Town.

#### A. Site Design for Passive Solar

As described by the U.S. Department of Energy  
(<https://www.energy.gov/energysaver/passive-solar-home-design>):

“Passive solar design takes advantage of a building’s site, climate, and materials to minimize energy use. A well-designed passive solar home first reduces heating and cooling loads through energy-efficiency strategies and then meets those reduced loads in whole or part with solar energy.”

Techniques or methods to incorporate passive solar design include the following:

- i. House orientation so that the structure is sited as close to the north line as possible and the structure’s orientation lies along the east/west axis.
- ii. Proper placement allows an increase of yard space for shading in warmer months with an increase of solar gain in colder months.
- iii. Design of street and lot layout/orientation, so that the maximum number of buildable lots is sited on the south facing slopes.
- iv. Landscaping shall include the location of any existing trees, new trees with their mature estimated height including canopy width. The proposed landscaping plan will facilitate the use of possible future solar collectors, certainly increase solar heat gain, and/or shade protection, as appropriate.

### **B. Inclusion of Renewable Energy**

Developers are encouraged to incorporate renewable energy generation methods to serve the future occupants of the subdivision.

### **C. Energy Efficient Landscaping**

Where landscaping is proposed as part of the subdivision plan, whether through the inclusion of street trees; the location and configuration of open space; or conceptual plans for individual lots within the subdivision, techniques exist to maximize energy conservation and efficiency. Such techniques include the following:

- i. Dense windbreaks may be planted to protect house lots from winter winds, thereby reducing heating requirements.
- ii. Trees shown in landscaping plans in proximity to south-facing walls or windows should be deciduous species only, to avoid shading during winter months but provide shade during summer.
- iii. Open space intended as a common recreation area may show a landscape plan utilizing low-maintenance native species, with minimal areas of lawn grasses.