

SUBDIVISION REGULATIONS

LEBANON, CONNECTICUT



Section 1: AUTHORITY AND PURPOSE

1.1 Authority – Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning Commission of the Town of Lebanon adopts the following regulations controlling the subdivision and re-subdivision of land in the Town.

1.2 Purpose – The purpose of these Regulations is to promote and to insure the orderly development of land within the Town so that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; so that proper provisions shall be made for water supply, surface drainage, and sewage disposal; so that proposed streets shall be in harmony with existing or officially proposed principal thoroughfares and so arranged and constructed so as to provide an adequate and convenient system for the present and prospective traffic needs; so that open spaces for parks and playgrounds shall be provided in locations deemed proper by the Planning Commission; and in general, to protect the safety, convenience, and welfare of the inhabitants of the Town of Lebanon.

Section 2: DEFINITIONS

2.1 Applicant – Any person, firm, or corporation or partnership who shall apply to the Commission for the approval of a subdivision either for himself or as an agent for others.

2.2 Commission – The Planning and Zoning Commission of the Town of Lebanon.

2.3 Cul-de-sac, Dead-end Road – A street or a portion of a street with only one vehicular outlet.

2.4 Lot – A separately identified parcel of land designed, plotted or intended for separate occupation or use.

2.5 Plan – The final subdivision map, drawing or drawings, easements, deed restrictions, and other required supporting data prepared for approval by the Commission and to be filed in the office of the Town Clerk.

2.6 Resubdivision – A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of a 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.

2.7 Street – Any street, avenue, boulevard, road, lane, alley or other way open or proposed to be open to public vehicular traffic and owned and/or maintained, or proposed to be owned and/or maintained by the Town.

2.8 Subdivider – The owner of record at the time of filing of an approved subdivision or resubdivision plan or, at the time of application, a person holding an option or agreement to purchase land for a subdivision.

2.9 Subdivision – The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes, and includes resubdivision.

2.10 Tract – A parcel or contiguous parcels of land in one ownership.

Section 3: GENERAL REQUIREMENTS

3.1 Transfer or Sale of Land – No owner of any land located within the Town of Lebanon shall transfer or sell or agree to sell or negotiate to sell any land from, and no building permit for the construction of any structure, utilities or public improvements shall be issued for, a proposed subdivision before the Plan of such subdivision has been approved by the Commission and recorded or filed in the office of the Town Clerk.

3.2 Conformity to Regulations – No Final Plan of subdivision shall be approved by the Commission unless it shall conform to these regulations and the Zoning Regulations of the Town of Lebanon.

3.3 Filing of Plan – No Plan of subdivision shall be filed or recorded with the Town Clerk until it has been approved by the Commission as indicated by the endorsement on the Plan by the Chairman of the Commission. The Plan shall be filed with the Town Clerk within ninety (90) days following approval of the Plan at no expense to the Town. Any Plan not so filed shall become void.

3.4 Plan of Development – The Plan for subdivision shall conform to the comprehensive Plan of Development for the Town of Lebanon prepared by the Lebanon Planning and Zoning Commission.

- 3.5 Public Health and Safety – No land shall be subdivided unless it shall be of such character that it can be used for building purposes without danger to health and the public safety, and no subdivision plan shall be approved unless it conforms to health and public safety regulations of the Town and State of Connecticut, as may be amended hereafter, and unless it provides adequately for water drainage, and sewerage, and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, for protective flood control measures.
- 3.6 Streets – No subdivision plan shall be approved unless the proposed streets are in harmony with existing or proposed principal thorough fares shown in the Plan of Development of the Town, especially in regard to safe intersections with such thoroughfares and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs. (See Section 6.3)
- 3.7 Subdivision in Special Flood Hazard Zone. If a proposed subdivision is located in the Special Flood Hazard Area the following requirements shall apply: **(Amendment effective 6/16/11.)**
- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - D. The Commission shall require the applicant to provide base flood elevation (BFE) data for all subdivision proposals. In all special flood hazard areas where BFE data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed developments.

Section 4: PROCEDURES

INFORMAL REVIEW

- 4.1 Informal Review – In order to obtain opinions on a proposed subdivision and expedite the approval of a subdivision plan, a subdivider may review with the Commission and its staff in a preliminary and informal manner any proposal for subdivision prior to submission of a final plan. It should be clearly understood that such informal review enjoys no official status and that consent with regard to the feasibility of the informal plan on the part of the Commission in no way mandates approval of the required plan.

Informal review is encouraged in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but is at the sole discretion of the applicant.

A. Suggested Information – The subdivider may submit such information as he deems would be of assistance to the Commission and its staff in its review. He should include as a minimum an informal plan incorporating the following:

- (1) North arrow
- (2) Scale
- (3) Location map in insert
- (4) Name of subdivider
- (5) Name of subdivision
- (6) Date
- (7) Existing streets
- (8) Proposed streets, if any
- (9) Tentative lot lines
- (10) Open space
- (11) Ledge, wooded areas, water courses, wetlands, if any
- (12) Unusual topographical features, if any
- (13) Topography, including contour lines which may be based on U.S.G.S. maps

The informal plan should be drawn to a scale of not more than 200 feet to the inch. It should show sufficient information about the subdivision or resubdivision to form a clear basis for discussion of the basic factors and problems affecting the proposed development.

B. Detailed Information – Nothing herein shall be construed to prevent a subdivider from presenting maps and documentation in greater detail and containing more information to the Commission, if the subdivider feels it is in his best interest to do so.

FINAL APPLICATION

- 4.2 Application for Approval of Plan – The application for approval of a plan shall be considered complete when the Commission at a regularly scheduled meeting has determined that the applicant has submitted all the following application requirements of these Regulations.

The official date of receipt of such application shall be fixed as the date of the regularly scheduled meeting of the Commission at which the application is submitted, or at the regularly scheduled meeting immediately following the submission of the application, or 35 days after the date of submission, whichever is sooner.

- A. Application – Application for approval of a subdivision or resubdivision shall be made to the Commission in writing in duplicate on a form furnished by the Commission. The owner of record, at the time of the application, if not the applicant, shall sign the application.
- B. Fees – A fee in the amount established by Town Ordinance.
- C. Ownership – If the applicant is not the owner of the property, documentation of the applicant’s interest in the property must be submitted.
- D. Statement of Intent Regarding Future Development – If the applicant owns land abutting the proposed subdivision a statement of intent regarding future development plans shall be submitted as part of the application.
- E. Estimate – Whenever any proposed subdivision plan involves grading and improvement of streets or the installation of public utilities and services, or other improvements as required in these Regulations, the applicant shall file with the Commission at the time of application an adequately detailed estimate of the cost of improvement.
- F. Sanitary Report – Report of Town of Lebanon Sanitarian evaluating the feasibility of on-site sewage disposal as indicated by on-site testing and the proposed plan.
- G. Copies of any proposed deeds, deed restrictions, covenants, homeowner association documents, etc.
- H. A subdivision plan map or maps meeting the following requirements:
1. General – The maps and plans required by these Regulations shall meet Class A-2 standards of the Connecticut Technical Council, Inc. and shall show the information and be prepared in accordance with the standards hereinafter specified. All required maps and plans shall be prepared by and shall bear the name and seal of a land surveyor and/or engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut as provided by Section 7-31 of the General Statutes of the State of Connecticut. Pertinent survey data and computations shall be presented to the Commission for review if requested. All original maps shall consist of sheets at least 24” by 36” and no larger than 25” by 37”. Plans shall be in waterproof ink on good quality white drawing paper mounted on muslin or on a good quality of tracing cloth or mylar.

2. The map or maps shall be submitted in two (2) originals and two (2) copies reproduced in black or blue-line prints at a scale of 1" = 40' and shall include ten (10) half-size (11" x 17") prints. **(Amendment effective 8/25/08.)**

The Commission may require additional copies at its discretion. For large parcels the Commission may permit different suitable scales. The Plan Map shall contain the following:

- a. Title of subdivision.
- b. Name of owner of land to be subdivided; name of subdivider, if different; name of the applicant if different from the owner.
- c. Date, scale, north arrow.
- d. Existing and proposed property and street lines, with dimensions; existing buildings and adjoining property lines for a distance of 200', names of adjacent property owners; names and approval dates of abutting subdivisions; indication of any variance or special permit applicable to the land to be subdivided.
- e. The zoning district or districts in which the subdivision is located and any zoning district boundary lines.
- f. Accurate layout of all lots and lot lines with lot numbers and area of each lot in square feet, including open space to be used for common or public use; all lot dimensions; building setback lines as required by the zoning regulations.
- g. Existing and proposed monuments and iron pins.
- h. Accurate layout of existing and proposed streets and street names, easements or rights-of-way including those for utilities and drainage, with accurate bearings and dimensions, including arc length, radii and central angle of all curves.
- i. Location and sizes of existing and proposed water mains and appurtenances, if any; community wells and pump houses, storm drains, sanitary sewers, catch basins, man-hole ditches, water courses, headwalls, sidewalks, curbs, gutters, and other structures on or adjacent to the subdivision.
- j. Location, profile and results of all test holes and percolation tests as required by the Commission and the Sanitarian; a copy of the recommendations of the Sanitarian.

k. Key elevations of existing adjoining roads and spot elevations showing tentative grading of proposed roads within the subdivision.

l. Approximate contours of the existing surface of the land with intervals adequate to indicate drainage and grades. (The Commission may require an indication of existing or proposed topography at up to contour intervals of two (2) feet where it is necessary to adequately assess the impact of the proposal on the site.)

m. Location of wetlands, watercourses, including intermittent streams or natural drainage ways within and adjacent to the tract, special flood hazard areas, if any.

n. An index map, if the proposed subdivision is divided into sections or is of such size that more than one sheet is required, showing the entire subdivision with lots, lot numbers, streets, street names, and delineation of areas covered by the section or sheet.

o. A location map with a scale of 1" = 1000' showing the location of the subdivision in relation to the main town roads. In addition, if the proposed subdivision covers only a part of the applicant's holdings, the map should indicate the entire parcel in relation to the proposed subdivision and an indication of a possible future road system for the remaining portion of the tract.

p. A statement reading "The Zoning and Subdivision Regulations of the Town of Lebanon are a part of this plan and approval of this plan is contingent on compliance with all requirements of the said Zoning and Subdivision Regulations." A place shall be provided for the signatures of the Chairman of the Planning and Zoning Commission, Chairman of the Inland Wetlands and Watercourses Commission and First Selectman.

q. Plan and profile drawings of all proposed streets, storm drains, sanitary sewers, water mains and appurtenances, community wells and pump houses, catch basins, man-holes, ditches, water courses, headwalls, sidewalks, gutters, curbs, bridges, culverts, power, telephone, and other structures and improvements required by these Regulations including typical cross sections, construction details. All plans and improvements shall be in conformance with the Lebanon Highway Department standards and specifications.

r. A Soil Erosion and Sediment Control Plan in accordance with Section 7.8 of Lebanon's Zoning Regulations, as amended.

The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 7 of these regulations.

s. Identify all trees whose diameter exceeds 12 inches located within the present or future town right-of-way. (**Amendment effective 7/1/04.**)

t. Location of proposed homes to include their orientation designed to take advantage of passive solar access or as close as possible to the building's longest plane positioned to be no more than 30 degrees off the east/west axis. (**Amendment effective 6/16/11.**)

I. Proposed Road Staking. To facilitate plan review, at time of filing, the Applicant shall stake the centerline of all proposed streets no greater than every 100 feet with the centerline station as marked on the plans. An application shall be considered incomplete without staking.

J. Notification of Adjacent Property Owners: To ensure ample opportunity for neighborhood opinion to be expressed, the applicant shall be responsible for mailing notices to owners of land adjacent to the site. Such notice, which shall be sent by certified mail at least ten (10) days prior to the date of the scheduled public hearing, shall include a copy of the subdivision application form submitted to the Commission, the date and time of the scheduled public hearing and the fact that the subject plans are on file in the offices of the Clerk to the Commission. A copy of the applicant's notice to adjacent property owners, a list of the property owners notified, and return receipts from the certified mailings shall be filed in the offices of the clerk to the Commission at least five (5) days prior to the public hearing.

The term "adjacent" as used in this section includes properties located across the street or highway of the proposed site.

Where no public hearing is scheduled on an application, the notification requirements detailed herein shall apply, however, notification shall be sent within 15 days after the meeting at which the Commission determines the application complete. Refer to section 4.2 Application for Approval of Plan. The same information shall be forwarded, however, instead of the date and time of the public hearing, the date and time of the Commission's next regularly scheduled meeting at which the subdivision will be scheduled for review shall be substituted.

Failure to provide evidence of Compliance to this requirement will result in the application being denied without prejudice. A new filing fee will be required for a new application.

Section 5: REVIEW AND APPROVAL

- 5.1 Consideration of Application – After the application has been determined to be complete and the official submission date established, the following procedures shall be followed by the Commission in the process of reaching a decision on the plan.
- 5.2 Review – In reviewing the application, the Commission shall determine whether the plans and documents conform to the requirements of these Regulations. Other evidence may be required from the applicant in order to establish to the satisfaction of the Commission the following matters: that the land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision will be made for water, drainage and sewerage and erosion control; that proper provision will be made for protective flood control measures in areas contiguous to brooks, rivers or other bodies of water subject to flooding; that open spaces for parks and playgrounds will be established in places deemed proper by the Commission; and if the Commission shall have adopted a Plan of Development or circulation plan affecting the area of the proposed subdivision, that any proposed street shown on the subdivision plan is in harmony with existing or proposed streets shown on said plan, especially in regard to safe intersections with such streets and that consideration has been given for safe transport of children to and from school.
- 5.3 The Commission shall transmit a copy of the plan to the following for an official review and comment on the adequacy of the proposed plan as related to their area of expertise. Any comments shall be returned to the Commission within the statutory time available for it to act on the application.
 - A. Board of Selectmen or its designated agent and/or the State Department of Transportation for a report indicating the adequacy of proposed storm water drainage, road construction and layout, possible location of driveways, as they intersect with Town or State roads, necessary improvements to existing roads and drainage systems, and other proposed improvements in the plan.
 - B. Lebanon Inland Wetlands and Watercourses Commission.
 - C. The Tree warden. **(Amendment effective 7/1/04.)**
 - D. Fire Chief and Fire Marshal. **(Amendment effective 8/25/08.)**
- 5.4 The Commission may transmit a copy of the plan to other municipal, regional, State, federal or other organization for review, comment, and recommendations.
- 5.5 Public Hearing – The Commission may hold a public hearing regarding any subdivision proposals if, in its judgment, the specific circumstances require such

action. No plan of resubdivision shall be acted upon by the Commission without a public hearing. Notice of the time and place of any such hearing shall be given in the manner prescribed by statute.

- 5.6 Commission Action – Within sixty-five (65) days after the public hearing, or, if no public hearing is held, within sixty-five (65) days after the submission of the final plan accompanied by the application for subdivision approval, the Commission shall approve, modify and approve, or disapprove such application and plan. An extension of time not to exceed a further period of sixty-five (65) days may be had with the consent of the applicant. Notice of the decision of the Commission shall be published and sent to the applicant in the manner and within the time prescribed by statute.
- 5.7 Approval – The Commission, after the public hearing, if any, shall give approval to the application if it finds that the application, plans and documents conform to the requirements of these Regulations. In granting approval the Commission may attach such conditions that it deems necessary to modify the plans and documents and to preserve the purpose and intent of these Regulations. Such approval shall also be conditioned upon presentation of suitable easements and deeds and shall be conditioned upon completion of all required subdivision improvements, or in lieu of completion of the improvements, the acceptance of a guarantee of performance in the form of a bond or a deposit, as specified in Section 7 of these Regulations. The Commission shall establish a date by which all conditions of approval shall be met. Failure to meet such conditions within the time specified by the Commission shall cause the conditional approval to be null and void and the subdivision plan shall be considered disapproved.
- 5.8 Endorsement – If the Commission shall approve a plan, or modify and approve a plan, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed on the plan and signed by its Chairman on behalf of the Commission after all conditions of approval have been met. The plan shall not be endorsed until the map has been signed by the Chairman of the Lebanon Inland Wetlands and Watercourses Commission and the First Selectman. As a condition of endorsement the Commission may require the previous installation of all required monuments and iron pins.

No plan shall be recorded or filed by the Town Clerk until approval has been endorsed thereon by the Commission and filing or recording of a plan without such approval shall be void.

No changes, modifications or revisions shall be made after approval has been given by the Commission and endorsed in writing on the plan. In the event that any subdivision plan, when recorded, contains any such changes, the plan shall be considered null and void and the Commission shall institute proceedings to have said plan stricken from the Lebanon land records.

- 5.9 Town Clerk Filing – Once the final subdivision plan has been dated and endorsed, the subdivider shall cause such plan to be filed in the office of the Town Clerk within the time and in the manner provided by statute. If such filing is not made within said time period, the approval of such plan shall become null and void.
- 5.10 Certificate of Compliance – Before release of any subdivision bond or before the Commission endorses any record subdivision map to permit filing with the Town Clerk when no subdivision bond has been posted, the applicant shall present a statement and a copy of the “as built” construction plans, each signed and sealed by a professional engineer licensed to practice in the State of Connecticut certifying that the streets, ditches, water courses, headwalls, storm drains, sanitary sewers, catch basins, manholes, sidewalks, gutters, curbs, bridges, culverts and other structures and improvements have been installed in the location and at the elevation or grade shown on the construction plans. Any revisions of the approved construction plan must be approved by the Commission or its designated agent. Such revision shall be on the “as built” construction plans.
- 5.11 The approval by the Commission of a Final Subdivision Plan shall not be deemed to constitute or be evidence of the acceptance by the Town of any street or other open space on such subdivision plan.
- (1) Acceptance by the Town of any such street or other open space can be done only by vote of a Town Meeting.
- (2) Upon completion of the required work associated with the street or open space, the applicant shall request the Selectman for such acceptance by requesting the item be placed on the agenda for a regular or special Town Meeting. With said request, the applicant shall include copies of deeds and maps, certificate of title, as-built plan in AutoCad format, a positive recommendation for acceptance by the town engineer, and a copy of the approval letter of the subdivision from the Planning and Zoning Commission.
(Amendment effective 12/1/00.)
- 5.12 Construction Inspection Responsibilities – It shall be the responsibility of the subdivider to notify the Commission thirty (30) days in advance of the beginning of construction. An agent of the Commission will then meet with the contractor and define the construction inspection schedule. This schedule will include, but not be limited to, initial site inspection prior to any construction, inspection of storm drainage trench excavation, inspection of roadway excavation prior to placement of gravel, inspection of final grading prior to paving and final inspection prior to request for Guarantee of Performance release.

The Commission’s agent must be informed of all phases of work being started so that inspection can take place as work is being done. In no case shall the contractor or

subdivider perform any paving work without giving twenty-four (24) hours advance notice to the agent so that the agent can be present at the time work is being done. Failure to notify the agent 24 hours in advance of performing work will result in delays and the necessity of excavating and replacing work already performed before approval is given.

The subdivider shall be responsible for scheduling and bearing all costs for field and laboratory tests of materials used in the construction and rehabilitation of roads to be incorporated into the subdivision. Testing frequency shall be in accordance with requirements of the Town of Lebanon. Failure to properly test and provide documentation will result in delays and the necessity of excavating and replacing work performed before approval is given. The subdivider shall be solely responsible for determining construction methods and techniques and scheduling field and laboratory testing so that applicable construction standards and specifications are met.

SCHEDULE A TOWN OF LEBANON

Minimum Testing Requirements for Road Construction and Rehabilitation

The following information is provided to highlight some of the testing requirements of the Town of Lebanon regulations for subdivision and the State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and incidental Construction (Form 814 as amended). The tests listed below represent minimum testing requirements and do not address all the testing requirements set forth in the regulations. Specifically, the tests listed below pertain to the granular materials used in the construction and rehabilitation of roads to be incorporated into a subdivision.

Table T-1 lists the testing requirements for three materials: subgrade, subbase and base. These tests are to be performed for all new and rehabilitated roads to be incorporated into a subdivision. The tests are to be performed by a professional testing service meeting all the requirements and having all licenses and certifications required by the State of Connecticut. All field and laboratory tests data and results generated by the testing service shall be current and bear the seal of the Engineer of Record who shall be a Professional Engineer registered in the State of Connecticut. The subdivider shall bear all costs associated with all tests required by the Town of Lebanon subdivision regulations, including all tests required by the Form 814.

1. TEST REPORT REQUIREMENTS

Prior to being submitted for review by the Town of Lebanon and the Town of Lebanon's Engineer, all test data and results shall be reviewed, approved by and incorporated into a report prepared by the Engineer of Record who shall be a Professional Engineer registered in the State of Connecticut. Each test report shall include all test results, an accurate location map showing where each test and sample were taken, the time and date of each sample and tests and the name

of the technician performing the test and/or taking the samples. In addition, the test results shall identify the material and the state if the material being tested meets or does not meet all the requirements of the Town of Lebanon and Form 814. In the event that the material does not conform to the specifications, all deviations shall be noted and any remedial actions proposed shall be identified for approval. All test results shall be submitted to the Town of Lebanon and the Town of Lebanon’s Engineer for review.

TABLE T-1

Material	Tests Required	AASHTO Method	Test Frequency
Subgrade	Sieve Analysis Moisture Density Relationship Field Moisture Density (Nuclear)	T 27, T 11 T 99, T 180 T 238	1 per 200 CY or Change of Material ¹ 1 per 200 CY or Change of Material ¹ 1 per 100 LF of road per 2’ lift
Subbase	Sieve Analysis Moisture Density Relationship Field Moisture Density (Nuclear) Plasticity Loss on Abrasion	T 27, T 11 T 99, T 180 T 238 T 90 T 96	1 per 5 CY or Change of Material ^{1,2} 1 per 200 CY or Change of Material ^{1,2} 1 per 100 LF of road Refer to CT DOT Form 814 1 per 2000 CY or Change of Material ¹
Base	Sieve Analysis Moisture Density Relationship Field Moisture Density (Nuclear) Plasticity Loss on Abrasion Soundness of Aggregate	T 27, T 11 T 99, T 180 T 238 T 90 T 96 T 104	1 per 500 CY or Change of Material ^{1,2} 1 per 200 CY or Change of Material ^{1,2} 1 per 50 LF of road Refer to CT DOT Form 814 1 per 2000 CY or Change of Material ¹ 1 per 2000 CY or Change of Material ¹

¹ Change of Material refers to a change in source, texture or appearance

² Three Test Minimum

2. COMPACTION REQUIREMENTS

Subgrade – 95% of Optimum Dry Density as determined by AASHTO T 180 (Modified Proctor)

Subbase – 95% of Optimum Dry Density as determined by AASHTO T 180 (Modified Proctor)

Base – 100% of Optimum Dry Density as determined by AASHTO T 180 (Modified Proctor)

Bituminous Pavement – Shall meet all requirements of Form 814

The subdivider shall be solely responsible for determining construction methods and techniques and scheduling field and laboratory testing so that applicable construction standards and specifications are met. Any materials incorporated into the construction which do not meet the applicable standards and specifications shall be removed and replaced at the sole expense of the subdivider.

3. TESTING PROCEDURES

Sieve Analysis: This test is required to determine the gradation of the material for comparison with the minimum specifications and requirements of the Town of Lebanon. Samples for this test will be taken initially from the source of the material and again during the placement at the frequency stated in TABLE T-1. Initial results for this test shall be submitted to the Town of Lebanon and the Town of Lebanon's Engineer for approval prior to placement of any materials for which this test is required.

Moisture Density Relationship: This test is required to establish the optimum moisture content for compaction operations as well as the maximum dry density of the material. The maximum compaction required when the material is in place is expressed as a percentage of the maximum dry density achieved by this test. Samples for this test will be taken initially from the source of the material and again during placement at the frequency stated in TABLE T-1.

Field Moisture and Density by Nuclear Methods: This test is required to determine moisture content and the percent compaction of the material in place. The results of this test shall be compared to the results of the Moisture Density Relationship test to determine if the percent compaction of the material in place meets the minimum specifications and requirements of the Town of Lebanon. This test will be performed as road construction progresses at the frequency stated in TABLE T-1.

4. CONSTRUCTION OBSERVATION

Site Visits: The Town of Lebanon's Engineer will require the subdivider to notify them 48 hours prior to the placement of subsequent layers and materials during road construction and at construction milestones (see TABLE T-2). At that time, the Town of Lebanon's Engineer will determine if a site visit is warranted or if the construction can continue without a site visit. In either case, the required test results and reports shall be available to the Town of Lebanon's Engineer prior to site visits and before subsequent operations continue. Under no circumstances shall any material or layer be "buried" without approval by the Town of Lebanon's Engineer.

5. MILESTONES

The completion of the following phases of road construction shall be subject to the approval by the Town of Lebanon's Engineer and the Town of Lebanon before progressing to the next phase of road construction. The subdivider shall notify the Town of Lebanon's Engineer a minimum of 48 hours in advance of continuing into the next phase of construction. All test requirements must be met and the Town of Lebanon's Engineer shall have received all test results and reports for each material in accordance with the section above titled "TEST REPORT REQUIREMENTS" before approving each phase listed below. Each phase may be approved for a given section of road to facilitate a smooth and timely work progression provided all testing requirements are being met.

TABLE T-2

<u>Construction Milestones</u>	<u>Submission Requirements</u>
After site clearing, construction staking and installation of silt barriers.	None
Prior to installation of under drains, drainage pipes and structures, prior to backfilling.	Manufacturer's design data, shop drawings
Prior to installation of special drainage structures and outlet protection.	Shop drawings, certified as reviewed and approved by Engineer of record, shall be submitted to the Town Engineer for review and acceptance prior to installation of said structures.
After formation of subgrade, prior to installation of subbase.	Refer to TABLE T-1 and Test Report Section.
After installation of subbase, prior to installation of base.	Refer to TABLE T-1 and Test Report Section.
After installation of base, prior to installation of bituminous concrete pavement.	Refer to TABLE T-1 and Test Report Section. State DOT certification of plant and mix required.
Placement of bituminous concrete.	Meet all requirements of Subdivision Regulations and Form 814. Submit original copies of plant weight slips.
Prior to installation of loam and seed.	Certification by Engineer of Record and Registered Land Surveyor that the final grade meets all subdivision requirements. Seed mix verification and guarantee.

The testing requirements listed above shall not interfere with any other state, federal, or local requirements, ordinances or laws governing the safety and well being of any and all parties public or private. Subdivider shall enforce all state, federal, and local safety codes and requirements in force during all phases of development. In the event that the requirements of the Town of Lebanon subdivision regulations conflict with the proper implementation of any applicable safety codes, the proper implementation of the safety code shall always have priority.

Section 6: DESIGN STANDARDS AND SPECIFICATIONS

- 6.1 Suitability of Land – All land to be subdivided shall be of such character that it can be used for building purposes without danger to the public health and safety. Land with inadequate means of sanitary sewage disposal shall not be subdivided for residential purposes.
- 6.2 Lot Size – All subdivision plans shall conform to the requirements of the zoning regulations, but the Commission at its discretion may require lots of larger size, if needed to conform to state or local health requirements.
- 6.3 Streets
- A. All streets in any subdivision shall have free access to, or shall be a continuation of one or more state or town highways. At least one street shall intersect with an existing public street or state highway.
 - B. Streets intended to accommodate presently or at any future time traffic other than that of the immediate neighborhood shall be indicated as collector streets, and if required by the Commission shall have a right-of-way of not less than sixty (60) feet. A local street, which is intended to serve primarily as an access to abutting properties, shall have a right-of-way of not less than fifty (50) feet.
 - C. Other major arteries shall be of such width as the Commission may deem necessary.
 - D. The arrangement of streets shall make provision for the continuation of the principal existing streets in adjoining areas and shall be such as to cause no hardship to owners of adjacent property when such property is to be developed. Streets shall generally be laid out in a curvilinear fashion with an east-west orientation to make use of passive solar access. **(Amendment effective 6/16/11.)**
 - E. A cul-de-sac shall not exceed 700' in length except in conjunction with a Conservation Subdivision Development or where due to topography or other conditions it would be impossible to develop the tract, and shall terminate in a circle not less than 50' in radius to the outside of the right-of-way and a paved travel portion having a radius not less than 45'. **(Amendment effective 8/25/08.)**
 - F. As far as practicable, streets shall follow natural contours.
 - G. Center lines of alternate side streets shall not be closer than 125 feet measured along the center line of the principal street.
 - H. Except where impracticable because of topography or other conditions, all streets shall join each other so that for a distance of at least 100 feet, the street is at right

angles to the street it joins.

I. All street names shall be subject to the approval of the Commission.

J. Street signs shall be located at all intersections and constructed and installed at the developer's expense to specification approved by the Town of Lebanon Highway Department.

K. Blocks generally shall not exceed 1200, or be less than 500 feet in length. Blocks shall be of sufficient width to permit two tiers of lots.

L. Street grading, surfacing, drainage and other public improvements shall meet the following requirements:

1. STREET GRADE

Finished road grade shall not exceed 8% nor be less than 0.5%. Changes in grade shall be connected by vertical curves with a minimum length of one hundred (100) feet for local streets, (design speed 30 mph), 125 feet for collector streets (design speed 40 mph), 150 feet (design speed 50 mph). **(Amendment effective 8/25/08.)**

2. SIGHT DISTANCE

Minimum stopping sight distance shall be:

Design Speed M.P.H.	30	40	50
Stopping Sight Distance	200'	275'	350'

3. ALIGNMENT

Sudden changes in street alignment shall be avoided.

4. PAVEMENT WIDTH

Streets shall be paved to the following widths: Cleared, graded, loamed, seeded shoulders, width measured from edge of pavement shall also be provided as follows:

	<u>Pavement Width</u>	<u>Shoulder/Snow Shelf</u>	<u>R. O. W.</u>
Collector streets	26 feet	4 feet	60'
Local streets	22 feet	4 feet	50'
Cul-de-sac Road	20 feet	4 feet	50'
Commercial or industrial streets	32 feet	4 feet	60'

5. PAVEMENT

The paved portion of the road shall consist of the following:

a. A stable, compacted subgrade. All organic material, topsoil, boulders, soft clays, and other unsuitable materials (as determined by the Commission or its designated agent) shall be removed and replaced with suitable materials. The subgrade may consist of underlying materials or clean compacted fill.

b. A free draining subbase, twelve (12) inches in depth after compacting, constructed of approved gravel (usually local bank run gravel) free of organic material and stones greater than 6" in diameter.

This layer shall be placed at an elevation where ground and surface water levels remain below this layer.

c. A base course of processed aggregate six (6) inches in depth after compacting.

d. A surface course of three (3) inches of compacted bituminous concrete placed in two equal layers (1 ½ inches each).

6. CROSS SECTION

All streets shall be crowned with a cross slope of 3/8" per foot.

7. SLOPES

Cut or fill sections beyond the street line shall not be steeper than 3 to 1 (3 horizontal and 1 vertical), except in rock. The Commission may require flatter slopes to maintain the stability of the bank or permit steeper slopes if adequate retaining structures are provided. At intersections, banks shall be cut to maintain a minimum sight distance of 100 feet along each approach leg. No cut or fill slopes shall extend outside of the subdivision property unless appropriate slope rights are obtained for the Town. All ground surfaces that are disturbed due to grading and constructing the street shall be loamed and seeded.

8. CURBS

Curbing shall be installed where appropriate for drainage purposes. Bituminous concrete shall be utilized in a size and design specified by the Commission as appropriate for the circumstances.

9. STORM DRAINAGE

a. Storm drainage shall be constructed in all streets. Drainage pipe shall be reinforced concrete, or bituminous coated, corrugated steel pipe or pipe-arch with paved invert. Only reinforced concrete pipe shall be used under the road surface or in road bed. When ground water or wet conditions are encountered, perforated steel or reinforced concrete pipe shall be utilized.

1. Test borings shall be made to determine subsurface conditions at the discretion of the Commission. If ground water conditions appear after construction commences, a perforated pipe shall be required.
2. Cross culverts shall be of not less than fifteen (15) inches of reinforced concrete pipe and shall have head-walls constructed of stone, poured concrete or eight (8) inch concrete solid block. The head-wall shall be at least twelve (12) inches above the road level and set back off the traveled portion of the road.
3. Catch basins shall be made of eight (8) inch cement solid blocks, poured concrete or cement rubble masonry to a depth of six (6) inches below the tile and not less than thirty-six (36) inches inside measurements with a poured concrete foundation and floor. The type of grating used shall conform to the State of Connecticut Highway Department's specifications prevailing at the time of construction of the road to be accepted.
4. Water from adjoining driveways or intersecting roads shall be so diverted as not to enter upon the traveled portion of the road. Where the contour of the adjoining land is such that, in the opinion of the Commission, it may create a drainage problem, then the Commission may order the installation of necessary catch basins, culverts and retaining walls. All intersecting road layouts shall have corner cut-offs, minimum radius to be fifteen (15) feet.
5. Drainage improvements shall be constructed in accordance with the specifications in Sec. 6.5 and Sec. 6.3M.
6. Where curbing is required for the control of storm water runoff, the pavement width shall be increased by 2.5 feet where one side of the road is curbed and by 5.0 feet when both sides of the road are curbed.

10. SCHOOL BUS ACCOMMODATION

The Commission may require that accommodations be provided for school bus stops. These accommodations shall include a paved stopping lane, good sight lines and sufficient right-of-way to provide safe waiting area.

11. REFERENCES

All materials, designs and improvements shall be in conformance with the specifications set forth in the latest revisions of:

“A Policy on Geometric Design of Highways and Streets”, 1990; American Association of Highway and Transportation Officials.

“Standard Specifications for Roads, Bridges and Incidental Construction, Form 814A,” 1995; State of Connecticut Department of Transportation.

“Drainage Manual”, January 1983; State of Connecticut Department of Transportation.

“Connecticut Guidelines for Soil Erosion and Sediment Control”, January 1985; The Connecticut Council on Soil and Water Conservation.

12. TYPICAL ROAD CROSS SECTION

	<u>Street R.O.W.</u>	<u>Pavement Width</u>
Local	50'	22'
Collector	60'	26'

M. EXISTING STREETS

If the Commission finds that a subdivision on an existing accepted Town Street (as defined by town ordinance) will adversely effect the health, safety or welfare of vehicular or pedestrian traffic due to poor sight lines, inadequate drainage or inadequate pavement and pavement widths, then the Commission shall require the subdivider to improve the existing street to the standards contained herein. The subdivider will be responsible for the cost of required improvements which are a result of the property being subdivided.

Improvements required may include, but are not limited to:

- a) dedication of right-of-way to bring road to current road standards for that classification.
- b) necessary improvements to improve sight distance.

- c) all, or a portion of, the cost of required drainage improvements.
- d) widening of the traveled way to the minimum required width for traffic including any additional traffic generated by the development.

N. DRIVEWAY AND APRON CONSTRUCTION

A driveway permit must be obtained from the Office of the First Selectman if the driveway will access a town road, and from the State of Connecticut if access is to a state road.

All new and relocated driveways to lots which open onto a street shall be paved with a paved apron. On unimproved streets the apron shall not be required to be paved however, the remaining standards set forth below shall be met. Aprons shall meet the following requirements:

A. Construction Specifications

- 1) Aprons shall be required for all driveways; paved aprons shall be installed on paved roads, gravel aprons on gravel roads.
- 2) The paved driveway apron shall consist of a minimum 2" compacted depth of class 2 bituminous concrete (asphalt) compacted with a minimum of a 2 ton roller. Paved apron shall be placed on a 6" compacted base course of processed aggregate. Base course shall be placed on a 12' compacted bank run gravel subgrade. **(Amendment effective 2/1/06.)**
- 3) The gravel driveway apron shall consist of a 6" course of compacted processed aggregate placed on a 12" of compacted bank run gravel subgrade. **(Amendment effective 2/1/06.)**
- 4) Apron dimensions: the apron shall be a minimum of 28' wide at the edge of the traveled portion of the town road, narrowing at not less than a 8' radius on each side of the driveway to a width of not less than 12', and to a distance of not less than 15' from the edge of the traveled portion of the town road or the property line, whichever is greater. Driveway width at the edge of the road shall not exceed 45'. **(Amendment effective 2/1/06.)**

- 5) The apron is to meet the road at an elevation no higher than the existing pavement so that a snow plow blade will pass without catching.
- 6) Maximum change in elevation from the edge of the road pavement to a point 15' back shall be 9".
- 7) For driveways lower than the roadway, a high point shall be provided near the end of the driveway to prevent water from flowing onto the lot from the road. The high point shall be 4" higher than the road edge, but no higher than the center of the road.
- 8) Apron may not extend into the traveled roadway.
- 9) Apron is to be constructed at the owner's expense; the owner is responsible for repairing any and all damage done to the existing road. Upon completion of the apron and required repairs by the owner said work shall be approved by the Selectman's Office before the certificate of occupancy is issued or, in the case where a driveway bond has been placed with the town, the bond released.
- 10) Maximum grade for any driveway shall be 15%.
- 11) Any driveway, or portion thereof, whose grade exceeds 10% shall be paved to a uniform minimum width of 10' to minimize erosion and sedimentation problems. Contiguous portions where grade exceeds 5% shall also be paved.

B. Sight Lines

- 1) Any trees, brush, stonewalls, fences and/or other obstructions impeding sightlines shall be removed or lowered. Sightlines shall be determined from a point 10' from the edge of the traveled way portion of the town road using a height of 3.5' for both eyes and object, in both directions.

Minimum sight distance shall be: (both directions)

Posted Speed (MPH)	30	40	50
Sight Distance (feet)	200	275	400

C. Drainage Piping

Edges of the driveway and gutter area shall be graded so that water will pass the drive without running into the street or onto the lot. Driveways and aprons shall be graded so as not to direct drainage onto the road. To insure that this provision is satisfied, the Town or the Commission may require that drainage pipe be provided in accordance with the following:

- 1) Interruption of gutter or roadside swale flow will require piping. Piping shall be sized for a 25 year storm, and shall be 15" minimum diameter. Flared ends and riprap shall be required to reduce erosion and sedimentation, and to present a neat appearance.
- 2) Pipe may be reinforced concrete (RCP), asphalt coated corrugated metal (ACCP), or high density polyethylene (HDPE). All pipe shall be installed according to manufacturer's installation recommendations. Installation trench shall have a minimum 6" bedding and minimum 1' cover. Bedding and cover shall be bank run gravel and shall be 1" process gravel or 3/4" stone. **(Amendment effective 2/1/06.)**
- 3) Pipe shall be located as far from the edge of the road as possible to minimize the hazard to errant vehicles. Existing swales shall be graded as appropriate to provide a smooth transition to and from pipe. Disturbed swales shall be protected with riprap or other appropriate measure to minimize erosion.
- 4) Piping installations shall be subject to inspection and approval by the Selectman's Office. All deficiencies shall be approved by the Selectman's Office before the certificate of occupancy is issued or, in the case where a driveway bond has been placed with the town, the bond released.

D. Figures

The driveway shall be constructed in accordance with the requirements shown on Figure (Plate) 1 "Driveway Apron Construction Details."

The minimum lengths of transition (vertical) curves for driveways shall follow the value shown on Figure (Plate) 2 “Minimum Transition Curve Lengths For Driveways.”

6.4 Lots

A. All lots shall have frontage on a street meeting all requirements of the zoning regulations. This section shall not apply to lots created as part of a Conservation Subdivision Development. **(Amendment effective 8/25/08.)**

B. Where practical, side lot lines shall be at right angles to the street on which the lot faces or radial to curved street lines.

C. Proposed lots shall be designed and arranged to make the best use of the natural terrain, to preserve important natural features, including trees, and to avoid unnecessary regrading.

D. No more than one quarter (1/4) of the total number of lots on a subdivision plan shall be permitted to be rear lots, as provided in Lebanon’s Zoning Regulations. **(Amendment effective 8/25/08.)**

In determining compliance with these sections, only those lots shown on the proposed subdivision plan presented to the Commission, plus any other lots that were part of an approved subdivision plan on this parcel of land shall be considered in determining the number of permitted rear lots. Previous divisions of land that were not subject to subdivision or resubdivision approval by the Commission shall not be included as lots in determining the number of permitted rear lots.

E. To ensure the health, safety, and welfare of subdivision occupants and public servants, all lots shall be designed to provide for unobstructed access to any structure planned for the lot, which is adequate to ensure accessibility to such structures by emergency vehicles, including but not limited to fire, ambulance, and rescue vehicles, as well as safe passage for the operators and staff of those vehicles.

F. Residential lots shall be designed and arranged to be “livable”, such that every lot has adequate space for a house; septic system and well, (where applicable); driveway; off street parking area for a minimum of two vehicles; and usable area for yard and/or garden. All subdivision plans shall indicate these features on each lot.

G. Buffers strips adjacent to actively farmed land shall be established in residential subdivisions to consist of one-hundred (100) feet in width unless reduced or waived by the Commission. The Commission may require

plantings within the buffer strip that will provide an effective barrier to reasonably protect residential development from dust and spray drift. **(Amendment effective 8/25/08.)**

6.5 Storm Drainage

A. An adequate storm and surface water drainage system shall be provided with outfalls to a natural watercourse or existing adequate storm drainage system as directed by the Commission. Storm water drains shall be adequate for the anticipated runoff when the drainage area is fully developed as permitted by zoning. All calculations to determine the appropriate capacity of the storm-drainage system shall be presented to the Commission for review.

B. Provisions for the treatment of surface runoff in order to minimize sources and transport of pollutants into wetlands and watercourses following construction, designed in accordance with the latest recommendations of the Connecticut Department of Environmental Protection “Connecticut Stormwater Quality Manual” **(Amendment effective 6/16/11.)**

C. If, in the opinion of the Commission, natural soils, topography, natural water courses, or artificial drainage ways can adequately handle storm-water runoff, the Commission may approve such a system.

D. No open water body, pond, wet or swampy area shall be filled or altered in such a way as to increase the volume of stormwater runoff from the subdivision unless it is shown that such increased runoff is adequately handled.

E. The Commission may request the reservation of sufficient easements for stormwater drainage to be deeded to the Town of Lebanon. Such easements shall be a minimum of 20’ and shall be located entirely on one of any two abutting lots where possible.

F. The subdivider shall acquire all drainage rights and shall be responsible for connecting all new drainage to an existing adequate town drainage system or to an existing natural water course whence drainage rights have been acquired.

F. Natural streams, whether intermittent or year round, shall be left in their natural state and not relocated, dredged, or straightened unless otherwise authorized by the Commission, and insofar as practicable lot layouts shall provide for streams to be at side or rear lot lines or in public open spaces.

6.6 Water Supply

A. All lots shall be laid out so as to provide for safe and adequate water supply as determined by the Town Sanitarian.

B. Where a community or public water system is proposed such system shall meet all requirements of the State of Connecticut and the Town of Lebanon. All necessary mains, branch offsets to each lot, and fire hydrants shall be installed to specifications as approved by the Board of Selectmen.

6.7 Sewage Disposal

A. Each lot shall be capable of providing adequate on-site disposal of sewerage as determined by the Town Sanitarian.

B. One percolation test shall be performed and one deep hole test pit shall be made for each lot in accordance with the provisions of the Sanitary Code of the State of Connecticut and the procedures of the Sanitarian of the Town of Lebanon.

6.8 Open Space

A. Disposition:

1. For any subdivision of land under these regulations, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized open space or recreation areas. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider Plan of Development objectives and map designations and the subject site's characteristics with respect to the following objectives: 1.) The expansion of existing open space and recreational areas and the meeting of neighborhood and/or community wide recreational needs; 2.) The conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, views and vistas, ledge outcroppings and other unusual physical features; 3.) The protection of historic and archaeological sites.

B. Size:

1. Where open space and/or recreation area disposition is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site's value and importance in

meeting the objectives cited in Section 6.8A and the scope of the subdivision proposal. Required open space and/or recreation areas shall constitute a minimum of 10% of the property under consideration. However, based on the site's value with respect to the objectives cited in Section 6.8A up to 20% of the property under consideration may be required by the Commission (see 6.8B.1.b). In determining the total land to be reserved as open space or recreation land, the Commission shall consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open space and/or recreation land shall be shown on the subdivision map.

- a. The area requirements for the open space dedication shall be in addition to the other area requirements for the lots in the subdivision.
 - b. There shall be suitable area of land composed of non-wetland soils within the area set aside for open space to carry out the purpose of 6.8A of these regulations. The area of such non-wetland soil within the open space area shall equal in area to at least 10% of the non-wetland area within the total subdivision.
 - c. In order to be counted towards meeting the open space requirements, no land, wet or dry, shall be smaller than one acre unless the smaller parcel meets the total open space requirements for the subdivision.
2. In a Conservation Subdivision Development, open space land to be preserved by these regulations shall comprise not less than fifty percent (50%) of the total parcel area, unless reduced by the Commission to not less than 33.3% according to Zoning Sec. 8.12.d.5), with the percentage of upland open space to comprise at least the same percentage of uplands of the total parcel area as illustrated below.

Example for illustrative purposes only

<i>Total parcel area:</i>	<i>100 acres</i>
<i>Total amount of uplands:</i>	<i>80 acres or 80% of site</i>
<i>Total amount of open space required:</i>	<i>50 acres or 50% of total parcel area</i>
<i>Minimum amount of upland open space:</i>	<i>40 acres or 80% of open space</i>

The location and extent of open space shall be identified at the time of subdivision application and be subject to Commission approval. A table showing how the 50% open space requirement was established, the number of house lots proposed, and the average size of each lot shall also be provided.

C. Method of Disposition:

1. The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Development and the objectives cited in Section 6.8A; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- a. Perpetual dedication to the Town.
- b. Perpetual dedication to the State of Connecticut.
- c. Perpetual dedication to a land trust or other private organizations whose purpose is the preservation of historic and natural sites for the public benefit and use.
- d. Dedication to a homeowners' association (see Section 6.8f).
- e. Utilization of conservation easement(s), with or without public access.
- f. Utilization of a recreation easement.
- g. Private ownership with the appropriate taking of development rights by public entity (state or town).
- h. Any combination of the above or any suitable alternative approved by the Commission.
- i. Because the Commission is aware that it may not be desirable in all situations to require the dedication of open space land in all subdivisions, particularly those which are small, and because there is a need to treat all developers equally, the Commission, at its discretion, may accept from the developer a fee in lieu of the land dedication for all or

any part of the open space, if the developer chooses to so offer.

D. Procedures:

1. At the time of filing the formal application for the subdivision approval the developer shall indicate on the application and final plans whether (1) land will be reserved for open space purposes, (2) a fee in lieu of the land for open space will be paid to the town or (3) a combination of land reservation and fee is proposed.

2. The Commission shall consider the proposal and make the final determination after negotiating with the subdivider as to whether land shall be dedicated, a fee be accepted or a combination thereof shall occur. The Commission's decision shall be based on an examination and evaluation of:

- a. The Town Plan of Development.
- b. The town's existing and proposed recreation, conservation and open space facilities.
- c. Recommendations of the Lebanon Board of Selectman, Inland Wetlands, Conservation, Recreation, and other official commissions and committees.
- d. The topography, geology, access and location of the land within the proposed development.
- e. The size and shape of the development and its relation to other proposed developments in the immediate area.
- f. The ultimate ownership of the dedicated recreation, open space or conservation areas.

3. In making such a determination, consideration should be given to such factors as the function and location of the parcel, its intended users/beneficiaries, and the amount and cost of the future maintenance. As a general guideline, lands to be dedicated should be those to be preserved largely as undisturbed open space, utilized for passive recreation purposes and which will require little maintenance, or be parcels suitable for development as active recreation facilities.

4. When dedication of land is provided to the town, the dedication shall be reviewed by the Board of Selectmen prior to approval of the subdivision by the Commission.
5. When a fee in lieu of land is accepted, it shall be in an amount equal to not more than 10% of the fair market value of the land to be subdivided prior to approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed 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.

Such fund shall be administered by the Board of Selectmen in accordance with a town ordinance passed for that purpose.

6. The open space requirements of this section shall not apply if the transfer of all the land in a subdivision of less than 5 parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Section 8-39a, equal to 20% or more of the total housing to be constructed in such subdivision.
7. When the subdivision of a tract of land is to take place over a period of time, the open space dedication attributable to a subdivision of a portion of the entire tract may, in the commission's discretion, be deferred to a later date when more, or all, of the land remaining in the entire tract is subdivided. In such event, the following notation shall be placed on the approved map(s) of the subdivided portion(s) of the entire tract, as follows:

“The open space dedication attributable to the land depicted on this map, which constitutes a portion of a larger tract, is hereby deferred to a later date when some, or all, of the land remaining in the entire tract is subdivided. At such later date the open space attributable to this subdivision will be combined with the open space dedication(s) attributable to the remaining portion(s) of the entire tract in a size and at a location determined by the Commission in accordance with the standards set forth in its subdivision regulations.”

In exercising its discretion to defer dedication of open space and to determine the size and location of deferred open space, the Commission shall take into account and apply the standards for open space dedication set forth in Section 6.8 of the subdivision regulations. When a dedication of open space has been deferred pursuant to this section, the requirement that the deferred open space is to be located on remaining portion(s) of the entire tract shall be binding on the owner(s) of such remaining portion(s).

E. Conditions of Open Spaces and/or Recreation Land:

1. Land to be used for the purpose of active recreation, such as parks and playgrounds, shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall typically be 20 feet wide and have a slope of no greater than 12%. Parking may be required to accommodate the number and types of vehicles expected to use the facility.

2. Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state by the subdivider. Except for improvements as may be required by the Commission, open space areas shall not be graded, cleared, or used as a repository for brush, stumps, earth, building materials or debris.

3. The Commission may require that any land to be dedicated for recreational use be cleared of brush, trees and debris; be graded to properly dispose of surface water; be covered with organic topsoil to a depth of 4"; be seeded with low maintenance grass seed and be otherwise improved so that the land is left in a condition appropriate to the intended use.

4. When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the endorsement of the subdivision plan.

F. Homeowner's Association:

1. The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an [association] of property owners. Such transfer shall be in accordance with the standards established by the Commission to include, but not be limited to, the following which:

- a. establishes a mandatory participation in an association of property owners to maintain the land reservation for open space park and playground purposes, with power to assess all members for all necessary costs;
- b. will be binding on all future property owners;
- c. will be perpetual;
- d. will not be affected by any change in zoning or land use;
- e. will assure adequate maintenance;
- f. may be enforced by the Town by appropriate legal action;
- g. shall provide that if maintenance or preservation of the dedication no longer comply with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

After approval by the Town Attorney and Commission, said document shall be filed by the subdivider in the office of the Town Clerk.

G. Legal Transfer:

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 in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and/or the Commission and shall refer to the subdivision map title. All warranty deeds for the 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 legislative body of the Town, the deed shall be returned, and the subdivider shall return to the Commission for

determination of an alternative means of preserving the open space and/or recreation areas if the Town chooses not to accept the open space. 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 and/or recreation area by the Town.

H. Dedication for Other Municipal Purposes:

In the event the subdivider desires to transfer to the Town land for other municipal purposes such as future schools, fire houses, etc., the dedication provisions of this regulation shall be complied with. The Commission may consider such a municipal dedication as a credit toward any open space and/or recreational area disposition requirements.

I. Enforcement:

1. To ensure proper construction of any required improvements, the Commission may require the subdivider to post a performance bond in an amount and with terms acceptable to the Commission. Unless modified by the Commission, all required improvements of open space and/or recreation land shall be completed prior to the occupancy of 50% of the dwellings within the subdivision.

2. The Planning & Zoning Commission or its designated agent reserves the right to enter onto land dedicated as open space for the purpose of monitoring compliance with the use restrictions which may be specified for the open space as part of Section 6.8 of the subdivision regulations. The Commission or its designated agent shall notify the owner(s) of such entry by certified, return receipt mail. Where the open space does not front on an existing public right of way, the subdivider shall provide a 25 foot access easement through other lands of the subdivision in order to provide access from an existing public right of way to the open space lands. Such access easement shall be clearly delineated on the final subdivision plans. The access easement shall be for the benefit of Town of Lebanon, and not for the benefit of the general public unless use by the general public is intended and therefore clearly indicated on the final plans.

3. Owners of land dedicated as open space under these regulations shall be required to comply with the use restriction specified as part of the open space dedication under this section of the subdivision regulations. Enforcement action against the owner of lands dedicated as open space under these regulations will be taken for violations of the land use restrictions placed on the land.

- 6.9 Monuments – Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points on tangents over 300 feet in length, and shall be of concrete and of such size and length as the Board of Selectman shall specify. Iron pins shall be installed at all lot corners. Installation of such monuments and iron pins is a condition of approval of all subdivisions. Before the Commission endorses any record subdivision map to permit filing with the Town Clerk or before the release of any subdivision bond, a land surveyor, registered in the State of Connecticut, shall certify on the plan or in a separate letter to the Commission that all monuments and iron pins have been installed as shown on the approved plan. Any revisions to the approved plan must be approved by the Commission.

Section 7: GUARANTEE OF PERFORMANCE

- 7.1 General – Completion of improvements will not be required prior to the approval of the plan by the Commission provided that a detailed estimate of the cost of such street, drainage structures, signs, utilities installation, and other required improvements is submitted with the application for approval provided that:
- A. A surety bond or irrevocable letter of credit is filed with the Board of Selectmen issued by, respectively, a surety company licensed to do business in the State of Connecticut or a Connecticut approved banking institution in an amount with conditions satisfactory to it but not to be less than the estimated cost of construction of improvements at the end of the bond period securing the completion of the work on such improvements, or
 - B. In lieu of a surety bond or irrevocable letter of credit, there is deposited with the Board of Selectmen of the Town of Lebanon cash in an amount sufficient, in the opinion of the Board, to guarantee the completion of the work, or
 - C. In the case of water mains, electric lines or other utilities to be installed by a public utility, corporation or municipal department, a written statement from the utility(s) that the work will be done within a reasonable time and at no expense to the Town of Lebanon will be accepted in lieu of the requirements of subsections 7.1.A, 7.1.B of this section.
- 7.2 Duration and Release of Guarantee of Performance – Such bond, irrevocable letter of credit or deposit if filed or deposited in accordance with Section 7.1 shall be contingent upon completion of such improvements within one year of the date of acceptance or other time period deemed appropriate by the Board. At the discretion of the Commission a time extension may be granted.

If the bond or irrevocable letter of credit is called at the end of the one year period and the improvements have not been completed, the sum of the bond or irrevocable letter of credit may be increased by an amount determined by the Board; the sum of any such bond or irrevocable letter of credit or the amount of any deposit may also, from time to time be reduced and obligations of the parties thereto released by the Board, in whole or part, under the condition that the Board has received a certificate of a Connecticut licensed professional engineer, which has been approved by the Board of Selectmen, showing that all or some portion of the work has been completed in accordance with the approved subdivision plans and these Regulations. For the purposes of this section, the Board of Selectmen shall act as agent for the Commission.

A. Upon receipt of certification that the work has been completed but prior to the release of the bond, or other guarantee of performance, the Commission shall require the posting of a maintenance bond or other guarantee of performance, in order to assure the satisfactory condition of the required improvements, in the amount of 10% of the estimated costs of all the improvements for a period of one year from the date of acceptance of the improvements by the Town for the following purposes:

1. To repair any defects in the work performed.
2. To complete any work required by the plan, but not yet done.
3. To fulfill any other requirements of the regulations not addressed.

Section 8: MODIFICATIONS

Where, due to topography or other conditions especially affecting the land to be subdivided, a literal enforcement of these regulations would result in practical difficulty, unnecessary hardship or a conflict with other requirements in such subdivision deemed to be of greater benefit or importance, the Commission may vary the application of these regulations in harmony with their general purpose and intent as permitted by State statute. A public hearing may be held on any subdivision for which a modification in these regulations is proposed. The Commission shall state in its minutes its reasons for approving any such modifications.

Section 9: ENFORCEMENT

Any person, firm, or corporation making any subdivision of land without the approval of the Planning Commission of the Town of Lebanon shall be fined not more than \$200 for each lot sold or offered for sale or so subdivided. Said penalty is

pursuant to Chapter 126, Section 8-25 of the Connecticut General Statutes, as amended. The enforcement of these regulations shall be by the Commission or its designated agent.

Section 10: AMENDMENTS

These regulations may be amended by the Commission at any meeting called for the purpose after a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the Town of Lebanon at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days prior to the date of the hearing.

Section 11: SEPARABILITY

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

Section 12: EFFECTIVE DATE

Subdivision regulations for the Town of Lebanon Connecticut were originally adopted and became effective in April, 1962. A major revision to the regulations became effective on June 1, 1980 and any regulations previously adopted were repealed as of that date. This reprinting is a compilation of those regulations and subsequent amendments effective through August 25, 2008.

Section 13: LIST OF FIGURES

Figure 1 – Driveway Apron Construction Details

Figure 2 – Minimum Transition Curve Lengths For Driveways