

TOWN OF FRANKLIN

SUBDIVISION REGULATIONS

FRANKLIN, CONNECTICUT

Prepared by the Franklin Planning & Zoning Commission with Technical Assistance from
the Southeastern Connecticut Regional Planning Agency

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CHAPTER 1 – TITLE, PURPOSE, AND AUTHORITY

- 1.1. **TITLE:** These rules and regulations of the Franklin Planning and Zoning Commission shall be known and may be cited as the “Subdivision Regulations of the Town of Franklin, Connecticut” which herein called “these Regulations”
- 1.2 **AUTHORITY:** Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning and Zoning Commission of the Town of Franklin adopts the following regulations controlling the subdivision and re-subdivision of land in the Town.
- 1.3 **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 and Zoning Commission; and in general, to protect the health, safety, convenience, and welfare of the inhabitants of the Town of Franklin.
- 1.3.1 The Regulations contained herein shall apply to any owner or agent of owner of any land located within the Town of Franklin, who, subsequent to May 22, 1972, the effective date of these Regulations, subdivides a tract or parcel of land or who effects a re-subdivision of a tract of land as will be hereinafter defined. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease until a plan of subdivision, prepared in accordance with the requirements of these Regulations, has been approved by the Commission.

CHAPTER 2 – DEFINITIONS

- 2.1 **SUBDIVISION:** The division of a tract or parcel of land into three (3) or more parts or lots made subsequent to May 22, 1972, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes re-subdivisions.
- 2.2 **RE-SUBDIVISIONS:** A change in a map or of an approved or recorded subdivision, or re-subdivision, if such change a) affects any street layout shown on such map, or b) affects any area reserved thereon for public use, or c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map, or as the definition “re-subdivision” is used in Chapter 126 of General Statutes, or as it may hereafter be amended by Statute.

- 2.3 **COMMISSION:** The Planning and Zoning Commission of the Town of Franklin.
- 2.4 **STREET:** An improved right-of-way accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.
- 2.4.1 **DEAD-END STREET:** a street or segment of a street that is connected to another street only at one end.
- 2.4.2 **ISOLATED STREET NETWORK:** a dead-end street or a set of connected streets or street segments, which have only one path from it or them over one or more streets to a state highway. All paths which have any points in common other than the point of origin shall be considered as one path. Any intersection, crossing, or overlap shall be considered a "point in common". The component streets of a boulevard may be used individually to establish separate paths.
- 2.4.3 **PLAN:** Shall mean the subdivision map, drawing, or drawings, prepared for approval by the Commission and filing in the office of the Town Clerk.
- 2.4.4 **BOULEVARD:** two parallel streets set in a single right-of-way at least 100 feet wide, with a median strip of at least 20 feet wide.

CHAPTER 3 – REQUIRED PROCEDURES

- 3.1 **APPLICATION SUBMISSION:** Any person intending to make application for a subdivision of land in the Town of Franklin shall deliver a complete application to the Town Clerk at least seven days prior to a regular meeting of the Commission and request that such application be placed on the meeting agenda. A complete application shall consist of (1) one mylar original plan, (2) seven paper copies of such plan, (3) a completed application form, and (4) the required application fees. Application forms are available from the Town Clerk.
- 3.1.1 The day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Town Clerk of such application or thirty-five days after such submission, whichever is sooner.
- 3.1.2 The applicant shall, not later than 10 days after the date of application to the Commission, transmit one copy of the plan to the Board of Selectmen who shall review and comment on the plan's compliance with the Road Ordinance of the Town of Franklin and shall recommend the amount of a bond to cover proposed improvements relating to the roads, drainage features and street signs.
- 3.2 **FEE:** All applications shall be submitted with check or money order made payable to the Treasurer, Town of Franklin, in an amount as required by the current Fee Schedule Ordinance of the Town of Franklin.

3.2.1 IN the case of a re-subdivision, the fee shall be based on the number of new lots created. However, in no case shall the fee be less than fifty dollars (\$50).

3.3 **HEARING:** The Commission may hold a public hearing regarding any subdivision proposal within sixty-five (65) days after receipt thereof, if, in its judgment, the specific circumstances require such action. No plan of re-subdivision shall be approved by the Commission without a public hearing. Notice of a hearing shall be published in a newspaper of general circulation in the Town 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 such hearing, and by sending a copy thereof by registered or certified mail to the applicant. The hearing shall be completed within thirty days after such hearing commences.

3.3.1 The applicant shall send notice of the hearing, by certified mail, return receipt requested, to all owners of property abutting the area of the proposed subdivision or re-subdivision not later than the tenth day prior to the day of the hearing. The forms of such notice shall be provided by the Commission, and the return receipts shall be addressed to the Commission.

3.3.2 The Commission may waive failure to send certified mail notice to any owner or owners to whom such notice is required by Section 3.3.1 only if (1) such owner or owners appear in person at the hearing of which notice was to have been given, or (2) such owner or owners transmit to the Commission at or before such hearing a written, notarized statement, subscribed such owner or owners, setting forth their knowledge, of the location and extent of the proposed subdivision; the time, date, and location of the hearing, and their consent that the hearing be held. Any owner which is a corporation, common interest community owners' association, or similar entity, may be represented by a duly authorized officer of such entity.

3.4 **REGIONAL PLANNING AGENCY AND ADJOINING MUNICIPALITY REFERRAL.** Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the Regional Planning Agency or agencies of the region or regions within which it is located. The regional planning agency or agencies receiving such referral shall, within thirty days, report to the Commission and to the applicant its findings on the intermunicipal aspects of the proposed subdivision. If such report of a regional planning agency is not submitted within thirty days after the referral from the commission, it shall be presumed that such agency does not disapprove of the proposed subdivision. The Regional Planning Agency's report shall be purely advisory.

3.4.1 The Commission shall, by certified mail, notify any municipality adjoining the Town of Franklin of any proposed subdivision that

- a. Would be wholly or partially located within 500 feet of such municipality, or
- b. Would cause a significant portion of the traffic from such subdivision to use such municipality's streets, or
- c. Would cause a significant portion of the sewage and/or drainage from such subdivision to use and significantly affect the sewerage and/or storm drainage systems of such municipality, or
- d. Would cause water runoff from the subdivision site that would affect such municipality's streets or other property, or any private property within such municipality.

Such notice shall be sent within seven days of the Commission's receipt of the application, and no hearing shall be held on the application until such notice has been received. A representative from any such adjoining municipality shall be allowed to speak at any hearing on the application.

- 3.5 **WETLANDS AGENCY REFERRAL:** If the proposed subdivision involved land regulated as an inland wetland or watercourse under the provision of Chapter 440 of the General Statutes, and the Franklin Inland Wetlands Commission has not already reviewed the subdivision plan, the applicant shall file a copy of the application and related plan with the Inland Wetlands Commission not later than the date of filing such application with the Commission, and the Commission shall give due consideration to any report filed with it by the Inland Wetlands Commission prior to rendering a decision on such application.

3.5.1 If the proposed subdivision involves the relocation or alteration of any stream having a watershed or more than three (3) square miles or an average stream flow greater than five (5) cubic feet per second, the Commission shall notify adjacent communities within the watershed and the Water Resources Unit of the Connecticut Department of Environmental Protection prior to approving any alteration or relocation of a watercourse, and submit copies of such notices to the Federal Insurance Administrator.

- 3.6 **VOTE BY THE COMMISSION:** The Commission shall vote to approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith within sixty-five days after the public hearing thereon, or, if no public hearing is held, within sixty-five days after the day of receipt thereof. IF such proposed subdivision involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the General Statutes, and the time for a decision by the Commission on such proposed subdivision would elapse prior to the thirty-five (35) days after the decision of the Franklin Inland Wetlands Commission. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to the applicant by its secretary or clerk, under his signature within fifteen days after such decision has been rendered. The failure of the Commission to act thereon, shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand.

Provided, however, extensions of time not to exceed a total period of sixty-five days may be had with the consent of the applicant. The grounds for the action of the Commission shall be stated in the records of the Commission.

3.7 **POSTING OF BONDS:** Prior to endorsement of the plan, the Commission shall accept from the applicant a performance bond or other surety with conditions satisfactory to it securing to the Town of Franklin the actual construction and installation of all improvements as required by these Regulations, including the construction of streets, drainage features, street signs, the installation of monuments and markers, the grading and improvement of recreation facilities, clean up of the premises and measures to be taken to control soil erosion and sedimentation likely to occur from the proposed subdivision. The amount of the bond shall be determined by the Commission who shall consult with the Board of Selectmen when road and drainage improvements are involved.

3.8 **ENDORSEMENT OF THE PLAN.** If the Commission votes to 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 and signed by the Chairman or Secretary of the Commission in the space provided for such purpose on each sheet of the mylar copy of the plan provided by the applicant. In addition to the above, the applicant shall provide four (4) paper copies of the endorsed plan.

3.8.1 The chairman or Secretary of the Commission shall, when endorsing the plan, indicated on the plan the date by which all improvements shown on the plan shall be completed, as required in Section 3.10 below.

3.9 **FILING THE PLAN:** The endorsed mylar copy of the plan shall be delivered to the applicant promptly after the time for taking an appeal from the Commission's approval has elapsed, or, in the event of an appeal, promptly upon the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. Such endorsed mylar copy of the plan shall be filed by the applicant in the office of the Franklin Town Clerk and any plan not so filed within ninety (90) days of the date upon which such plan is delivered to the applicant or within ninety (90) days of the date upon which such plan is taken as approved by reason of the failure of the Commission to act, shall become null and void, except that upon request by the applicant the Commission may extend the time for such filing for two additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extend time. No such plan shall be filed or recorded by the Town Clerk until its approval has been endorsed in writing on such plan by the Chairman or Secretary of the Commission. If the plan drawings include more than one sheet, a mylar copy of each sheet is to be filed.

3.10 **TIME LIMIT ON COMPLETION:** Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision, which completion date shall be noted on the plan by the Chairman or Secretary of the Commission at the time of endorsement of the approved plan.

3.10.1 Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such plan, provided the

Commission shall file on the land records of the Town of Franklin notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the Town Clerk, and no additional lots shall be conveyed in the subdivision by the subdivider except with approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year period, the Commission shall call the bond or other surety on said subdivision to the extent necessary to complete the work required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approval of the plan, other than the staking out of lots, and included but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

- 3.11 **CONFLICT WITH ZONING REGULATIONS:** Nothing in these Regulations shall be construed to change or eliminate any requirement of the Franklin Zoning Regulations.

CHAPTER 4 – OPTIONAL PRE-APPLICATION SKETCH PLAN

- 4.1 **PURPOSE:** The pre-application sketch plan is a general layout of a proposed subdivision submitted by the subdivider for informal consideration by the Commission prior to a formal submission of an application for approval. A pre-application sketch plan shall not be a required requisite to submission of an application, but applicants are encouraged to preview potential subdivision requests with the Commission before formal submission of an application to ensure that basic requirements can be met prior to incurring engineering, application, and legal fees involved with submission of an application and plan. It should be clearly understood that the pre-application sketch plan enjoys no official status and that consent with regard to feasibility of the pre-application sketch plan on the part of the Commission in no way predicates approval of the required plan. A pre-application sketch plan 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.
- 4.2 **CONTENTS OF THE SKETCH PLAN:** The pre-application sketch plan may be drawn on tracing paper with pencil at a suitable scale which will show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the final plan. The pre-application sketch plan should show:
- 4.2.1 The subdivision name, boundaries, true north point, date, scale.
 - 4.2.2 The names and addresses of record owner and the applicant.
 - 4.2.3 All major site features such as existing structures, existing streams, water bodies, stone walls, fences, large trees, rock ridges, outcroppings.

- 4.2.4 The names, approximate location of existing adjacent streets and proposed streets
- 4.2.5 The total site area, the total number of proposed lots, the general configuration of the proposed lot boundary lines and approximate area of each proposed lot.

CHAPTER 5 – REQUIRED SUBDIVISION PLAN CONTENTS

- 5.1 **GENERAL REQUIREMENTS:** Seven (7) copies of all maps, plans, and profiles shall be submitted with the application, and unless otherwise permitted by these Regulations, shall conform with Class A-2 standards for accuracy of the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps of the Connecticut Association of Land Surveyors, Incorporated. They shall be presented on good-quality white paper prints and shall not be larger than thirty-six by twenty-four inches in size. All such prints shall have a one-half inch border on three sides and a two-inch border on the left side. If more than one sheet is submitted, they shall be bound. An index shall be provided on the first sheet. All such prints shall bear the following information.
 - 5.1.1 The name or title of the subdivision and the words, “Franklin, Connecticut”
 - 5.1.2 The name of the subdivider and owner of the property
 - 5.1.3 North point, scale, date of survey, and date of original drawing and
 - 5.1.4 Where only a part of the subdivision is shown on the sheet, a key map shall show its location in relation to the whole subdivision
 - 5.1.5 Name, registration number and seal of the land surveyor or engineer that prepared the drawing
 - 5.1.6 A statement subscribed by the plan preparer that such preparer has read the Town of Franklin Zoning Regulations and Subdivision Regulations, and that the plan, in the preparer’s opinion, meets the requirements of both these Regulations
 - 5.1.7 All lots, including any undivided remainder of the original parcel, shall be designated by a number obtained by the applicant from the Franklin board of Assessors, which number shall be used, if the subdivision is granted, to designate that lot for assessment and tax purposes.
- 5.2 **KEY MAP:** The key map shall be at a scale not smaller than one inch equals 2000 feet and shall show the location of the proposed subdivision and all existing roads and watercourses within 2000 feet of it. If space permits, the key map may be included as an insert map on the boundary survey map. The key map may be a simple tracing of the area from a U.S. Geological Survey topographic map.
- 5.3 **BOUNDARY SURVEY MAP:** This map shall show the entire parcel at a scale of at least one inch equals 100 feet, although a scale of one inch equals 50 feet or

one inch equals 40 feet will also be acceptable. If the property to be subdivided contains more than ten acres and less than half of it is to be divided into new building lots, only that portion of the property to be divided into building lots shall be required to be surveyed to conform to the Class A-2 standards referred to in Section 5.1, above. The boundaries for the remainder of the property may be taken from the Assessor's Maps for the Town of Franklin. The boundary survey map shall show the following.

- 5.3.1 Boundaries, dimensions and acreage of the property to be subdivided.
- 5.3.2 Boundaries of properties and names of property owners within 100 feet of the proposed new building lots.
- 5.3.3 Locations and designations of all wetlands, water courses and rock outcroppings.
- 5.3.4 Boundaries, dimensions, angles, bearings, area in square feet and lot numbers of all proposed lots. (Lot areas may be shown in tabular form on the same sheet)
- 5.3.5 All existing buildings, stone walls, and trees in excess of two feet in diameter.
- 5.3.6 All existing and proposed monuments, pipe markers, and any other physical evidence concerning property boundaries.
- 5.3.7 Locations of all existing and proposed easements, rights-of-way, drainage rights and open spaces.
- 5.3.8 Locations of street, rights-of-way, bearings, curve data, including arc length, radii and central angles, street names, stations along center lines at 100-foot intervals, and locations of sidewalks and street pavement within the rights-of-way.
- 5.3.9 Contours of the land to be subdivided in sufficient detail to show general topography, watercourses and the direction of surface water flow. Contours shall be shown at not more than five-foot intervals. Elevations shall be referenced to U.S. Geological Survey datum.
- 5.3.10 Subdivisions greater than 50 lots or 5 acres (whichever is less) shall include base flood (100-year storm) elevation data for that portion of the subdivision located within A Zones on the Flood Insurance Rate Map for Franklin.
- 5.3.11 The words "Approved by the Franklin Planning and Zoning Commission" with designated spaces provided for the date and signature of the Chairman or Secretary of the Commission.
- 5.3.12 The words "Date of Completion of all Work" with designated space for the date and initials of the Chairman or Secretary of the Commission.

5.3.13 Such other information as the Commission may reasonably require to better understand the physical setting for the subdivision and the impact the subdivision will have on that setting.

5.4 **CONSTRUCTION PLAN:** A construction plan, drawn at a scale of one inch equals forty feet, shall be submitted when any type of construction, such as roads, drainage, water supply or sewer systems, retaining walls, etc., is to be carried out in connection with the subdivision. The construction plan shall be prepared by a Connecticut registered professional engineer. The construction of all streets shall be in conformance with the Road Ordinance of the Town of Franklin. All other construction shall be in accordance with Form 813 (1985) of the Connecticut Department of Transportation, Bureau of Highways "Standard Specifications for Roads, Bridges, and Incidental Construction" and any supplements and amendments thereof, unless otherwise specifically provide by these Regulations. The construction plan shall include the following, where applicable.

5.4.1 Plan and Profile for all proposed streets, showing

- a. Existing surface elevation along the center line
- b. Locations, proposed grades, vertical curves with centerline elevations every fifty feet, except that such information shall be provided at ten foot intervals within eighty feet of the centerline cross point of an intersection
- c. Location, size and invert elevations of existing and proposed storm drains, catch basins, manholes, bridges, culverts, outfalls and other drainage features
- d. Location, size and invert elevations of proposed sewers, if any
- e. Location and size of all water supply and distribution facilities and hydrants
- f. Cross-sections at 100-foot intervals where existing terrain slopes more than ten percent.
- g. Sidewalk location, if any
- h. Location of street signs, trees and other special landscape features to be installed by the applicant

5.4.2 Where drainage systems are to be constructed, one copy of the construction plan shall be suitably marked to show watershed data used in the design of such systems and shall be accompanied by all calculations used in the drainage design.

5.4.3 In the case of retaining walls or other special features, a drawing to a scale of one-half inch equals one foot of all such details shall be furnished.

5.5 **EROSION AND SEDIMENT (E&S) CONTROL PLAN.** Whenever plans for a subdivision show construction of improvements or buildings related to the subdivision that will result in the disturbance of more than one-half acre of land the applicant will submit, as part of the subdivision plan, and E&S control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control", available from the Council on Soil and Water Conservation of the Connecticut Department of Environmental Protection.

5.5.1 The E&S Control Plan shall include the following:

- a. A description of the project and a schedule of the major activities to be constructed on the land.
- b. Locations of areas to be stripped of vegetation
- c. Locations of areas to be regraded and contour data indicating existing and proposed grades
- d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like
- e. Seeding , sodding or revegetation plans and specifications for all unprotected or unvegetated areas
- f. Location, design, and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures
- g. A description of procedures to be followed to maintain sediment control measures
- h. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the Franklin Planning and Zoning Commission on (date), " and a space for the signature of the Chairman or Secretary of the Commission

5.5.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. A vote of the Commission to approve a subdivision plan shall imply approval of the E&S plan as well.

5.5.3 The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which E&S plans have been certified to verify that erosion and sediment controls are consistent with the certified plan.

- 5.5.4 The performance bond required for improvements in connection with the proposed subdivision shall be required to be sufficient to cover the costs of accomplishing the E&S control measures.
- 5.6 **SOIL INVESTIGATIONS.** Any subdivision or part thereof for which a public sewerage disposal system is not available shall be subject to the following requirements.
- 5.6.1 Deep test pits shall be taken on each lot in the presence of the Town Sanitarian. The date of taking such test pits shall be in accordance with the recommendations of the State Health Code. A fee shall be charged for the Town Sanitarian's services in accordance with the Town's Fee Ordinance.
- 5.6.2 At least two deep test pits per lot shall be required. Such test pits shall be located within 50 feet of the area proposed for the septic system, but not closer than 75 feet from each other. The results of such tests shall be listed in tabular form by lots and made part of the subdivision plan.
- 5.6.3 Soils must have an acceptable soil test reading as determined by the Town Sanitarian. The technical standards for determining acceptance shall be those in the State Health Code.
- 5.7 **OTHER SUPPORTING DOCUMENTS:** Before approval of any subdivision the Commission shall require the following.
- 5.7.1 Evidence of permits for activities that might be controlled by the Franklin Inland Wetlands Commission.
- 5.7.2 Where applicable, written statements attesting to the suitability of (1) water systems from the Southeastern Connecticut Water Authority under provisions of Section 13 of Special Act 381 (1967), as amended, (2) all other improvements, such as roads and drainage, from the First Selectman, and (3) new road connections, driveways and drainage features involving state highways from the Connecticut Department of Transportation.
- 5.7.3 The subdivider shall submit to the Commission written copies of all agreements, restrictive covenants, or other documents governing the use, reservation, or maintenance of land.
- 5.7.4 When the subdivision includes any portion of a water course that is located within an A Zone on the Flood Insurance Rate Map for Franklin and the subdivision would result in the alteration or relocation of that watercourse, the applicant shall submit assurance in writing that the flood-carrying capacity of the watercourse will be maintained.

CHAPTER 6 – DESIGN STANDARDS

- 6.1 **GENERAL:** The design of the subdivision shall show consideration of and respect for the natural landscape. Designs shall be aimed at fitting the subdivision to the land rather than altering the land to make it fit the subdivision.

- 6.2 **LOTS:** Proposed lots shall be arranged to make the best use of the natural terrain, avoiding unnecessary regrading and preserving large trees, stone walls and other significant features.
- 6.2.1 All lots shall front on an existing street or on one proposed by the subdivision plan.
- 6.2.2 Wherever possible, side lot lines shall be at right angles to the street and radial to curves and lots shall be generally rectangular in shape.
- 6.2.3 Lot sizes and street frontage requirements shall conform to the Zoning Regulations of the Town of Franklin. Frontage on a cul-de-sac will be measured along the extension of the road through the cul-de-sac as though the cul-de-sac arc did not exist and the road simply continued to the full road length. Unless the plan indicates otherwise, such road extension shall be assumed to lead from the entry to the cul-de-sac through its center to the opposite rim. Required frontage may not be measured along the end of such extended road, and side lot lines should be perpendicular to such road extension rather than radial to the cul-de-sac arc.
- 6.2.4 Locations of proposed principal buildings, driveways, water supplies and sewerage disposal systems shall be shown on all lots containing wetlands, watercourses, slopes in excess of ten percent, or ledge outcrops.
- 6.2.5 In order to reduce the threats to pedestrian and traffic safety along the major traffic arteries in Franklin and to help preserve the scenic quality of the Town, the Commission requires that the design of proposed subdivision's reflect an attempt to minimize, to the greatest possible extent, the number of streets and driveways intersecting said major traffic arteries. In residential zones, wherever practicable, lots adjacent to a state highway of the major traffic arteries. In residential zones, wherever practicable, lots adjacent to a state highway or the major Town roads listed below shall have their frontage reversed and shall front on a street one lot depth removed from the state highway or major Town road, or shall front on an existing intersecting side street. Such reverse frontage lots which back on a state highway or major town road shall have a buffer strip of at least (20) feet wide along the rear property line abutting the right-of-way of the state highway or major Town road. The rear property line shall be located at least twenty-five (25) feet from the centerline of said highway or major Town road. The buffer zone shall contain a fence, wall, stream, hedge, or other suitable deterrent to access. In addition, to state highways, this requirement applies to the following major Town roads.

Avery Road
Brush Hill Road
Champion Road
Holton Road
Kahn Road

Meetinghouse Hill Road
Orindy Ellis Road
Plains Road
Pleasure Hill Road
Whippoorwill Hollow Road

- 6.3 **STREETS:** Streets shall be in harmony with existing streets and highways in the Town of Franklin, especially in regard to safe intersections, and shall be constructed to effect the safest possible movement of pedestrian and vehicular traffic.
- 6.3.1 All proposed streets shall connect with one or more approved town streets or state highways. Proposed or existing streets must provide safe access from the subdivision to a state highway. No isolated street network may contain more than eight (8) residential lots.
- 6.3.2 Streets shall be laid out to provide connections with existing street on adjacent properties, where possible. Consideration shall be given to connecting with future streets on adjacent property where future subdivision appears probable.
- 6.3.3 A dead-end street shall be provided with a circular turn-around area at the closed end having a radius of at least sixty feet of which fifty is paved. Such streets will be permitted only where an alternative street layout is deemed by the Commission to be impractical because of the dimensions, shape or physical condition of the property. A dead-end street or isolates street network shall not exceed 825 feet in length from the point at which it becomes isolated. A new street is not permitted to be connected to a dead-end street unless such new street is also, or as a result will be, connected to another through or non dead-end street. Driveways to lots fronting only partially on a cul-de-sac must be located through that frontage which is not part of the cul-de-sac.
- 6.3.4 Curvilinear street arrangements which follow the contour of the natural terrain shall be used where practicable in preference to street patterns which follow the slope, in order to improve the control of storm water runoff and to facilitate bad-weather driving conditions.
- 6.3.5 The tangent distance between reverse curves shall not be less than one hundred feet. Except for intersections and turnarounds on dead-end streets, no curve shall have a radius of less than 300 feet, as measured along the inside curbline of the curve.
- 6.3.6 Except where impractical because of topography or other conditions, streets shall be perpendicular to intersections for a distance of at least one hundred feet. All corners shall be rounded, with a radius of not less than thirty (30) feet. Center lines of alternate side streets shall not be closer than one hundred twenty-five (125) feet, measured along the center line. There must be at least three hundred feet between the right-of-way lines of two streets intersecting a third street on the same side, as measured along the right-of-way line of the street being intersected. Wherever a driveway or proposed subdivision street intersects with a state highway or road listed in Section 6.2.5, a minimum sight distance of four hundred feet shall be required in each direction along the state highway or road listed in Section 6.2.5. Additional sight distances may be

required where indicated by minimum sight distance standards contained in the Connecticut Department of Transportation.

- 6.3.7 Where the proposed subdivision contains lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations, the applicant shall be required to deed sufficient land to the Town of Franklin to permit widening of the street and may be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety.
- 6.3.8 No duplication of street names is permitted except where a proposed street extends an existing street. The Commission shall approve all street names.
- 6.3.9 The Commission shall hold a public hearing on any proposal to establish one or more boulevards. Boulevards will be allowed only (1) to accommodate traffic volume or to provide access to areas that would otherwise be isolated, and (2) where alternative layouts to meet these needs are impractical because of the dimensions, shape, or physical conditions of the property.

6.4 **DRAINAGE.** An adequate system of stormwater drainage shall be provided. The system shall be designed and sealed by a professional engineer registered in the State of Connecticut. Methods of analysis shall be those described in Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The drainage calculations shall be submitted for review by the Commission.

- 6.4.1 For all subdivisions involving the creation of new Town roads, the stormwater drainage system shall be designed so that the rate of runoff leaving the property for which the subdivision is proposed shall not (1) exceed, or (2) be substantially lower than, the rate of stormwater runoff which occurred prior to the development of the subdivision.
- 6.4.2 All existing and proposed drainage systems shall be indicated as to size and location on plans and profile sheets.
- 6.4.3 Drainage, rights-of-way through lots shall be at least fifteen (15) feet wide and follow property lines wherever possible
- 6.4.4 All necessary easements shall be provided prior to plan approval.
- 6.4.5 Maximum infiltration to the groundwater is encouraged. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers.
- 6.4.6 Design of detention basins shall be in accordance with the Detention Basin measure contained in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended

- 6.4.7 All runoff control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided
 - 6.4.8 Appropriate safety features and devices shall be installed to protect humans and animals from such accidents as falling or drowning. Temporary fencing can be used until barrier plantings are established. Such protective measures as guardrails and fences shall be used on spillways and impoundments as needed.
 - 6.4.9 Runoff management systems may be required from the Franklin Inland Wetlands Commission where such systems may have an impact on inland wetlands, and from the Connecticut Department of Environmental Protection where a dam is to be constructed or water diverted. See Section 22a-365 et seq. And 22a-409 of the Connecticut General Statutes.
- 6.5 **OPEN SPACE:** The Commission shall require land for open spaces, parks and playgrounds when, and in places, deemed proper by the Commission.
- 6.5.1 Land for Open space, parks and playgrounds shall be provided on the basis of at least one acre per twenty (20) lots or fraction thereof, of five (5) percent of the gross site area, whichever is greater.
 - 6.5.2 Where more than five (5) acres of land for open space, parks, and playgrounds are provided, the Commission shall require that two or more acres be suitable for active recreation use. Such active recreation area shall be graded and drained, if necessary, and seeded to prevent erosion. Areas intended for active recreation shall be so shaped that the average greatest dimension is not more than three times the average lesser dimension.
 - 6.5.3 No area will be accepted for open space unless it meets on or more of the following functional criteria, as determined by the Commission:
 - a. Protection of a wetland, water course or other natural feature
 - b. Buffer between developments or incompatible land uses
 - c. Adds to the visual attractiveness of the subdivision
 - 6.5.4 Such open spaces and recreation areas shall abut or have direct access to a public street through a right-of-way dedicated to public use. The area of such right-of-way shall not be included in the required open space area, and shall be at least 15 feet wide and shall be leveled off in a manner suitable for foot traffic or for access by maintenance vehicles, with maximum grade of 12%.
 - 6.5.5 No open spaces intended for natural protection, buffers, or ornamental purposes shall be filled, excavated or regraded without specific approval of the Commission, and such land shall be left free and clear of any waste, such as refuse, debris, cut brush, stumps or boulders.

- 6.5.6 The Commission may require grading, seeding, planting, fencing, and other reasonable improvements to the land to be used for active recreation purposes. Open space and recreation areas shall be either (1) deeded to the Town, (2) deeded to a land conservation trust acceptable to the Commission, (3) placed under a conservation easement in favor of the Town or an abutting land conservation trust, or (4) become common property owned by the residents of the subdivision, which shall be so noted in the deeds for lots in the subdivision, copies of which shall be submitted to the Commission for approval prior to subdivision approval. The Commission shall determine whether such land becomes publicly or privately owned.
- 6.6 **RESERVE STRIPS:** Reserve strips of land which, in the opinion of the Commission show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted. When a subdivision proposed the extension of or the connection to an unimproved reserved street right-of-way, it shall be the responsibility of the subdivider to improve the entire length of said street.
- 6.7 **FLOODING CONSIDERATIONS:** The Commission shall determine that proposed subdivisions are reasonably safe from flooding. When a subdivision is proposed in an A Zone on the Town's Flood Insurance Rate Map dated December 1, 1981, or any subsequent revisions thereof, it shall be reviewed to assure the following;
- 6.7.1 That all proposals are consistent with the need to minimize flood damage within the flood-prone areas.
- 6.7.2 That all proposals are consistent with the need to minimize flood damage within the flood-prone areas
- 6.7.3 That all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- 6.7.4 That new and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into the system
- 6.7.5 That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems or discharges from the systems into flood waters
- 6.7.6 That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding
- 6.7.7 That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourses.
- 6.8 **FLOOD ELEVATIONS:** All applications for subdivisions greater than five (5) acres or fifty (50) lots, whichever is less, shall include with such applications base flood (100-year flood) elevation data for that portion of the subdivision which

permits any activity which could increase the base flood elevation more than one (1) foot and which is located within A Zones on the Town's Flood Insurance Rate Map, dated December 1, 1981, or any subsequent revisions thereof. In addition, the Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in A Zones, meet the standards of these Regulations.

- 6.9 **FLOODWAY ENCROACHMENTS:** Within the floodway, designated on the Flood Boundary and Floodway Map for the Town of Franklin, dated December 1, 1981, or any subsequent revisions thereof, a copy of which is on file with the Commission, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during a 100-year flood. When base flood elevation data or floodway data have not been provided on the Flood Boundary and Floodway Map, the Commission shall obtain, review, and reasonably from Federal, State or other sources as criteria for determining that the requirements of this Section are met.
- 6.10 **OTHER PERMITS:** The Commission shall advise the applicant that additional federal or state permits may be required, and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the subdivision approval.

CHAPTER 7 – IMPROVEMENT SPECIFICATIONS

- 7.1 **STREETS:** Streets shall be constructed in accordance with the Town of Franklin Road Ordinance.
- 7.1.1 The applicant will place easily identifiable stakes at even hundred-foot stations along the center lines of proposed streets prior to submission of the subdivision plan to facilitate evaluation of the plan by the Commission and the Board of Selectmen.
- 7.2 **DRAINAGE:** Drainage features shall be in accordance with Standard Specifications for Roads, Bridges and Incidental Construction, Form 813 of the Connecticut Department of Transportation, except as otherwise provided by these Regulations or other applicable ordinances of the Town of Franklin.
- 7.3 **MONUMENTS AND MARKERS:** Stone or reinforced concrete monuments shall be placed at all points of curvature or tangency, at all angle points on the street lines and at one front corner of each lot. Iron pipes or pins shall be placed at all other corners or angle points.
- 7.3.1 Monuments shall be not less than four (4) inches square and 30 inches long with a brass or copper plug, drill hole or cross marking the center of the monument. They shall be set flush with or slightly above finished grade. Iron Pipes shall be at least one-half (1/2) inch nominal inside

diameter, 36 inches long. The tops of pipes or pins shall normally be at least two (2) inches above finished grade.

- 7.4 **STREET SIGNS:** Street signs are required at all intersections. Four-way intersections shall have two sign posts located on diagonally opposite corners. T-intersections shall have one sign post. Each sign post shall identify both intersecting streets. The Commission shall approve the design of all street signs.
- 7.5 **UTILITIES:** All utility lines will be located underground except that the Commission may approve overhead electrical and telephone lines in subdivisions not involving new streets or where physical conditions make underground installation impractical or where the new street is the extension of an existing street having overhead lines.
- 7.5.1 Water supply and distribution systems shall be installed in accordance with the specifications of the Southeastern Connecticut Water Authority or the Connecticut Department of Health, whichever has jurisdiction.
- 7.5.2 All sewage shall be disposed of by methods approved by the Connecticut Department of Environmental Protection or Health, in accordance with Section 19-13-B20 of the Connecticut Public Health Code.
- 7.6 **CLEAN-UP:** Upon suspension or completion of the work or any portion thereof the developer or contractor shall remove from all public or private property all temporary structures, tools and equipment, rubbish or waste materials resulting from his operations. Tree stumps and boulders shall be buried along property lines with a minimum two-foot cover. Cut-down trees and brush shall be removed from the property. All ditches shall be filled; all sewers, drains, catchbasins and manholes cleaned and flushed, streets, walks, curbs and other structures cleaned and repaired and the whole work left in a neat condition. All unpaved areas within the street lines and excavated or filled areas on private property shall be graded, covered, with suitable topsoil or loam, rolled, fertilized and seeded with a mixture conforming to Section M.13.04 of the State Highway Department Standard Specifications for Roads, Bridges and Incidental Construction, Form 813.
- 7.7 **INSPECTION AND APPROVAL OF WORK:** All subdivision improvements shall be inspected and approved. Inspections shall be made by the Board of Selectmen of all road and drainage features at such times as prescribed by the Town Road Ordinance. All other inspections shall be made by the Commission or its agent. All questions regarding the interpretation of plans and additional working drawings from the applicant to facilitate inspection at any time during construction of improvements.
- 7.8 **REVISIONS;** Any revisions of an approved or filed subdivision plan that changes the boundaries of any lot shall be submitted to the Commission for approval.
- 7.9 **BOND RELEASE:** The Commission may, after application from the developer and after consultation with the First Selectman, approve the release of portions of the performance bond after clearly definable portions of the improvements have

been completed to standards and the clean-up provisions of Section 7.6 have been met.

- 7.10 **MAINTENANCE BOND:** Release of the performance bond shall be made only upon the substitution of a maintenance bond in the amount of twenty-five hundred dollars (\$2,500) or one-tenth 91/10) of the cost of the improvements, whichever is greater, to continue for a period of one year from the date of release of the performance bond, guaranteed to remedy construction or to indemnify the Town of Franklin for repairing such defects. The Commission shall not recommend a proposed road for acceptance as a public highway until it has passed through one full winter in satisfactory conditions. For purposes of this section, "winter" shall mean the time period from December 1, in any calendar year through the next succeeding May 1, inclusive.

CHAPTER 8 – WAIVERS

- 8.1 **CONDITIONS FOR WAIVERS:** The Commission may waive certain requirements of these Regulations in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. No waiver shall be granted unless one or more of the following conditions exist.
- 8.1.1 The proposed subdivision includes land in a neighboring municipality.
 - 8.1.2 Strict adherence to the requirements of these Regulations would result in the alternation or destruction of a significant or unique natural feature, such as a large tree, a water course, a wetland or a rock formation.
 - 8.1.3 Strict adherence to the requirements of these Regulations would result in significant alteration of the natural land contour in a manner that would aggravate natural drainage or cause erosion and sedimentation problems that would be difficult to control or correct.
 - 8.1.4 Strict adherence to the requirements of these Regulations would result in the completion of an improvement that is not likely to benefit the public in any way in the foreseeable future.
 - 8.1.5 Strict adherence to the requirements of these Regulations would result in the immediate or eventual expenditure of public funds without commensurate public benefit.
 - 8.1.6 **VOTE REQUIREMENT:** A waiver may be granted only by a three-quarters vote of all the members of the Commission.
 - 8.1.7 **RECORDING:** The Commission shall state upon its records the reasons for which a waiver is granted in each case.

CHAPTER 9 – VIOLATIONS AND PENALTIES

- 9.1 Any person, firm, or corporation making any subdivision of land without the approval of the Planning and Zoning Commission of the Town of Franklin shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided. Said penalty is pursuant to Section 8-25 of the Connecticut General Statutes, as amended.

CHAPTER 10 – SEPERABILITY

- 10.1 If any section, subsection, sentence, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of 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.

CHAPTER 11 – AMENDMENTS

- 11.1 These Regulations may be amended from time to time in accordance with the procedures specified in Section 8-25 Chapter 126 of the General Statutes 1958 Revision, as amended:

CHAPTER 12 – EFFECTIVE DATE

- 12.1 These Regulations, formerly titled “Rules and Regulations” Governing the Subdivision of Land, Franklin, Connecticut,” were effective on May 22, 1972, and subsequently amended on March 24, 1975, December 6, 1979, December 3, 1981, and August 6, 1985. Revisions contained in this printing were adopted on January 26, 1988, and are effective February 1, 1988. Further amendments to these Regulations were adopted April 4, 1989, effective April 7, 1989, adopted August 15, 1989, effective August 19, 1989; adopted May 7, 1991, effective May 10, 1991. Further amendments to these Regulations were adopted May 17, 2011, effective June 15, 2011.