

Subdivision Regulations  
of the  
Town of Canton, Connecticut

Including Amendments through December 7, 2009

Adopted: May 23, 1983

Effective Date: May 23, 1983

CANTON PLANNING COMMISSION

NOTE: These regulations are annotated with paragraph footnotes relating to amendments since the date of adoption of the entire regulations. The footnotes appear only for illustrative purposes and are not official regulations in and of themselves.

## INTRODUCTION

The Town of Canton, through the Planning Commission, for the purpose of providing for orderly growth in a time of increased pressure on the use of land and to establish proper standards for the design and construction of streets and improvements in new subdivisions and in accordance with Section 8-25 of the General Statutes of the State of Connecticut, has adopted the following regulations.

To insure that these regulations are properly adhered to, the Planning Commission may approve or disapprove a subdivision after applying these regulations in harmony with their general intent and stipulating compliance with the regulations contained herein and to reasonably protect the rights of individuals, property values, public health, public safety and public welfare and after considering the following:

- The size and intensity of the sub-division and its effect on the Comprehensive Plan of Development in effect at the time of application;
- The capacity of adjacent and feeder streets to handle peak loads; proposed streets shall be in harmony with existing and proposed principal thoroughfares;
- The obstruction of light and air, the emission of offensive quantities of pollutants or odors and the proper provision for septic systems and the discharge of effluents;
- The overall effect on property values and the preservation of the character of the neighborhood;
- The existence of unusual topography, slope, rock outcrops and the problems of fire and police protection;
- The availability to the Commission and the existence in presentation and writing or drafting of all exhibits and bonding documents required by these regulations;
- Protective flood control measures if needed.



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## 100. THE APPLICATION AND APPROVAL PROCESS

110. Optional Preliminary Review An applicant may review with the Commission, and is encouraged to consult with the Town Planner, in a preliminary and informal manner about any proposal for subdivision prior to submission of a formal application. During informal discussions, the applicant may submit and the Commission or planner may request such information, plans and maps as may lead to non-binding recommendations.

This review will familiarize the applicant with the subdivision procedures and necessary reviews by other agencies. It will also alert both the Commission and the applicant to the factors affecting the site.

Applicants are encouraged to consider using the Open Space Subdivision provisions for part or all of their subdivisions (specified in Section 316, and in Section 12 of the Zoning Regulations). This alternative approach to a conventional subdivision provides the applicant with additional flexibility in subdivision design, reduces infrastructure costs, and can result in additional lots without changing the underlying density.

Amended 2/15/90

120. Formal Application Requirements Whenever any subdivision is proposed and before any contract for the sale of or offer to sell such proposed subdivision, or any part thereof, shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdivider shall apply, in writing on the form prescribed, to the Commission for approval of such subdivision, in accordance with the procedure established in the following paragraphs. (See also Section 311.1)

Amended 11/2/92

121. Application Form The applicant shall submit to the Commission an application on a form supplied by the Commission and available from the Land Use Office.

Amended 11/2/92

- 121.1 Signatures Required All owners of the land proposed to be subdivided shall sign the application form or an attachment to it.

Amended 1/5/98

122. Application Fee Each application shall be accompanied by a fee equal to the maximum prescribed in Section 8-26 of Chapter 126 of the Connecticut General Statutes. A schedule of fees and examples of mapping details are available with the application form.

123. Maps and Plans As part of the application, The subdivider shall file with the Land Use Office four copies of the subdivision plan, showing all information required by these Regulations.

All maps to be submitted shall be at a scale of 1"=40' and be 36" long by 24" wide as prescribed by Section 7-31 of Chapter 92 of the Connecticut General Statutes. Maps to be submitted shall be:

- Subdivision Map
- Topographic Map
- Plan and Profile

123. (continued)  
In the case of a subdivision of large acreage, an overall map showing all property boundaries at a more appropriate scale may be required.  
Amended 11/2/92
- 123.1 Accuracy and Quality of Maps All maps shall conform to the accuracy standards as outlined in "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, October 1976", State Board of Registration for P.E.'s and L.S.'s.
- Maps submitted for filing with the Town Clerk and Commission shall conform to Section 7-31 of the Connecticut General Statutes and shall be: Two copies, mylar or translucent linen, one suitable for filing in the records of the Commission and one suitable for the records of the Town Clerk; and four copies, black or blue line, for distribution to agencies designated by the Commission.  
Amended 11/2/92, 6/7/99
124. Reports from other agencies Written evidence shall be submitted assuring the Commission that: the Farmington Valley Health District is satisfied that the proposed sanitary systems meet the requirements of the Connecticut Public Health Code, or that there is adequate public sewerage capacity; the Inland Wetlands Agency has reviewed the plan where necessary; and, if other referrals to other agencies, public health or safety officials are required or requested by the Commission, they have been answered.  
Amended 11/2/92
125. Official Date of Receipt and Decisions
- 125.1 Receipt The official date 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 Land Use Office of the completed application. An application, in order to be reviewed by the Commission at its next regularly scheduled meeting, shall be submitted to the Land Use Office at least fifteen business days in advance of that meeting.  
Amended 11/2/92, 2/7/00
- 125.2 Decision The Commission shall approve, conditionally approve, modify and approve, or disapprove any subdivision or resubdivision application or maps and plans submitted therewith including any submissions pertaining to existing subdivisions or resubdivisions made in violation of, these regulations within a sixty-five day period after the public hearing thereon or, if no public hearing is held, within sixty-five days after the date of receipt thereof.
- a. Where a subdivision plan contains work related to proposed public streets, renovations of existing public streets or infrastructure improvements, a decision to approve shall be conditional and not final until the work is completed in conformance with the provisions of Subsection 322.3, or adequate security for the completion of such improvements has been accepted by the Commission.

125.2 Decision (continued)

- b. The applicant may limit the extent of work associated with conditionally approved plan to manageable phases in conformance with Section 315. (See also Section 311.1)
- c. In the event of non-completion of the work or any segment thereof, or before any contract for the sale of or offer to sell such subdivision, or any part thereof, shall have been negotiated and before any permit for the erection of a dwelling shall be granted, a security shall be provided according to Section 600.
- d. Upon the occurrence of either completion of all the required improvements or provision of adequate security, and installation of approved street identification signs, the Commission shall cause a final approval to be endorsed on the subdivision plans.

Amended 11/2/92; 4/2/2002 adding "and installation of approved street identification signs,"

125.3 Modifications to Decisions The Commission may hear a request to modify an approved subdivision plan. The Commission may hold a public hearing on such modification request, even though a public hearing was not held on the original plan.

Amended 11/2/92

125.4 Reconsideration of Decisions If work related to a subdivision plan fails to commence within a reasonable time, the Commission may reconsider its decision of conditional approval. The Commission shall notify the applicant by certified mail, return receipt requested and allow the applicant to show cause for the lack of work.

Amended 11/2/92

126. Public Hearing

Resubdivision Hearing: If the Commission determines that an application is a resubdivision, then a public hearing shall be held.

Optional Hearing: If the Commission determines that it is in the public interest, they may require that a public hearing be held.

Notification of Neighbors: The subdivider shall send by certified mail a notice describing the location and number of lots to be subdivided to all property owners abutting or within 100 feet of the proposed subdivision, at least ten days prior to the public hearing, or if a public hearing is not required, at least ten days prior to the regular meeting of the Commission at which action may be taken. Evidence of such notice shall be furnished to the Commission in the form of postal receipts.

127. Maintenance Any improvements resulting from work relating to an approved subdivision plan shall be maintained by the applicant until such improvements are accepted by the Town, or until an association of owners agrees to accept the obligations of ownership of the improvements.

128. Completion All work in connection with any subdivision plan approved by the Commission shall be completed within the maximum time allowed by Connecticut General Statutes after the date of decision provided by Section 125.2. After such time, the Commission may declare portions of the subdivision null and void and call the bond according to the provisions of C.G.S. Section 8-26c. Thereafter a new subdivision application may be made for that part declared null and void.

Amended 11/2/92

## 200. MAPS and PLANS

### 210. Optional Sketch Layout - Initial Consideration

211. Prior to filing a subdivision plan, an applicant may submit a sketch layout for unofficial consideration.

212. The sketch layout may include the following:

- North arrow
- title
- scale
- bearing, angles and curves at approximates
- layouts of lots, streets, rights-of-way

220. Subdivision Map Plans shall be submitted on stable material (mylar or as prescribed by Section 7-31 of the State Statutes) in the quantity noted and in the dimensions required.

### 221. General Information Required

- scale 1'=40'
- title block & approval block
- location map 1"=1000'
- title of subdivision, name of subdivider
- date
- key map
- certification by a land surveyor to "Class A-2" as defined by "Code of Recommended Practice for Standards of accuracy of Surveys and maps October 1976" State Board of Registration for P.E.'s and L.S.'s.

### 222. Specific Information Required

- lot line with metes and bounds, angles and curves and dimensions
- abutting property owners
- lot and block numbers for existing lots
- lot and block numbers for new lots assigned by assessors office
- square footage of lots
- setback lines
- rights-of-way
- location of monuments

223. Plans to be presented to the Commission shall be 2 mylar (or other stable material) 4 black line paper and 1 reduction at 1"=200' or a scale as required by the assessor. All maps and plans shall be 24"x36".

230. Topographic Map The topographic plan shall include as required:
- location of test pits, wells and percolation tests
  - contours at 2' intervals or at intervals as required by the Commission
  - driveways
  - existing structures
  - stone walls
  - existing and proposed drainage
  - location of sanitary sewers (if provided)
  - ledge outcroppings
  - sidewalks (if required)
  - edge of woods
  - water bodies, streams and wetlands
  - location of specimen trees within street r-o-w
  - existing and proposed contours
  - existing and proposed streets
240. Plan and Profile A plan and profile for proposed streets and storm and sanitary sewers shall be provided and shall be prepared by a professional engineer licensed in the State of Connecticut. It shall include:
- horizontal dimensions 1"=40'
  - vertical dimensions 1"=4'
  - all on 24"x36" sheets
  - profiles of existing and proposed elevations along the center line of all roads. Where a proposed road intersects an existing road or roads, within 100 feet of the intersection, the existing intersection shall be shown. All elevations must be referenced to establish U.S. Government or approved local Bench marks, where they exist within 1/2 mile of the boundary of the subdivision.
  - plan and profiles showing the location and typical section of new road pavements, including curbs and gutters, sidewalks, manholes, and catch basins, and street signs; the location, size, and invert elevation of existing and proposed sanitary sewers, storm water drains, and fire hydrants; the exact location and size of all water, was, and other underground utilities or structures, and detailed description of all other required improvements.
  - location, size, elevation, and other appropriate description of any existing facilities or utilities at the point of connection to proposed facilities and utilities within the subdivision.
  - all specifications and references required by the Town of Canton, Design and Construction Standards and Specifications.

240. Plan and Profile (continued)  
-- title of subdivisions, title of map, name, embossed seal, and signature of licensed professional engineer and/or land surveyor, and date including revisions.  
Amended 11/2/92
250. As-Built Street Plans As built street plans shall consist of drawings on 24"x36" permanent transparent material at a scale of 1"=40' and shall contain the following information:  
Amended 11/2/92
- 250.1 Plan and Profile with:
- street lines and grades
  - lot frontage dimensions
  - angles made by the intersection of street lines with lot lines
  - horizontal and vertical location of utilities
  - location of edge of traveled way
  - location and type of monuments
  - all data necessary to reproduce any and all lines on the ground
- 250.2 There shall be no more than one street on each sheet.
- 250.3 The as-built street plans shall be prepared upon the completion of the subdivision improvements. The plans shall be prepared by a licensed professional engineer and/or land surveyor and shall bear his name and seal.
260. Sedimentation and Erosion Maps and plans showing sedimentation and erosion details shall conform to the standards outlined in Section 400.
270. Conditionally Approved Plans Subdivisions plans that are conditionally approved by the Commission under Section 125.2 of these Regulations shall conform to Section 123 and Sections 220 through 250 inclusive of these Regulations. Such plans shall be filed on the land records in accordance Section 8-25(a) of the General Statutes of the State of Connecticut.
280. Plans to be presented to the Commission shall be 2 mylar (or other stable material) 4 blue line paper and 1 reduction at 1"=200' or a scale as required by the assessor. All maps and plans shall be 24"x36".  
Amended 11/2/92

### **300. DESIGN and CONSTRUCTION STANDARDS**

#### 310. Design Standards

##### 311. Application of Standards

311.1 No subdivisions of land shall be made, and no land in any subdivision shall be sold or offered for sale, until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been finally approved according to Section 125 by the Commission. No street or other improvement that is part of a subdivision shall be started until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been conditionally approved according to Section 125 by the Commission.

Amended 11/2/92

311.2 All subdivision plans shall conform to the design standards of this Section. Such design standards shall normally be considered the minimum necessary for the promotion of the public health, safety, and general welfare. If federal, state, or town regulations impose more restrictive standards than stated herein, such other regulations shall control.

Amended 11/2/92

##### 312. General Design Requirements

312.1 All land to be subdivided for building purposes shall be of such a character that it can be used for building purposes without danger to public health and safety, or to the environment. Land subject to periodic flooding (see Sec. 470), poor drainage, steep slopes, or a specific hazardous condition shall not be subdivided. Land with inadequate capacity for sub-surface sanitary sewage disposal shall not be subdivided unless connected to public sewers. Plans for the subdivision of land shall conform with any plan of development adopted by the Planning Commission.

312.2 A major consideration in determining the buildability of land is its slope. Among the factors to be considered when dealing with slope conditions shall be the following:

- a. access to site - suitable and safe access to the building site shall be available, with a maximum allowable driveway slope of 15%. (See also Section 318)
- b. soil conditions - the soil conditions present on the site must allow an adequate area for septic system installation including a usable reserve septic area.
- c. character of surrounding land - surrounding land use must be compatible with proposed use of subdivision.
- d. intensity of development in area - land areas of steep slope severely limit the intensity of development that can be sustained in a manner which protects the public health and safety.

- e. relief - any proposed building lot with steep slopes must contain a natural area of relief providing for a building site and sewage disposal area.

312.2 (continued)

A general guide to slope acceptability follows:

- f. Land with slopes of less than 10% - most suitable for development and farming.
- g. Land with slopes between 10% and 20% - suitable for low density residential development.
- h. Land with slopes between 20% and 30% - approaches the limit of developability. Suitable for residential development at very low densities. Generally considered topographically self-preserving.
- i. Land with slopes greater than 30% - not considered buildable unless a large area of natural relief is present in the site to allow a home site, sewage disposal area and access driveway. Generally land of this extreme slope presents overbearing problems with erosion, drainage, building, sewage disposal and access which makes its development hazardous to public health and safety.

It must be stressed that all slope considerations are to be applied to land in its natural state. Any drastic or extensive manmade slope revisions will not be considered an improvement upon or betterment of the building site suitability. It is the express intent of these regulations to protect topographically self-preserving land, and in that way preserve the natural beauty and rural character of Canton. The provisions of this regulation will be applied to land as it existed before manmade changes.

Amended 11/2/92

- 312.3 All subdivisions shall make adequate provisions for roads, water supply, storm water and sanitary sewage disposal, and required utilities and improvements.
- 312.4 An adequate storm water drainage system for the entire subdivision area shall be provided unless, in the judgment of the Commission, the natural topography and/or easy access to natural watercourses make storm drainage unnecessary. The plans submitted must show how the natural drainage is to be used.
- 312.5 Due regard shall be given to the preservation and potential enhancement of existing natural features, large trees, scenic points, and other assets of a community nature. Every reasonable effort shall be made to disturb as little of natural environment is possible during preparation and construction.

313. Lot Layout

- 313.1 The layout of lots shall conform to good practice, and shall be appropriate for the intended construction. Corner lots shall have extra width to permit a front yard on each street. Side lot lines shall generally be at right angles to

straight street lines, or radial to curved street lines. Except in cases of unusual topography or property lines, through lots bounding on two generally parallel streets will not be permitted.

313.2 Lots shall conform to all applicable zoning regulations.  
Amended 11/2/92

313.3 Lot areas and dimensions shall be sufficient to meet the requirements of the Farmington Valley District Health for water and sewage disposal. The requirements of these subdivision regulations for minimum frontage and front, rear and sideyard setback requirements shall be met. Consideration should also be given to areas of lots deemed unsuitable for development due to the presence of inland wetlands or other limiting soils or geological factors.

313.4 No privately owned reserved strips which control access to land shall be permitted.

314. Street Layout

314.1 Proposed streets shall be appropriate to the topography and location. Street patterns shall give consideration to contours and natural features. Intersections of more than two streets shall be avoided. Streets shall intersect at right angles whenever possible, and in no case shall streets intersect at angles of less than sixty degrees.

324.5 Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum distance between their center lines of 500 feet. Streets shall not intersect on the same side of another street at an interval of less than 500 feet.

324.6 The limits of the sight line distance shall be determined by the posted or design speed limits of the main roadway. (See Figure 5)  
Amended 11/2/92

314.4 The Commission shall determine whether a proposed street is an arterial, collector or local street, and shall require adherence to the design and construction standards of these regulations as applicable.  
Amended 11/2/92

314.5 The Commission shall require that streets be laid out in such a way as to provide for proper extension of streets into adjoining properties not yet subdivided if such connection would promote safe, efficient, or convenient traffic movement, utility service, or drainage.

314.6 Street names shall be approved by the Planning Commission and shall not duplicate or cause confusion with the names of existing streets in the town or adjoining the town. Streets which are extensions of or in alignment with existing named streets shall bear the names of existing streets.

315. Dead End Streets

- 324.5 Dead end streets are intended to provide residential areas with adequate vehicular access while maintaining privacy and minimizing traffic flow. Dead end street shall not be longer than 600 feet.
- 315.2 A permanent dead end street shall terminate in a cul-de-sac having a minimum right-of-way radius of 60 feet and a pavement radius of 55 feet. Rights-of-way and paved roadways shall be enlarged where the cul-de-sac joins the rest of the street by reverse curves of the same radii as the cul-de-sac.
- 315.3 A street designed as a temporary dead end street shall terminate in a cul-de-sac that will touch, give access and abut the last lots on the street. Only the area within such street which constitutes an extension of the normal street right-of-way shall be dedicated to the Town, but such dedicated area shall extend flush to the boundary of the tract proposed for subdivision. The area outside this normal width of street right-of-way, which is dedicated to the town in the case of a permanent cul-de-sac, shall follow the ownership of the abutting lots, but the town shall be given a right-of-way easement for such area.
- 315.4 Where a temporary dead end street is extended to land beyond that to be subdivided, the subdivider/developer of the land beyond shall restore the areas of the temporary dead end street outside the normal street width to a natural state. Storm sewers shall be relocated within the normal street right-of-way and extended continuously to any new subdivision on contiguous land.

### 316. Open Space

316.1. Definition and Purpose For the purposes of these regulations, the term "conventional subdivision" refers to a subdivision conforming to the requirements for Residence Districts of the Canton Zoning Regulations. The term "Open Space Subdivision" refers to subdivisions conforming to the requirements defined in Section 12 of the Canton Zoning Regulations.

Amended 4/2/01

316.2 Considerations In determining whether or not to require open space in subdivisions, and the size and location of such areas, the Commission shall consider, but not be limited to, the following criteria:

- Size of the proposed subdivision,
- The Town Plan of Development,
- Recommendations of the Conservation Commission and/or other agencies,
- The presence of any existing open spaces, recreation areas, and/or land for other public purposes in the vicinity,
- The need for buffer areas between incompatible land uses,
- Protection of flood plains, wetlands, and watercourses,

- Conservation of natural features as scenic vistas, ridge tops, rock outcroppings, waterfalls, etc,
- Protection of significant habitats for plant and animal species
- Linkages connecting open spaces
- Land suitable for active recreation

The Commission may require that such land be located to provide linkage to existing or potential open spaces, recreation areas adjoining the subdivision and/or land for other public purposes.

The Commission may require that open space areas be so located and/or improved as to be suitable for active recreation. Unless otherwise determined by the Commission, such land shall be accessible to the public by street or pedestrian way. Any required open space areas shall be shown on the subdivision plan.

Amended 2/15/90

- 316.3 Required Open Space In any conventional subdivision, the Commission may require that up to 15% of the land within the subdivision be set aside as open space. In any open space subdivision, the Commission shall require that up to 30% of the land within the subdivision be set aside as open space. Nothing in these regulations shall prohibit the Commission from approving the voluntary donation or preservation of additional land in excess of the requirements of this section.

Amended 4/2/01

- 316.4 Fees In Lieu of Open Space If open space dedication is undesirable after consideration of the criteria specified in 316.2 or for other good cause, the Commission may authorize the applicant to submit a fee or transfer land and submit a fee in lieu of open space equal to ten (10) percent of the fair-market value of the land prior to subdivision approval. The value of the land shall be determined at the applicant's expense by an appraiser hired by the Commission. The applicant shall provide these funds at the time of application.

The fee may be paid in full prior to the release of the final mylars for filing with the Town Clerk at the applicant's discretion or may be paid on a fractional basis as individual lots are sold with the fractional fee being the established fair-market value divided by the number of lots in the subdivision. To ensure fractional payment, notes shall be placed on individual parcels on the filing mylars indicating the fractional fee due upon the sale of each parcel.

Fees in-lieu of open space shall be placed in a fund to be used for purchasing land or property rights for open space, recreational or agricultural purposes.

Amended 4/2/01

- 316.5 Qualifications Land identified as open space shall not include areas designated as sidewalks, roads, drives, paved parking areas, catch basins, detention ponds, and required front, side, and rear yards. Land to be dedicated as open space may be comprised of wetlands and/or slopes in excess of thirty percent (30%), but the percentage of the dedicated land in these categories shall be, unless otherwise determined by the Planning Commission in consultation with the Conservation

Commission, no greater than the percentage of the land in these categories in the overall subdivision.

Amended 2/1/88, 2/15/90, 4/2/01

316.6 Use The use of the open space shall be limited to conservation, recreation, park and gardening purposes.

Amended 2/15/90, 4/2/01

316.7 Staging For the purposes of these regulations, the term "staged subdivision" of land shall mean the application to subdivide a single, contiguous tract of land in two or more phases wherein an applicant applies initially for subdivision of less than the entire tract, and states: 1) the intention of subdividing some or all of the remaining tract of land at a later date, 2) the remaining acreage to be later subdivided, and 3) the acreage within each later subdivision.

Amended 4/2/01

Upon application for a staged subdivision, the Commission shall consider the size and preferred location of the open space with respect to the entire undeveloped tract and in proportions prescribed by Section 316.1. The Commission may approve a schedule to set aside open space land in any proportion of required size or location, and by any terms of restriction and/or conveyance that it deems appropriate to the staging request of the applicant.

The terms of a staged subdivision with scheduled open space provisions shall be recorded on the land records in a manner that shall be binding on the heirs, successors, and assigns of the applicant.

Amended 2/15/90

316.8 Ownership The land set aside as open space shall, at the discretion of the Commission, be offered and conveyed to 1) the Town of Canton, 2) a non-profit land preservation organization, or 3) an association of all homeowners of the subdivision.

If conveyed to a homeowner's association, that organization shall be created prior to the issuance of any building permit or the sale of any lot within the development, and shall have as one of its purposes the maintenance of such land for perpetual conservation, recreational, or park purposes. If the homeowners' association, for any reason, is dissolved, title to such open space land shall revert to the Town of Canton for ownership by the town or conveyance of the properties for open space purposes to a non-profit land preservation organization or an association of homeowners approved by the Commission.

The open space lands shall be conveyed to their designated recipient(s) and any land restrictions shall be recorded on the land records of the Town of Canton concurrently with the signing of the subdivision plans by the Commission unless otherwise stipulated under Section 316.5.

Amended 2/15/90, 4/2/01

316.9 Restrictions and Easements At the Commission's discretion, part or all of the required open space may remain as private property subject to a permanent

conservation restriction as defined in Section 47-42a of the Connecticut General Statutes. The wording of such restriction shall be acceptable to the Board of Selectmen.

When conservation restrictions on private property are accepted in lieu of or in combination with fee simple donation of land, only those portions of lots protected by conservation restrictions that are in excess of minimum required lot area shall apply towards the required minimum open space set-aside.

When open space is conveyed to an entity other than the Town of Canton, the Commission shall provide that the Town be granted an easement over such land sufficient to ensure its perpetual use and maintenance consistent with the purposes of this section.

Amended 2/15/90

- 316.10 Justification As a condition to requiring that certain areas be set aside as open space in any subdivision pursuant to Subsection 316.1, the Commission shall consider the impact of the development of the subject property, taking into account existing and proposed development of nearby areas, and shall make a finding that the proposed development of the subject property will result in the need for additional open space for recreational and environmental purposes, and that the Commission therefore requires that a specified percentage of the land (not to exceed 15% for conventional subdivisions, and with a target of 30% for Open Space subdivisions) in the proposed subdivision be dedicated for open space. The Commission shall state the reasons supporting its finding as part of its decision.

Amended 2/15/90, 4/2/01

### 317. Flood Prone Areas

- 317.1 In order to minimize flood damage in new subdivisions and to prevent increased flood hazard to existing buildings caused by filling in portions of the existing floodway, the Commission may require that portions of proposed subdivisions within the Flood Prone Area conform to the following standards:

- All utilities and facilities, including wells, septic systems, and sewer, gas, electrical and water systems shall be located, and constructed to minimize or eliminate flood damage.
- Adequate drainage shall be provided to reduce exposure to flood hazards.
- A permit from the Canton Zoning Commission shall be obtained prior to any development within the Flood Plain Zoning District.
- A permit may also be required prior to development from the Canton Inland Wetlands and Watercourses Agency, Connecticut Department of Environmental Protection, and/or the U.S. Army Corps of Engineers.
- Adherence to provisions of Section 470 of these regulations.

Amended 4/1/91

318. Driveways All driveways shall be so designed as to provide (1) safe and convenient access to streets and (2) appropriate and adequate drainage to prevent hazardous conditions on a public way. One driveway shall allow access to no more than two lots. Except where

special conditions exist making other access impossible or unsafe, no driveway shall be permitted within 50 feet of the intersection of any existing or proposed streets.

Amended 11/2/92

318.1 Driveway slopes are regulated for the first 220 feet of length as measured beginning at the street property line to provide safe and convenient access as follows:

- a. No slopes shall exceed 15%.
- b. For any driveways with slopes greater than 10%, the first 20 feet of length shall not exceed 3%.
- c. For any driveways with slopes greater than 5% but not greater than 10%, the first 15 feet of length shall not exceed 3%.
- d. For any driveway with slopes of 5% or less, the minimum standards of this section shall be adhered to.

In reviewing that portion of any driveway which is longer than 220 feet, the Commission may seek the recommendation of any local public safety officials.

Amended 9/1/89

318.2 The Commission may allow house lots on private driveways when certain conditions are met:

- where the character of the property leaves no alternative;
- where the Commission approves a permanent dead end street;
- where the purpose of granting rear lots is not to avoid building new streets;
- Driveways longer than 500' shall have turn-offs provided to allow two emergency vehicles to pass. These turn-offs shall be spaced not more than 500' apart.

### 320. Construction Standards

321. General Requirements Streets and related improvements shall be constructed in substantial conformance with "Standard Specifications for Roads, Bridges and Incidental Construction" (Form 812), as amended, published by the Connecticut Department of Transportation, except as otherwise provided by these regulations, by other applicable Town ordinances or regulations or in situations where soil conditions or other physical conditions require special consideration.

All lot corners shall be pinned. Monuments shall be set at point of curvature (PC), point of tangent (PT) and change of direction, as shown on the approved subdivision map.

Amended 11/2/92

322. Inspections All streets and other subdivision improvements required by the Town shall be inspected by the Town Engineer who shall file reports with the Commission at periodic intervals not less frequently than the time of completion of various stages of construction as listed under Section 322.1. Engineering reports shall include

details related to compliance with design and construction standards and opinions related thereto.

Amended 11/2/92

322.1 The Town Engineer shall be notified in writing at least two working days in advance as to the date of the following stages of construction:

- completion of drainage structures and pipe, prior to covering

322.1 (continued)

- completion of the street subgrade;
- completion of the first layer of the subbase;
- beginning of construction of the wearing surface;

None of these construction stages shall be undertaken until the previous stage has been inspected and approved.

322.2 Failure to notify the Town Engineer two working days in advance of performing work may result in the Town not approving work performed.

Amended 11/2/92

322.3 Final Inspection A final inspection of all improvements and utilities shall be made by the Town Engineer to determine whether the work is satisfactory and in substantial agreement with the approved final subdivision plans and these regulations. After consideration of the Engineer's opinion, the Commission shall determine whether the work is in substantial agreement with the approved subdivision plans.

Amended 11/2/92

323. (This Section intentionally left blank)

Amended 11/2/92

324. Road Construction Standards The Subdivider shall construct all roads in subdivisions in substantial conformance with the Typical Roadway Cross Section (See Figure 1).

Amended 2/15/90, 11/2/92

324.1 Construction of Subgrade and Surfacing Courses When constructing the subgrade, all loam, trees, roots, boulders and ledges shall be removed from the street site. The street site shall be excavated below profile grade to a depth determined by the particular roadway conditions, but in no case, shall this depth be less than twelve (12) inches below the finished grade of the pavement for the full width of the street. All soft spots shall be replaced with gravel subbase and the entire subgrade shall be compacted before placing processed aggregate base. On the subgrade shall be placed 9 inches of aggregate base. The base material shall be compacted with a three (3) wheel roller weighing at least ten (10) tons, or an equivalent means of compaction approved by the Town Engineer.

324.2 Bituminous Concrete Base Course All house services, including gas, sanitary sewer, water, electric and telephone shall be constructed prior to the installation of the bituminous concrete base course. In all instances the

bituminous concrete base shall be a minimum of one and one-half (1 1/2) inches in depth of Class I material, after compaction. (See Road Cross Section, Figure 1).

Amended 11/2/92

324.3 Bituminous Concrete Wearing Course The top wearing course shall consist of bituminous concrete, Class II, applied with a paving machine and rolled to a one and one-half (1 1/2) inch compacted depth. (See Figure 1).

Amended 11/2/92

324.4 Curbs and Driveway Entrances Driveways, bituminous concrete lip curb, granite curb and concrete curb shall be installed in substantial conformance with the Standards and Specifications set forth in these regulations. (See Figures 3 and 4).

Amended 11/2/92

324.5 Loaming - Seeding - Fertilizing The Subdivider shall place six (6) inches of loam on the grass strip and side slopes and spread limestone, fertilizer, grass seed and mulch in accordance with Standards and Specifications for such, as contained in Erosion and Sediment Control Handbook, U.S. Department of Agriculture and Soil Conservation Service. The establishment of permanent grass cover shall be the responsibility of the Subdivider.

324.6 Street Signs Signs shall be provided by the Town at cost to the Subdivider. On at least one corner of all intersections of the subdivision there shall be at least one permanent four-way sign carrying the names approved by the Commission. Lettering shall be clearly legible and at least three inches high and of a style to be approved by the director of Public Works. Such signs shall be erected before any new residential structure on either street in the subdivision is occupied.

325. Storm Drainage Design Storm drainage shall be designed in accordance with the following standards. All pipe material for storm water drainage be Class IV reinforced concrete, a minimum of 15 inches in diameter and with a minimum pitch of 1/2%. All surface and subsurface drainage facilities shall be designed by a Connecticut Professional Engineer. The Connecticut P.E. shall sign and seal all calculations, drawings, charts, etc. that may be submitted to the Planning Commission for consideration with the subdivision application.

325.1 Pipe and Ditches Sufficient pipe and ditches shall be installed within the subdivision to carry existing water courses, other than rivers and wide streams, and to drain the proposed streets and streets which may reasonably be expected to be constructed at some future date on adjoining property which normally drains across the area of the proposed subdivision. If in its judgment there will be no substantial danger from soil erosion or danger to the public health and safety, the Commission may permit the continuance of existing water courses in their established courses.

Relocation of major water courses will be permitted only where, in the opinion of the Planning Commission, such relocation improves the flow pattern of the stream

and has been approved by the Inland Wetlands Commission. Ditches and open water courses should not be located in the portion of the lot customarily used for front and side yards, within the area of the lot described by the applicable setback lines, or in the portion of the lot which might logically be used for subsurface sewage disposal and/or water supply systems. All ditches and storm drainage piping shall be constructed in accordance with these regulations and shall, in the judgment of the Planning Commission, be sufficient to carry properly the designed storm water flow rates expected to enter the ditch or pipe from the proposed subdivision and from other properties in the watershed which, when fully developed, can be expected to drain across the area of the proposed subdivision.

- 325.2 Discharge The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into Town drains and ditches with the capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant before approval of the record subdivision map and acceptance of the final plan.
- 325.3 Easements Easements, at least 30 feet in width, shall be provided for all storm water or sanitary sewer pipes that are not to be installed in a street. The easement shall be located so that the pipe is positioned at least ten feet from the boundary of such easement, unless otherwise directed by the Planning Commission. Easements at least 30 feet in width shall also be provided for the full length of the channel of any stream or drainage ditch in the subdivision which will carry drainage runoff from any proposed street, existing street, or streets which may be constructed in the future on the undeveloped land within the watershed. Easements shall also be provided for storm water pipes that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision, and may be required where the natural prescriptive drainage rights must be altered by land subdivision.
- 325.4 Driveway Drainage Driveways to individual lots or interior lots shall be so located, designed and constructed as to prevent erosion, prevent excessive road drainage down driveways or excessive driveway drainage onto the traveled way. Construction of such drainage facilities necessary to driveway construction shall be completed prior to the issuance of a certificate of occupancy.
- 325.5 Underground Utilities All electric and telephone wires shall be installed underground unless certain conditions exist.
- a. where service can be provided from existing pole to house without installation of intermediate pole.
  - b. where there is ledge and it prohibits trenching from being as deep as is required by the utility.
- 325.6 Peak Flow Comparison Subdivisions in excess of 5 acres shall be required to control the surface storm water discharge to that peak discharge that existed prior to development. The publication "Urban Hydrology for Small Water Sheds", technical release no. 55 by the Engineering Division Soil Conservation Service US Department of Agriculture January 1975 (as may be amended) shall be the basis of

the comparison of the peak flows before and after development. The base storm for comparison shall be a 10 year 24 hour rainfall.

- 325.7 Culvert and Bridge Design All decisions shall be based on the development of the entire watershed as permitted by Zoning. Culverts and bridges shall be designed to minimize flooding upstream of the structure.

The following minimum design criteria shall be the basis of culvert and bridge sizings:

- a. Watersheds equal to or greater than 640 acres: 100 yr. design storm.
- b. Watersheds less than 640 acres: 100 yr. design storm.

- 325.7 Culvert and Bridge Design (continued)

- c. Roadway pavement drainage systems including gutters, inlets, and underdrains: 10 year design storm.

- 325.8 Culverts and Bridges Under Streets Culverts and bridges shall be extended to at least the edge of the right of way of the street. Headwalls, endwalls, wingwalls, paving, and/or rip rap, adequate to prevent erosion, shall be provided at the outfall of all facilities.

Outfalls shall be extended to grade.

- 325.9 Underdrains and Slope Drainage Underdrains and slope drains shall be constructed to control seepage as required on the construction plans or where directed by the Town Engineer. They may be required even though not shown on the approved construction plans due to unforeseen subsoil conditions. Design of under drains and slope drains shall be approved by the Town Engineer.

- 325.10 Detention and Retention Facilities Surface ponding facilities to detain or retain storm water flows shall be designed such that a 100 yr. storm discharge to the impoundment results in a two foot freeboard. Emergency spillways and/or culverts shall be designed to discharge a 100 year storm flow without damage to the impoundment. Impoundments four feet or greater in height require a permit from the Connecticut Department of Environmental Protection.

Adequate drainage facilities shall be constructed on subdivision lots. The facilities are

required to prevent the concentrated flow of surface drainage from the first lot on which it originates onto adjacent property - either within or adjacent to the subdivision.

Amended 11/2/92

326. Underground Utilities All electric and telephone wires shall be installed underground except where: service can be provided from an existing pole to a building without installation of an intermediate pole; or, there is ledge which prohibits trenching from being as deep as is required by the utility.

Amended 11/2/92

330. Private Residential Streets The Commission may allow an applicant to construct a dead-end private residential street to serve up to eight (8) lots.

Amended 6/1/98 to add Sections 330 through 335.1

- 330.1 Except as noted below, subdivisions containing private residential streets shall conform to all other requirements of the Subdivision Regulations of the Town of Canton and the Zoning Regulations of the Town of Canton.
- 330.2 The Commission shall not approve the establishment of a private residential street when any of the following conditions apply:
- a. the private residential street would represent all or part of a critical link in the public road network;
  - b. the private residential street would connect with two or more public streets, thus encouraging through traffic; or
  - c. the private residential street would represent the only feasible link to adjacent undeveloped property, not under control of the owner at the time of application.
331. Ownership Pavement, curbing, sidewalks and other common elements along the private residential street shall be owned in fee and maintained by an association of lot owners utilizing the common elements under the terms of the Connecticut Common Interest Ownership Act. The instrument of association shall be approved by the Commission and Town Counsel and shall contain at least the following provisions.
- 331.1 The power to levy assessments against the owners of lots within the subdivision, enforceable by lien.
- 331.2 Covenants to maintain the streets and sidewalks, to make all required repairs, to plow snow off streets and sidewalks, to collect refuse, or other services, at no expense or burden to the Town of Canton. Said covenants shall be expressly enforceable by the Town as a third party beneficiary.
- 331.3 The owner of the land to be subdivided shall include in the deed to each lot, a statement that the street(s) and sidewalk(s), where required, are not owned or maintained by the Town of Canton and are not constructed in accordance with construction standards for public streets.
- 331.4 Subdivision plans shall include the dedicatory language of the common properties to the association.
332. Construction Standards Private residential streets shall be constructed in accordance with Section 320 except as modified below (see Figure 9).
- 332.1 The width of pavement shall be no less than 20 feet for permanent dead end streets serving up to four (4) lots and shall be no less than 22 feet for streets serving from five (5) to eight (8) lots.
- 332.2 A vehicular turnaround shall be provided in the form of a hammerhead with minimum dimensions of 20 feet by 80 feet (Figure 10) or a cul-de-sac with a minimum outer radius of 45 feet (Figure 11). The interior of cul-de-sacs shall contain an island consisting of low maintenance, salt tolerant landscaping which shall be maintained by an association of lot owners. A minimum pavement width of 20 feet shall be provided around cul-de-sacs.
- 332.3 The right-of-way shall extend a minimum of five (5) feet beyond each edge of pavement.

- 332.4 When a sidewalk is required, a minimum of five (5) feet shall be added to the width of the right-of-way or easements shall be provided on private land adjacent to the right-of-way to accommodate it.
- 332.5 If utilities are not located beneath the paved street, the right-of-way shall be widened to accommodate them if necessary or easements shall be provided on private land adjacent to the right-of way.
- 332.6 Curbing shall be installed unless the subdivider can demonstrate to the satisfaction of the Commission that curbing is unnecessary. Factors the Commission may consider in this determination shall include but are not limited to: the slope of the street and its effect on storm water management and safe on-street parking; protection of the pavement edge and adjacent lawn from damage caused by erosion, plowing and parked vehicles; and protection of sidewalks from encroachment by vehicles.
333. Storm Drainage Design Storm drainage shall be designed in accordance with Section 325.
334. Inspections All private residential streets and improvements within the subdivision shall be inspected in accordance with Section 322 except that the owner shall hire a Connecticut Licensed Professional Engineer to inspect the streets(s) and improvements in lieu of the Town Engineer. The Connecticut Licensed Professional Engineer shall submit the required engineering reports to the Town Engineer for review and approval. Upon completion of the improvements, the Connecticut Licensed Professional Engineer shall certify that the improvements meet the private residential street construction standards specified in Section 332.
335. Bonding Common improvements shall be bonded in accordance with Section 600, except as provided below.
- 335.1 Any residual security shall be released by the Commission one year from the completion of all common improvements, after an inspection and certification by a Connecticut Licensed Professional Engineer, hired by the owner, that the improvements contain no defects.

## 400. EROSION AND SEDIMENTATION CONTROL

401. Erosion and Sedimentation Control Plans A plan for erosion and sedimentation control covering all proposed excavation filling and grade work for improvements shall be required for review and approval by the Planning Commission prior to the approval of plans.
402. Cut and Fill Slopes Cut and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or cribbing, or unless soils or other physical characteristics demonstrate a stable condition.  
Amended 11/2/92
403. Grading Grading shall not be done in a way that diverts water onto or impounds water on the property of another landowner without the written consent of that landowner.
404. Filling Fills shall not encroach on natural watercourses or constructed channels. During construction, necessary measures for dust control shall be exercised.
410. Definitions

"Certification" means a signed, written approval by the Canton Planning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

"Commission" means the Canton Planning Commission, a committee thereof or the Town Engineer, if designated by the Commission.

"County Soil and Water Conservation District" means the Hartford County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

"Development" means any construction or grading activities to improved or unimproved real estate.

"Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

"Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

"Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

"Soil" means any unconsolidated mineral or organic material of any origin.

"Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

420. Activities Requiring a Certified Erosion and Sediment Control Plan

- 421. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The Commission may require a Public Hearing on the application.
- 422. A single family dwelling that is not a part of a subdivision application of land shall be exempt from these soil erosion and sediment control regulations.

430. Erosion and Sediment Control

- 431. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Copies of this document are available from the Connecticut Department of Environmental Protection. Alternative principles, methods and practices may be used, subject to approval of the Commission and good engineering practices.
- 432. Said plan shall contain, but not be limited to a narrative describing
  - 1. the development;
  - 2. the estimated schedule for grading and construction activities including:
    - a. dates for start and completion of regulated construction activities;
    - b. sequence of grading and construction activities;
    - c. sequence for installation and/or application of soil erosion and sediment control measures;
    - d. sequence for final stabilization of the project site;
  - 3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
  - 4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
  - 5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
  - 6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 433. Substantial changes in scheduling or sequencing shall be submitted to the Commission or its agent for approval, prior to the start of regulated activities.  
Amended 1/1/86
- 434. A site plan map at 1" = 40' scale or other scale as may be approved by the Commission must be
  - 1. the location of the proposed development and adjacent properties;

2. the existing and proposed topography at a two-foot contour interval or other interval as may be approved by the Commission, including soil types, wetlands, watercourses and water bodies;
3. the existing structures on the project site, if any;
4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new or proposed property lines;
5. the location of any design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

435. Sealing of Documents

9. Plans, computations, design criteria, and other technical information submitted to the Commission shall be signed and sealed by a professional engineer, licensed in Connecticut.
10. Topography, perimeter survey, and other land boundary information submitted to the Commission shall be signed and sealed by a licensed Connecticut Land Surveyor. Such submissions shall be in accordance with standards as prescribed in the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, October, 1976 as may be amended.

436. Estimate of Construction Cost The applicant shall submit to the Commission an estimate of the cost to install and maintain the soil erosion and sediment control plan over the estimated life of the project. The Commission may accept this estimate as the bonding amount.

437. The Erosion and Sediment Control Plan may contain any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

438. Any provision of Section 430 may be waived by the Commission upon the applicant demonstrating good and adequate reason for such waiver.

440. Minimum Acceptable Standards

441. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. The Commission may approve other methods provided that they are at least as effective as the methods found in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and

sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause detrimental off-site erosion and/or sedimentation when completed.

442. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. The Commission may grant exceptions when requested by the applicant, if technically sound reasons are presented.

443. The appropriate method from Chapter 9 of the Connecticut Guidelines used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

450. Issuance or Denial of Certification

451. The Planning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

452. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

453. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

454. The Commission may forward a copy of the development proposal to other review agencies or consultant(s) for review and comment prior to action on the application.

455. The applicant shall file with the Canton Town Clerk, the Commission's certified soil erosion and sediment control plan prior to the start of any regulated activities.

456. The applicant shall file with the Canton Town Treasurer such bond or bonds as may be required by the Commission prior to the start of any regulated activities, and any bond required may be secured with cash, with surety, with letter of credit or with assignment of Pass Book at the option of the Commission. Such bond(s) shall be reviewed and approved by the Canton Town Attorney prior to the filing with the Town Treasurer.

460. Conditions Relating to Soil Erosion and Sediment Control

461. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan that are a condition of certification of any site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 600, "Administration and Bonding" of the Subdivision Regulations adopted May 23, 1983, as may be amended.

462. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
463. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
464. (this Section intentionally left blank)
465. Any person engaged in development activities who fails to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a plan certified pursuant thereto, shall be deemed in violation of the Zoning Ordinance and Planning Ordinance of the Town of Canton and the violator shall be subject to fine and/or legal action as provided by statute, ordinances or regulations or the law of the State of Connecticut.
470. Inspections
471. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that the control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.
480. Applicant's Site Representative
481. The permittee shall designate in writing to the Commission the name and address of its delegate on site who is responsible for the implementation and execution of the Certified Soil Erosion and Sediment Control Plan during construction prior to commencing the work. Responsibility shall include installation and maintenance of control measures, informing all parties engaged on the construction site and notification of the Planning Commission of any changes in the Plan.  
Amended 1/1/86
490. Modifications to Certified Plan
491. The applicant may request the Commission to hear a Certified Plan modification request. The Commission may hold a Public Hearing on such Certified Plan modification request, even though a Public Hearing was not held on the original Plan. Amended 1/1/86
492. Modifications to the Certified Plan resulting from actions of the applicant to protect lives and/or property shall be reported to the Commission's agent in writing, not later than 72 hours after the measures are put into effect. If the modification(s) are to remain in effect, the applicant shall apply to the Commission as provided in Section 491 for approval of the modifications.

## 500. SPECIAL REGULATIONS

510. Reserved

520. The subdivider shall demonstrate to the Commission that the subdivision planning process has considered the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer after tax credits, subsidies and exemptions.

Passive solar energy techniques mean site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season, and minimize heat gain and provide for natural ventilation during the cooling season.

The site design techniques shall include, but not be limited to, building orientation, vegetation, natural and man-made topographical features, and protection of solar access within the subdivision.

Amended 12/29/86

### 521. Orientation

521.1 Building Orientation Buildings should be oriented with the long axis oriented east and west with a possible 10 degree variation to northwest and a possible 25 degree variation to the southwest. This creates the best possibility that large roofs and walls may receive solar radiation.

521.2 Lot Orientation Whenever possible lot lines should be oriented so that they run east and west or north and south, which directions have the best opportunity for orientation buildings toward the sun.

521.3 Street Orientation Where the topography and soil/ledge conditions will permit, streets shall be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits east-west orientation of new streets the layout of the lots and buildings shall be adjusted for orientation to the sun. (As in 521.1 521.2 above.)

### 521.4 Vegetation Siting

521.41 Existing Vegetation In order to protect as much existing vegetation as possible and still allow for solar access, buildings should be located in that location which protects and ensures long life to the youngest and healthiest trees, bushes and plants.

521.42 New Vegetation Planting plans for new developments shall be submitted which ensure that no new vegetation (e.g. street trees) denies new buildings solar access. If new vegetation is planned or required a shadow plan shall be submitted identifying location, species and shadow area at maturity.

### 522. Special Requirements

522.1 Fences and Walls No fences or walls shall be placed on a lot or attached to a new building which shall deny solar access.

522.2 Solar Surface Each lot must have solar access to at least one of the following: 1) roof, 2) wall, or 3) open lot.

## **600. BONDING AND ADMINISTRATION**

### **610. Security Guaranteeing the Completion of Public Improvements**

611. General Upon the conditional approval of any subdivision plan which involves work related to improvements and before proceeding with any work, the subdivider shall review the scope of the improvements with the Town Engineer who shall review the subdivider's estimate of the construction costs of such improvements and shall recommend to the Commission the amount of security to guarantee the actual construction, maintenance, installation and completion of such improvements. In computing the estimated cost of construction, the Commission shall consider the recommendation of the Town Engineer and may add a percentage not exceeding 20% to cover inflation, administrative or other costs to the Town for advertising and awarding a contract in case of default. The Commission shall review such amount on an annual basis to assure that any security remains adequate.  
Amended 11/2/92

612. Form of Security To ensure the effective management and completion of improvements, the Commission shall require one or more of the following:

612.1 A cash deposit with the First Selectman of the Town or a passbook account from only those banks designated by the Town as depositories of its municipal funds, drawn in the name of the Town as sole escrow agent or trustee, and the developer as beneficiary.

a. The developer's tax ID shall be printed on all passbook or escrow accounts.

b. The Town Treasurer/Finance Officer shall be the Town's authorized signatory and shall have custody of all passbook or escrow accounts.

c. Letters of Credit shall not be an acceptable form of security.

Amended 11/2/92

612.2 A surety bond by a licensed surety company approved by the Insurance Commissioner of the State of Connecticut satisfactory to the Town as to form and manner of execution. The surety bond shall cover a maximum 80% of the established security requirement with the remainder to be covered by a cash deposit or passbook account.

Amended 11/2/92

612.3 An executed agreement by and between the Planning Commission and the developer citing the approved subdivision plans and specifying the scope of improvements, the design and technical details, the estimated costs of the improvements for which security is to be provided, an effective construction management plan, reporting, contingencies related to field changes, maintenance, security and time for completion, and responsible entities.

a. Such agreement shall be reviewed by the Town's attorney, and shall be recorded on the land records of the Town of Canton concurrently with the signing of the subdivision plans.

613. Reductions in the Security The subdivider may request a partial release of security from the Commission. Such partial release shall be authorized by the Commission only if, after inspection of work completed, it is found by the Commission that the balance of the security is adequate to cover the cost of completion of the remaining improvements.

Amended 11/2/92

614. Residual Security After completion of the requirements of Section 620 of these regulations, a one-year retention period of a residual security as provided under Section 620.6 shall commence.

Amended 11/2/92

614.1 The required amount of residual security shall be based upon the estimated cost of the public improvements of the total work of the approved subdivision plans, less any added percentages, as follows:

-- 20% residual security for estimates up to \$200,000.00

-- 15% residual security for estimates from \$200,000.00 to \$500,000.00

-- 10% residual security for estimates from \$500,000.00 to \$1,000,000.00

-- 5% residual security for all estimates over \$1,000,000.00

The Commission shall also take into consideration any recommendation of the Town Engineer.

Amended 11/2/92

615. Expiration No security, either cash or surety, shall carry an expiration date that occurs before the maximum time allowed by Connecticut General Statutes for completion of work.

Amended 11/2/92

616. There shall be no surety bonds accepted, either cash or surety, which carry an expiration date that falls before the acceptance of the road and improvements by Town ordinance.

620. Acceptance of Public Improvements shall be accomplished in a manner that is consistent with Section 8-24 of the Connecticut General Statutes, with the Town Charter and with guidelines established by the Board of Selectmen as carried out by the Chief Administrative Officer of the Town. When the following provisions have been met, a subdivider may request that the Town accept the public improvements and that the balance of security be designated as a residual security to be held and managed by the Town.

Amended 11/2/92

620.1 Work relating to the public improvements shall have been completed and found substantially acceptable by the Commission.

Amended 11/2/92

- 620.2 A sworn affidavit stating that all monuments have been set in conformance with the requirements of the Commission is obtained from the land surveyor employed by the subdivider (see also Sec. 323).
- 620.3 A set of reproducible as-built drawings showing all public improvements as constructed and installed is prepared. The drawings shall be certified, bearing the name and seal of a professional engineer and/or land surveyor employed by the subdivider assuring that all public improvements conform to the requirements of the Commission.  
Amended 11/2/92
- 620.4 Deeds for public improvements, including instruments relating to open space reservation, shall have been executed in a form approved by the Town's attorney and delivered to the Land Use Office for filing with the Town Clerk. (See also Sections. 316.6 and 316.7)  
Amended 11/2/92
- 620.5 Easements for drainage, both within the subdivision and across other property, shall have been executed in a form approved by the Town's attorney and delivered to the Land Use Office for filing with the Town Clerk.  
Amended 11/2/92
621. Report and Recommendation Upon completion of the above requirements, the Commission shall file a report with the Board of Selectmen pursuant to Section 8-24 of Connecticut General Statutes and may recommend acceptance of the public improvements.  
Amended 11/2/92
- 621.1 Any security shall be released except that a residual amount according to Section 614.1 shall be retained for one year from the date of acceptance of the public improvements by the Board of Selectmen or Town Meeting as an assurance to correct any defects that develop involving the public improvements.  
Amended 3/1/91 to include the phrase "from the date of acceptance of the public improvements by the Board of Selectmen or Town Meeting".  
Amended 11/2/92 to recodify.
- 621.2 The Board of Selectmen shall authorize final release of the security upon a written statement by the Town Engineer that no defects developed during the one-year retaining period that require corrective work.  
Amended 11/2/92

## 700. WAIVER OF CERTAIN REGULATION REQUIREMENTS

### 710. Wavered Sections

711. Under certain conditions the commission may waive various sections of these regulations for reasons outlined in this section, generally, and described more specifically in the official action of the Commission when considering an application. In order to waive any section of these regulations that action must be approved by a three-quarters vote of all the members of the Commission.

712. Those sections which may be waived shall be:

Sec. 315 Permanent Dead End Streets

Sec. 318.1 Driveway slopes, provided that slope requirements may be only waived when slopes are downgradient from the street as follows:

The line from which the first 15 or 20 feet is measured under Section 318.1 may be waived from "beginning at the street property line" to "beginning at the edge of pavement".

Sec. 324 Road Construction Standards  
Amended 2/15/90

### 720. Waiver Reasons

721. Resubdivision Where a resubdivision is proposed, the following sections may be waived:

Sec. 315 Permanent Dead End Streets

722. Special Conditions Where conditions exist which are caused by or affect the land being subdivided and are not generally applicable to other land less than 200 yards from any point on the subdivision the following sections may be waived:

Sec. 315 Permanent Dead End Streets

723. Roads and Walkways in Industrial Heritage Districts To maintain historic character and preserve historic buildings and improvements within an Industrial Heritage District, the Commission in its sole discretion may waive certain provisions of the following sections of these regulations for the reasons cited below. Such waiver shall conform with Section 725.

Amended 7/12/99

Sec. 314 Street Layout

Where lesser standards for separating distances between, or angles of, street intersections or reduced speed limits would preserve historic buildings or other historic improvements, the Commission may waive relevant portions of Section 314.

Sec. 315 Permanent Dead End Streets

Where a dead end street longer than 600 feet or a cul-de-sac of smaller dimensions than normally required would preserve historic buildings or other historic improvements, the Commission may waive, relevant portions of Section 315.

723. Roads and Walkways in Industrial Heritage Districts (continued)

Sec. 318 Driveways

Where more than two lots on one driveway or driveways with grades exceeding those permitted by these Regulations would preserve historic buildings or other historic improvements, the Commission may waive relevant portions of Section 318.

Sec. 324 Road Construction Standards

Where a lesser street width would assist in limiting the speed of traffic or would preserve historic buildings or other historic improvements, the Commission may waive relevant portions of Section 324.

724. Open Space Subdivisions When Open Space Subdivisions are proposed, the Commission may, at its discretion, approve reduced road widths and elimination of or alternatives to curbing for non-through streets ending in cul-de-sacs. Appropriate portions thereto of the following sections may be waived:

Amended 2/15/90

Sec. 324 Road Construction Standards

725. Adverse Effects No waiver shall be granted which would have a significant adverse effect on any adjacent property or on the public health or safety. The commission shall state in the record the specific reasons for granting a waiver.

Amended 6/12/99 to recodify (formerly 723)

## 800. VALIDITY and SEPARABILITY

810. If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.
820. If any section, paragraph, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional, as applied to a particular subdivision or subdivision application, by decree or decision of a court of competent jurisdiction, such decree or decision shall be limited to the particular subdivision or subdivision application and the general applicability of these Regulations to other Subdivisions and subdivision applications shall not be affected.

REPEAL The "Subdivision Regulations of the Town of Canton, Connecticut" made effective by the Commission on June 3, 1957 (Revised March 11, 1974) and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations and all amendments thereto shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or any liability, penalty, forfeiture or punishment incurred, prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

ADOPTION These Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Planning Commission of Canton in accordance with the General Statutes of the State of Connecticut.

Adopted	May 23, 1983
Amended	January 1, 1986
Amended	December 29, 1986
Amended	February 1, 1988
Amended	September 1, 1989
Amended	February 15, 1990
Amended	March 1, 1991
Amended	April 1, 1991
Amended	November 11, 1992
Amended	January 5, 1998
Amended	June 1, 1998
Amended	June 7, 1999
Amended	July 12, 1999
Amended	February 7, 2000
Amended	April 2, 2001

Amended December 7, 2009

APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF  
CANTON, CONNECTICUT AT ITS MEETING ON

DATE \_\_\_\_\_ AND SIGNED BY

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

AND DELIVERED TO THE APPLICANT ON \_\_\_\_\_

IN ACCORDANCE WITH C.G.S. SECTION 8-26c, ALL WORK IN  
CONNECTION WITH THIS SUBDIVISION SHALL BE COMPLETED

BY \_\_\_\_\_ .

NOTE: Final approval block to be located in the lower right section of each sheet adjacent to the title block.

FINAL APPROVAL BLOCK

FIG. #7

# CONDITIONALLY APPROVED SUBDIVISION PLAN

APPROVED CONDITIONALLY BY THE PLANNING COMMISSION OF THE TOWN  
OF CANTON, CONNECTICUT AT ITS MEETING ON \_\_\_\_\_  
AND SIGNED BY CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_ AND  
DELEIVERED TO THE APPLICANT ON DATE \_\_\_\_\_

This plan is conditionally approved in accordance with Section 8-25 of Connecticut General Statutes and conditioned on the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission. In the event of noncompletion, there shall be the provision of adequate security as provided in the subdivision regulations. Upon the occurrence of either of such events, the Com-mission shall cause a final approval to be endorsed on the subdivision plans. Such plans with final approval shall be recorded on the land records of the Town of Canton in addition to this conditionally approved plan. A written agreement by and between the Town of Canton and the developer to the effect of this conditional approval is recorded in

Volume \_\_\_\_\_ at

Page \_\_\_\_\_ of

the Canton Land Records.

ALL WORK IN CONNECTION WITH THIS SUBDIVISION MUST BE COMPLETED  
IN ACCORDANCE WITH C.G.S. SECTION 8-26c BY \_\_\_\_\_ .

NOTE: Conditional approval block to be located in the lower right section of each sheet adjacent to the title block.

CONDITIONAL APPROVAL BLOCK

FIG. #8