

Subdivision Regulations
ARTICLE 1 - TITLE AND AUTHORITY

These regulations shall be known as the Land Subdivision Regulations of the Town of Oxford and may be referred to as the "Regulations."

These regulations have been prepared and adopted by the Oxford Planning and Zoning Commission pursuant to the authority granted by Chapter 126, Connecticut General Statutes.

Henceforth, no land within the Town of Oxford shall be subdivided or resubdivided, as defined herein, until a plan of such subdivision or resubdivision has been approved by the Commission pursuant to these regulations.

Words used in the singular include the plural. Words used in the present tense include the future tense. The word "shall" is interpreted as mandatory; the word "may" as directory and complied with unless waived. The term "Commission" is used throughout these regulations and refers to the Planning and Zoning Commission of the Town of Oxford.

SECTION 1 Purpose. These Regulations are adopted to promote and ensure the orderly development of land within the Town so that the land, when subdivided, can be used for building purposes without danger to health and safety and for the following specified purposes:

- 1) To provide for adequate light, air and privacy to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion;
- 2) To protect and provide for the public health, safety and general welfare of the Town;
- 3) To guide the future growth and development of the Town in accordance with the Town's Plan of Conservation and Development;
- 4) To protect and conserve the value of buildings and improvements upon the land, and to minimize conflicts among the uses of land and buildings;
- 5) To protect the character and the social and economic stability of the Town and to encourage orderly and beneficial development of the Town;
- 6) To make proper provision for transportation, surface drainage, water supply, sanitary waste disposal, schools, parks, recreation and other public requirements and facilities, and to ensure that public facilities and services are available and will have sufficient capacity to serve the proposed subdivision;
- 7) To insure proper protective and flood control measures for areas near brooks, rivers and other bodies of water and to prevent damage from flooding and storm water runoff;
- 8) To provide the most beneficial relationships between the uses of land and buildings and the

circulation of traffic throughout the Town;

- 9) To establish a reasonable standard of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land, and to ensure proper legal descriptions, and monumenting of subdivided land;
- 10) To prevent the pollution of air and water.
- 11) To encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land;
- 12) To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these features;
- 13) To provide for open spaces and environmental protection through the most efficient design and layout of the land

ARTICLE 2 - DEFINITIONS

SECTION 1 Applicant. The person submitting the application for subdivision or resubdivision approval who shall be either the property owner or his authorized agent.

SECTION 2 C.G.S. or Statutes. General Statutes of Connecticut, Revision of 1958, as amended.

SECTION 3 Commission. The Planning and Zoning Commission of the Town of Oxford.

SECTION 4 Local Street. A street intended to serve primarily as an access to abutting properties.

SECTION 5 Major Street. A street which serves, or is designed to serve, as a major artery and is so designated on the Town Development Plan.

SECTION 6 Open Space. Land owned by the town of Oxford, State of Connecticut or other entity legally committed in perpetuity to be preserved in its natural state.

SECTION 7 Private Road. A private road shall be an easement of access off of a public highway owned in common by all the landowners to whom it provides access and shall be constructed in accordance with the Town Road Ordinance, except as may be amended as described herein.

SECTION 8 Resubdivision. A change in a map of an approved or recorded subdivision if such change affects any street layout shown on such map, affects any area reserved thereon for public

use or 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 approval or recording of such map.

SECTION 9 Secondary Street. A street which serves, or is designed to serve, as a traffic collector for a neighborhood, or as a feeder to a major artery and is so designated on the Town Development Plan.

SECTION 9A Site Line Distances – The furthest distance that a vehicle traveling along a roadway is visible from a vehicle entering the roadway.

SECTION 10 Street. An accepted public way permanently dedicated to movement of vehicles and pedestrians, which is shown on an approved subdivision plan, or on a map filed in the Office of the Town Clerk, or is a State or Town Road.

SECTION 11 Subdivision. The division of a tract or parcel of land into three or more parts or lots subsequent to August 1, 1961, for the purpose, whether immediate or future, of sale for building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision. The above shall prevail regardless of change in ownership.

SECTION 12 Town Engineer. A registered professional engineer, licensed to practice in the State of Connecticut, appointed by the Board of Selectman.

ARTICLE 3 - PROCEDURES

SECTION 1 Sketch Plan Review. The applicant may submit a sketch plan of the proposed subdivision to the Commission for the purpose of informing the Commission of a planned subdivision and to receive informal opinions from members of the Commission concerning the application. The sketch plan shall show the location of the proposed streets, layout of the lots, significant natural features, surrounding roadways and other relevant information. The comments and opinions expressed by members of the Commission concerning the sketch plan shall be considered informal and non-binding and do not constitute approval of the application.

SECTION 2 Initial Review. At this introductory meeting, the Commission shall review the application for completeness of content, and may receive a report on such from administrative or technical staff. The applicant or his representative shall be present at this meeting. If the application is determined to be substantially complete, it shall be accepted by motion and referred to technical staff for review for compliance with these regulations. If the Commission finds the application to be incomplete, it shall be returned to the applicant. The time periods specified in Sec 8.26d, C.G.S. shall begin with formal acceptance of the application.

SECTION 3 Assignment of Public Hearing/Final Review. A report of the findings of professional staff as to conformity with these regulations shall be presented to the Commission at the

next regular meeting following acceptance of the application. The Commission may then either take action on the application or schedule a public hearing. If no public hearing is to be held, the Commission may delay action for up to 65 days after acceptance, except that this 65-day period may be extended as provided by statute.

3.1 Public Hearings. A public hearing shall be held on all applications for resubdivision. A public hearing shall be held on all applications including a request for a waiver of any of the requirements of these regulations, and on all applications for subdivisions containing more than ten building lots.

SECTION 4 Notice to Abutting Owners. The Commission shall provide notice of the hearing as provided by statute. The applicant shall notify the owners of all parcels totally or partially located within 250 feet of the perimeter of the subject parcel by mail with proof of mailing. The letter of notification shall be postmarked at least fourteen days prior to the public hearing date. Evidence of mailing from the U.S. Postal Service shall be given to the Commission at the public hearing.

SECTION 5 Referrals to Adjacent Towns/Wetlands Agency.

5.1 If an application includes land which abuts or includes land in an adjacent town, the Commission shall refer such application to the appropriate Regional Planning Agency(s) as specified by Sec 8-26 (b), C.G.S. before any action is taken.

5.2 If an application includes land which is either within 500 feet of an adjoining town or otherwise affects an adjoining town in the manner described in Sec 8-26 (f), C.G.S., the Commission shall notify the Clerk of such town as required by statute. The Commission shall hold no public hearing nor take any action until the adjoining municipality has been duly notified.

5.3 If an application includes a regulated activity as defined by the Inland Wetlands regulations of the Town of Oxford or if the land to be subdivided includes wetlands or a watercourse, the applicant shall submit the application to the Oxford Inland Wetlands Agency no later than the date on which the subdivision is formally accepted by the Commission. The Commission shall take no action on such application until the Inlands

Wetlands Agency has submitted a report with its final decision. The Commission shall consider the report of the Inland Wetlands Agency in making its decision and shall not approve any activity shown on a subdivision plan affecting a wetland or watercourse which has not been approved by the Oxford Inland Wetlands Agency

ARTICLE 4

SECTION 1 Application Form. This form is to be dated and signed by the owner of the property or his authorized agent. The form shall include the following information at a minimum as well as any additional information which may be required from time to time by the Commission:

- 1) Name of subdivision as it appears on the record subdivision plan.
- 2) Property identification by street address and/or assessor's map and parcel number.
- 3) Name, address, and telephone number of applicant, property owner, and/or authorized agent.
- 4) Name, address, and telephone number of land surveyor and civil engineer preparing the application.
- 5) Type of water supply and method of sanitary sewage disposal.
- 6) Names of any new streets to be constructed and number of building lots and open space parcels.
- 7) Status of application before Oxford Inland Wetlands Agency.
- 8) Surety option selected.
- 9) Flood hazard zone(s) in which the property is located.
- 10) If applicable, request for any waiver of the subdivision regulations and description of grounds for waiver.
- 11) Authorization for Commission or staff to enter upon the property.

SECTION 2 Connecticut State Highway Permit. Connecticut State Highway Department Permit as required where a proposed road meets a state highway.

SECTION 3 Application Fee. Application fee as established by the Commission or by ordinance shall be submitted. Additional fees may be required to cover the costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial application through inspection and final acceptance of any improvements.

SECTION 4 Report from Public Water Supplier. If the building lots are to be served by a public water supply, a letter from the supplier shall be submitted stating that the company will supply service to such lots.

SECTION 5 Pomperaug Health District Report. If the lots are to be served by a septic system, communication from the Pomperaug Health District shall be submitted stating which lots require standard septic systems and which lots require professionally designed systems.

- 5.1 For industrial subdivisions, communication from the Oxford Water Pollution Control Authority shall be submitted stating that the Authority has reviewed and approved the plans for sanitary sewer service.

SECTION 6 Maps and Plans Required. Record Subdivision Plan, Site Development Plan, Soil Erosion and Sedimentation Control Plan, Plan and Profile of any proposed roads or substantial improvements to existing roads. Cross Sections and Standard Construction Details.

ARTICLE 5 - MAPS AND PLANS

SECTION 1 Record Subdivision Plan. The Record Subdivision Plan shall be so entitled and shall bear the live signature and seal of a Land Surveyor licensed to practice in the State of Connecticut together with a certification that it has been prepared to the degree of accuracy required for a Class A-2 Transit Survey, as specified by the Connecticut Board of Registration for Professional Engineers and Land Surveyors. It shall be at a scale of not more than one inch to 100 feet and on one or more sheets of translucent material of a type and size approved by the Public Records Administrator. If more than one sheet is required, there shall be an index map of the size and type of material cited above showing the entire subdivision to scale. The street and lot layout, street names, lot numbers and open space parcels shall be indicated on the index map. The translucent copy of the Plan need not be submitted with the initial application.

The Record Subdivision Map shall show the following:

- 1) Title, date, numerical and graphic scale, and north point.
- 2) Name and address of property owner and of applicant if different from owner.
- 3) A location map as an insert showing the outline of the tract and any proposed streets with respect to existing roads.
- 4) Names of owners of abutting property.
- 5) Names of existing and proposed streets.
- 6) Proposed property and street lines including bearings and distances, and the delta angle, radius and length of all curves.
- 7) A notation that the design at the subdivision has considered solar access.
- 8) The area in square feet of all building lots and open space parcels. Lot square shall be shown, and lot areas shall be broken down as required by zoning.

- 9) The location and dimensions of all utility, drainage, slope rights or other easements, either existing or proposed.
- 10) The location of all wetlands as determined by a soils scientist as defined by Sec. 22a-38. C.G.S., and the location of all watercourses.
- 11) If private septic systems are proposed, the Plan shall note which lots require a professionally designed system, and if the system on any lot will not support a four bedroom home. The number of bedrooms which the system will support will be indicated.
- 12) The Plan shall note if the lots are to be connected to a municipal sanitary sewage system and/or a public water supply. Any special conditions related to a sewer connection shall be noted.
- 13) Location of existing and proposed street monuments.
- 14) Building setback lines, zoning district, and zoning district boundaries as applicable.
- 15) Total area of subdivision and identification of the property by tax map and parcel number
- 16) If any part of the property to be subdivided is within an area of special flood hazard, the area subject to the 100 year flood shall be indicated along with base flood elevations.
- 17) The words "Approved by the Oxford Planning and Zoning Commission", date of approval and a place for endorsement by the Chairman and the Secretary. The date on which the statutory period for completing improvements expires shall be shown.
- 18) A statement that the applicant agrees to maintain any proposed road in a passable condition appropriate for normal vehicular use by residents and to provide access for emergency vehicles, until such roads are accepted by the Town. This requirement includes the timely plowing and removal of snow.
- 19) A statement that the Town of Oxford is not responsible for road maintenance, surface water drainage, or house accessibility until such road is accepted by the Town.
- 20) All old town roads and/or private rights of way.
- 21) A statement that the Site Development Plan shall be considered a part of the approved Subdivision Plan and that the development of the subdivision shall be consistent with the Site Development Plan.

SECTION 2 Site Development Plan. The site development plan shall consist of one or more sheets containing the information described below for each of the parcels in the subdivision drawn at a scale of not more than one inch equals forty feet, properly certified by an engineer and land surveyor.

The site development plan is intended to serve as an overall plan for the development of the subdivision. Although the actual footprint of the buildings may change, actual development should be generally consistent with the grading, location of roads, utilities, drainage features, driveways, disturbed areas, areas not to be disturbed and other physical features of the proposed development shown on the approved Site Development Plan.

- 1) Title block including name of subdivision, graphic and numeric scale, date, and name of applicant.
- 2) Street, lot, and building setback lines.
- 3) Wetlands as designated on the record subdivision plan.
- 4) Existing and proposed contours at two-foot intervals. The site plan shall indicate, by shading those areas where the existing grades are in excess of 35%, and those areas where the existing grades are between 20% and 35%.
- 5) Location, grade and surface material of all driveways.
- 6) Generalized location of the principal building on each building lot and proposed grading to the extent needed to demonstrate that the lot is buildable.
- 7) The location and size of any proposed storm drainage components, sanitary sewer laterals, plantings, guide rails or other such improvements to be constructed.
- 8) If the building lots are to be serviced by an on-site septic system and a private well, the following shall be shown
 - a) Approximate location and size of primary and reserve leaching areas based upon a four bedroom house.
 - b) Approximate location of individual trenches or a preliminary system design.
 - c) Location of deep test holes and percolation test holes with results.
 - d) Approximate location of well.
- 9) All old town roads and/or private rights of way.
- 10) Areas of land to be preserved in its natural state.
- 11) Where new roads are proposed, the applicant shall provide information of the sight lines, design speed and stopping sight distance at the intersection of the proposed roads, in accordance with standards of the American Association of State Highway and Transportation Officials or the Institute for Traffic Engineers.

SECTION 3 Soil Erosion and Sedimentation Control Plan. A soil erosion and sedimentation control plan which meets the requirements and standards set forth in the Oxford Zoning Regulations shall be submitted. The plan shall include measures designed to minimize erosion

and sedimentation resulting from the construction of roads, utilities, or other improvements, as well as a plan for each individual building lot.

SECTION 4 Plan and Profile. A plan and profile at a scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical shall be submitted for all proposed roads and substantial improvements to existing roads. The plan shall show the following:

- 1) Title block including subdivision name, street name, scale, date, and name of applicant.
- 2) Existing and proposed ground surface at both street lines and the centerline.
- 3) The proposed grade as a percent and the length of vertical curves.
- 4) Stations at 100 foot intervals.
- 5) Location, size, and elevation (invert, inlet, outlet, rim) of storm drainage and sanitary sewers.
- 6) Approximate location of lot lines intersecting the street line and lot number.
- 7) Typical roadway cross section including curbs and sidewalks.

SECTION 5 Standard Construction Details. Detailed drawings of all proposed improvements shall be submitted. Such details shall conform to the State of Connecticut DOT Standard Specifications for Roads, Bridges and Incidental Construction. If these regulations establish different standards, the standards established herein shall govern.

ARTICLE 6 - DESIGN AND CONSTRUCTION STANDARDS

SECTION 1 Suitability of Land/Zoning Compliance. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; it can be provided with utilities and services needed to support the intended use; and each parcel can be accessed by a roadway which meets the standards of the Town Road Ordinance of the Town of Oxford. Building lots shall meet all of the minimum lot size, area, and dimensional requirements of the zoning district in which they are located.

SECTION 2 Solar Techniques. The applicant shall state that he has considered the use of passive solar energy techniques in the design of his subdivision which would not increase the net cost of the housing to the buyer, after the deduction of a tax credit, deductions or exemptions. Passive solar energy techniques are site design elements 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. Site design elements shall include at least house orientation, street and lot layout, vegetation, slope and topographical features, and protection of solar access within the development.

SECTION 3 Lot Layout.

- 3.1 In general, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- 3.2 There shall be no reserve strips of land controlling or preventing access to existing or proposed streets, nor shall there be parcels or strips of land between the tract boundary and the end of a proposed through street. A building lot may be located between the tract boundary and the end of a permanent cul-de-sac.
- 3.3 Corner lots shall be laid out so that driveway access is feasible adjacent to the lot line most distant from the intersecting street lines. If the intersection is with a major street, the preferred access is from the local street.

SECTION 4 Street Layout and Design.

- 4.1 **General.** The street system shall flow with the topography so that excessive grades, cuts and fills shall be avoided. Proposed streets shall be coordinated with and provide a logical extension of the existing street system.
- 4.2 **Right of Way.** New streets shall have a right of way of at least 50 feet. Where a subdivision abuts or contains an existing street which does not have the required right of way, the front lot line shall be located at a distance from the street center needed to meet the 50 foot requirement. This additional right of way dedication shall apply individually to the parcels on either side of the street.
- 4.3 **Alignment.** The proposed grade as a percent, length of vertical curves, and design speed and stopping sight distance, in accordance with the standards of the American Association of State Highway and Transportation Officials or the Institute of Traffic Engineers.
- 4.4 **Intersections.** Street lines shall intersect at 90 degrees if possible, but no less than 60 degrees measured at its most acute point. Streets shall intersect with minimum site lines of at least 200 feet, and street grades shall not exceed five percent within a distance of at least 50 feet from the point of intersection of the street lines. Intersecting street lines shall be rounded to a radius of at least 25 feet. No more than two streets shall intersect at any one point. All intersections, including those with existing State and Town roads shall have a minimum site line distance in conformance with standards of the AASHTO.
- 4.5 **Turnarounds.** The right of way of circular turnarounds shall be at least 100 feet in diameter, and the paved surface shall be at least 90 feet in diameter.

For temporary turnarounds, the area which is an extension to the street right of way shall be dedicated to the Town, and the remaining area shall be in the ownership of abutting lots. The area outside of the dedicated right of way shall be secured to the Town by easement and such easement shall terminate at the time that the street is extended.

4.6 Cul-de-Sacs and Dead End Streets. The road system shall be designed to avoid permanent cul-de-sacs and dead end streets where feasible. No permanent dead-end or cul-de-sac shall exceed 1,500 feet in length, unless the Commission determines that the construction of a dead-end street or cul-de-sac would preserve significant natural features and would not be detrimental to overall traffic circulation.

4.7 Sight Distances All new roads shall have a minimum sight distance at the intersection of existing or proposed Town Roads in accordance with the standards of the most recent publication of the "Traffic Engineering Handbook" published by the Institute for Traffic Engineers, and "A Policy on Geometry Design of Highways and Streets" as published by the American Association of State Highway and Transportation Officials.

4.8 Minimum Frontage All subdivisions that in which a new public or private road is proposed, or in which a future new public or private road will be required to serve additional property, shall have a minimum frontage of 250' along an existing State or Town road. The Commission may waive this requirement if it is demonstrated to their satisfaction that there is adequate sight line distance to provide for a safe intersection of the proposed road, in accordance with the standards of Article 6 Section 4.7.

SECTION 5 Construction Standards. All roads and storm drainage facilities shall be constructed in accordance with the Town Road Ordinance. All driveways shall conform to the Town Driveway Ordinance, and provision shall be made by the developer for culverts or other drainage facilities across the width of any driveway which crosses a watercourse.

All construction not described in the Town Road or Driveway Ordinance shall conform to the State of Connecticut DOT Standard Specifications for Roads and Bridges and Incidental Construction, latest publication.

Reinforced concrete street monuments shall be properly set to locate street lines wherever there is a change in their direction. Monuments shall be set after all other street work is completed, and their location shall be certified in writing by a registered land surveyor.

Street name signs shall be installed at all street intersections in locations approved by the Board of Selectmen, and shall be of a standard design and material approved by the Board. Standard stop signs shall be installed at intersections as directed by the traffic authority.

Signs identifying each proposed lot by developer's lot number shall be posted on each building lot and remain until such time as the dwelling is constructed. Such signs shall be at least one foot by one foot and shall be visible from the street providing access to the lot.

All utility facilities, including but not limited to electric power, telephone, and cable television shall be located underground throughout any subdivision with a new road. All utilities utilizing wire or cable shall be installed within conduit per appropriate utility company requirements and in accordance with the requirements of the utility provider.

The developer shall install underground service connections for each utility to the property line of each lot before the street is paved.

In situations where the utility service will be connected to existing overhead service one utility pole shall be permitted at each point of connection, to be located a maximum distance of 100 feet from the boundary of the subdivision or the edge of the right-of-way of the closest Town road.

The developer shall install other items as required by the Commission such as guardrails, catch basins, under drains and signage. These items shall be required as part of the process of approval or may be added by the Commission, upon the advice of the Town Engineer, as field conditions warrant.

- 5.1 **Existing Town Roads.** The above-mentioned standards for the construction of roads and storm drainage shall apply to existing Town roads when the road abuts or goes through a proposed subdivision. If the existing Town road abuts or defines the perimeter of a proposed subdivision, the Commission may waive all or part of this requirement in accordance with Article 13 of these regulations if it finds that such waiver will not detract from the public safety; or if the improvement of that road has been programmed into the Capital Improvement Plan of the Town of Oxford.

SECTION 6 Private Roads in Place of Public Highways. The Commission, may, at its discretion, for good cause shown, approve lots with frontage on a private road as defined in Article 2, Section 9, subject to all of the following conditions:

- 6.1 The private road shall serve at least three (3) but not more than (10) lots.
- 6.2 A Restrictive Covenant establishing the private road and explaining the common land owner's maintenance requirements be reviewed and approved by the Commission and recorded on the Oxford Land Records as a condition of approval. Said Restrictive Covenant shall contain a provision that the Restrictive Covenant shall be null and void if the subdivision is terminated in accordance with the CGS, Section 8-26c, as amended.
- 6.3 The deeds of each lot contain common ownership in the private road with the right of ingress and egress and the duty to maintain.
- 6.4 All driveways off of said private roads shall comply with the Town Driveway Ordinance, as amended.
- 6.5 All private roads shall be constructed in accordance with the standards and requirements of the Town Road Ordinance. The Planning & Zoning Commission, with the advice of the Planning & Zoning Engineer, may, for good cause shown, at its discretion, vary Town Road standards except for the thickness and composition of the base of pavement.
- 6.6 All lots, including interior lots, shall have frontage on the private road as required for lots on public highways or properly bonded subdivision roads as stipulated in Article 5, Section 4 and Article 6, Section 3 of the Oxford Zoning Regulations.
- 6.7 All lots, including exterior lots, shall have adequate access to the Town road system as required by the Commission and the Oxford Zoning Regulations.
- 6.8 A sign of a type approved by the Commission that states "Private Road" shall be placed at the entrance to such private road. Such sign shall be 18" wide and 24" high, yellow,

with black letters and mounted in accordance with the standards of the Town of Oxford Department of Public Works.

- 6.9 The Commission may require other necessary improvements to the private road such as additional signs, a wider pavement near group mailboxes, or any other such improvement deemed necessary.
- 6.10 Traffic control controls, including signage and pavement striping shall be installed in accordance with the standards of the Town road ordinance, on all private roads and the intersections of private roads and public roads.

SECTION 7 Street Lights. Street lights shall be installed within all commercial and industrial subdivisions in accordance with the standards of the electric power distribution company, as approved by the Commission. The Commission may also require the installation of streetlights within residential subdivisions at street corners or other areas where they determine it is needed for safety purposes.

SECTION 8 Fire Protections. Fire hydrants shall be installed where public water is available or required. Fire hydrants shall be located no more than 600 feet apart in a design approved by the appropriate water company, and a minimum of 10 feet from any driveway apron. In subdivisions where public water is not available, an alternative and adequate supply of water for fire control may be required by the Commission upon consultation with the Board of Fire Chiefs, if it is determined that it is required for public safety.

SECTION 9 Regrading in Conjunction with Subdivisions. The Commission may approve regrading in conjunction with the Subdivision approval process, if done in conformance with an approved site plan, provided that all the following conditions are present and adhered to:

- 1) The final grades called for in the subdivision reflect the minimal disturbance to the property that would be required to achieve the purpose of the development.
- 2) The final grades called for in the subdivision reflect the minimum amount of fill required to be brought onto the site, or the minimum amount of material to be removed from the site, which is necessary to achieve the proposed development.
- 3) Not more than 5,000 cubic yards of material are to be removed from the site. The Commission may waive the requirement to obtain a Special Exception for Major Regarding for site plans that require more than 5,000 cubic yards of material to be excavated from the site, if they determine that all other conditions of this article are to be met, and that the proposed excavation activity will have no negative impacts upon the natural environment, nearby properties or traffic circulation.
- 4) All applications for Regarding in Conjunction with Subdivisions shall comply with the requirements of "Major Regrading/Excavation," including the requirements of Article 14, Section 3 of the Oxford Zoning Regulations except that the approval as a Special Exception shall not be required, and therefore, a public hearing shall not be required.

SECTION 10 Street Trees. Subject to existing conditions, development plans and at the discretion of the Oxford Planning & Zoning Commission, street trees shall be installed along all streets subject to the following conditions:

- 10.1 All trees shall be planted within the road right of way a minimum distance of five feet from the edge of the roadway pavement. If the right of way is of insufficient width to meet this requirement or the Commission finds that the intent of this regulation is best served by planting outside of the public right of way, the Commission may permit the planting of the street trees outside of the public right of way. However, all street trees to be planted shall be planted within twenty-five feet of the edge of the roadway.
- 10.2 All trees shall be nursery stock, balled and burlapped and shall be a minimum of 2 ½ inches caliper.
- 10.3 One street tree shall be planted for each 75' of street frontage on both sides of the street.
- 10.4 No tree shall be planted or left standing within 35' of an intersection unless the Oxford Planning & Zoning Commission determines otherwise.
- 10.5 Tree species shall be selected from the following list:

- Red Maple
- Red Oak
- White Oak
- Black Oak
- Sugar Maple

The Commission may permit the substitution of another species of tree, upon advice from the Public Works Director, if it finds it suitable in characteristics for use as a street tree

SECTION 11 Lot Grading

- 11.1.1 All alteration of the natural contours of the land shall be done in the most minimal way so as to allow the land to be used for a viable purpose.
- 11.1.2 All earth excavation/regrading shall be the minimal amount, as determined by the Commission, to permit the use of the land for a purpose consistent with these regulations.
- 11.1.3 Land that has slopes in excess of 35% within a minimum contiguous area of 5,000 square feet, also within a minimum square area of 50 feet by 50 feet shall not be disturbed from its natural state. These restrictions shall not apply to land within lots legally in existence at the time of adoption of these regulations or lots within subdivisions for which applications have been filed and accepted at the time of the adoption of these regulations.

- 11.1.4 All areas that have been disturbed by regrading or other means shall have a maximum finished slope of 2:1 (two feet horizontal to one foot vertical), except areas in which exposed solid rock is left exposed to the surface, in which case, the maximum permitted slope shall be 1:4 (one foot horizontal to four feet vertical).
- 11.1.5 The maximum height of retaining walls shall be six feet. Retaining walls shall be separated by a minimum horizontal measurement of six feet.
- 11.2 There shall be a level area of land extending a minimum of 50' from the rear of the foundation of all houses. Such area shall have a maximum grade of 2%. This shall be shown on all subdivision site plans.

SECTION 12 Sidewalks

The Commission may require that concrete sidewalks be installed, at a minimum width of 4' in subdivisions within one-half mile of a school or commercial area likely to attract pedestrian traffic. The Commission may require that such sidewalks be installed on both sides of the primary streets within the subdivision, one side of the secondary streets, and along the perimeter streets if it determines that it would enhance pedestrian safety.

SECTION 12-A DRAINAGE

- 12.1 The drainage improvements of all subdivisions shall be designed to achieve no net increase in storm water runoff from what exists in the predevelopment situation. The commission, upon the advice of the town Engineer, may permit a limited increase in storm water runoff if it determines that it would have no adverse impacts upon other properties, and the achievement of no net increase is not feasible.
- 12.2 The use of retention basins or any structures that are designed to hold standing water for an extended period of time shall be avoided.
- 12.3 No detention or retention basins shall be located on land to be dedicated to the Town for open space, roadway or other use.
- 12.4 The subdivision plan shall indicate that the Town of Oxford is not responsible for the maintenance of all retention basins, detention basins swales and other surface drainage features, and shall designate the party or parties responsible for such maintenance. The responsibilities for such maintenance shall be specified in a declaration, easement, or other appropriate legal instrument, to be recorded on the land records in conjunction with the recording of the approved subdivision, after review and approval of the Town Attorney. Such declaration, covenant or restrictions shall further provide that the failure to properly maintain such drainage features shall be cause for the Town to perform necessary maintenance and charge the responsible property owners(s) for the cost such of such maintenance.

12.5 All detention basins shall be visually screened from view of adjacent properties and the public right-of-way with evergreen plantings or natural vegetation.

12.6 There shall be a maximum slope of 3:1 on the walls of all detention and retention basins.

12.7 No detention or retention basins shall be located within the required front yard of any residence.

SECTION 13 DRIVEWAYS

13.1 All driveways shall be designed and constructed in accordance with the Town Driveway Ordinance.

13.2 No building permits shall be issued on any lots within an approved subdivision until the driveway to serve such lot has been rough-graded at a minimum distance of 100' from the street, or to the approximate location of the house, whichever is lesser. An anti-track pad, and other appropriate sedimentation and erosion control methods as required by the Town Zoning Regulations shall be installed in conjunction with the rough grading of each driveway.

13.3 All driveways with a grade of 7% or greater shall be paved in accordance with the requirements of the Driveway Ordinance along the length of such grades

ARTICLE 7 - CONSTRUCTION INSPECTIONS

The Town Engineer shall be notified forty eight hours prior to placing any drainage pipe or structures, sub base, base or pavement, whereby proper inspections may be made. All material incorporated into the work shall be as specified in these regulations and as approved by the Town Engineer. The Town Engineer may specify certain materials tests to be made by a certified testing laboratory, the cost of which shall be paid by the developer. The Town Engineer shall be kept informed of the overall progress of construction.

ARTICLE 8 - OPEN SPACE/CONSERVATION EASEMENTS

SECTION 1 General Requirements. The Commission shall; require up to 20 percent of the gross area of a subdivision to be designated as open space, except for those subdivisions exempt by statute. Open space shall be required if in the Commission's judgment the need for such space is generated by the development considering such factors as the number of lots, potential population density, location and adequacy of existing parks and recreation areas and the need to incorporate undeveloped areas into the overall design of the subdivision.

1.1 Open space areas shall perform one or more of the following functions as determined by the

Oxford Planning & Zoning Commission:

- 1) Conservation of soils or wetlands.
- 2) Preservation of natural streams or water bodies.
- 3) Provision and preservation of wildlife corridors.
- 4) Provision of land suitable for active recreation facilities.
- 5) Enhance the overall design of the subdivision by providing breaks in the urban development.

1.2 **Requirements for Land to be dedicated as Open Space.** Open space to be dedicated to the Town of Oxford shall conform to the following standards:

- 1.2.1 All open space shall be physically accessible to the public. The major portion of the open space shall be able to be reached without the crossing of watercourses, wetlands or steep slopes that are impassable to the average person.
- 1.2.2 All open space shall have frontage on a public road or be adjacent to or accessible from adjacent open space that has frontage on a public road.
- 1.2.3 Open space shall be designed and located to link with other existing or proposed areas of open space, to create open space corridors throughout the Town.
- 1.2.4 A maximum of 50% of the open space required and dedicated shall consist of wetlands or watercourses.
- 1.2.5 The Oxford Planning & Zoning Commission may require that land suitable for recreational use be dedicated and that the land be of suitable size, shape and dimension for the creation of active recreational fields.
- 1.2.6 The Oxford Planning & Zoning Commission may require that the land for use as active recreation be graded appropriately.
- 1.2.7 The perimeter of the open space to be dedicated shall be marked by wooden posts set into the ground. Such post shall be a minimum of 4" by 4" in width, with a height of 4' above grade of the ground. Such posts shall be set at all points of angles along the perimeter of the designated open space, and along straight lines of such perimeter the post shall be no more than 200' apart. All post shall be installed prior to the conveyance of any lots.

The entrance for the open space where it abuts the existing or proposed public street shall be marked by a placement of a sign that states "Town of Oxford Open Space." Such sign shall be 18" wide and 24" high, green in color with white letters, mounted in accordance with the standards of the Town of Oxford Department of Public Works"

- 1.2.8 Where possible, dedicated open space should take the handicapped into consideration.
- 1.2.9 Open space shall be placed along the banks of streams, rivers, ponds and other watercourses, at a minimum width of 50' measured from the bank of such watercourse,

unless the Commission determines that doing so would not be consistent with the sound design of the subdivision

1.2.10 The Commission may waive the requirements for dedication of open space or payment of a fee in lieu for subdivisions and resubdivisions consisting of three lots or less.

1.2.11 The Commission may require off street parking be provided for the open space to be deeded to the Town, should it determine it is needed. The Commission may further require that a sign designating the area for parking, of a size, color and design approved by the Commission be installed.

SECTION 2 Fees-in Lieu of Dedication of Open Space. The Commission may, upon the request of the applicant agree to accept payment in the amount of ten percent of the fair market value of the total value of raw subdivision land as determined by the Commission or any combination of land and or percentage of the fair market value of such subdivision to satisfy the requirements of this article. The Commission may require an appraisal of the property by an appraiser jointly selected by the Commission and the applicant, as provided for in Section 8-25 of the Connecticut General Statutes.

SECTION 3 Conveyances of Open Space. The open space shall be conveyed by the applicant prior to the recording of the subdivision, by any of the following means as determined by the Commission:

- 1) Deed in perpetuity to the Town at the time of or before the filing of the subdivision plan with the Town Clerk.
- 2) Deeded in perpetuity to the State of Connecticut at the time of or before the filing of the subdivision plan with the Town Clerk.
- 3) Deeded to a homeowner's association within the subdivision upon terms and conditions, as approved by the Commission, which will protect the public welfare and assure the continued use of the open space for the intended purpose. A copy of the proposed homeowner's association deed and the by-laws of the homeowner's association should be submitted with the application for subdivision.
- 4) Reserved for common ownership of all property owners within the subdivision by covenants, as approved by the Commission in the deeds. A copy of the covenant shall be submitted as a part of the application.
- 5) Deeded in perpetuity to a non-profit Land Conservation Trust. The deed or covenant shall warrant that such land is dedicated for use only as open space in perpetuity.

SECTION 4 Conservation Easements. In addition to the required open space, the Commission may require that a conservation easement be placed upon land within the proposed subdivision to be retained in its natural state by reason of unique or sensitive environmental characteristics, such as steep slopes or wetlands. Such conservation easement shall be in a form approved and prescribed by the Commission. Areas within the conservation easements shall not be considered as part of the required dedication of open space. Land within conservation easements shall be a part of the individual building lots and may be included in the calculation of minimum lot size, setback and other dimensional requirements of the Zoning Regulations but shall not be calculated as part of the minimum 20 percent of land to be dedicated as open space.

ARTICLE 9 - APPROVAL OF APPLICATION

SECTION 1 Time Periods. The Commission shall approve, modify and approve, or disapprove an application within the time periods specified by Sec 8-26(d), C.G.S. The Commission may require that modifications be made to the Plan before approval, and such action will be considered as a modification and approval of the application.

SECTION 2 Final Approval/Endorsement of Mylar. The record subdivision plan will be endorsed by the Chairman and Secretary of the Commission following approval by formal vote. The applicant shall have completed any modifications following approval by formal vote. The applicant shall have completed any modifications to the record subdivision required by the Commission before approval of the application is placed on the Commission's agenda. The endorsed plan will be returned to the applicant for filing on the Land Records as specified in Sec 8-25, C.G.S., provided that proper surety has been posted. A reduced scale (1" = 200') Mylar of the record subdivision plan shall be submitted for use by the assessor.

SECTION 3 Amendments/Correction Map. Any change in a approved record subdivision plan shall be considered as an amendment and must be approved by the Commission. Application for a change which consists only of a minor change in existing lot boundaries and which does not change the number of building lots may be made by preparing a correction map showing the revised lot boundaries. The Commission may waive the submittal of the application form and supporting plans and documents required for an initial application totally or in part, but the correction map shall be duly approved and endorsed and filed on the land records by the applicant.

Any change in an approved and recorded subdivision not authorized by the Commission as stated above shall be null and void. The Commission may cause notification to be placed on the land records that any lots affected by an unauthorized change are no longer approved building lots in an approved subdivision.

SECTION 4 Commencements of Construction Activities. The Commission may require that a Surety Bond be posted for sedimentation and erosion control and/or restoration prior to the start of any construction activities, including regrading, the removal of vegetation or the installation of utilities, the Commission may permit this surety bond to be applied to the Security for Public Improvements applied in accordance with Article 10, Section 3.

ARTICLE 10 - SECURITY FOR PUBLIC IMPROVEMENTS

SECTION 1 Option. The Commission shall require assurance that all proposed improvements in the subdivision will be constructed to its satisfaction. An applicant may select one of three options at the time of initial application. Such options are as follows:

SECTION 2 Completion of Improvements. In simple subdivisions with limited improvements,

the applicant may elect to complete all improvements to the Commission's satisfaction before the record subdivision plan is endorsed and returned to the applicant for filing on the land records. The resolution approving the application shall state the time period in which the improvements are to be completed. After improvements have been completed and upon recommendation of the Town Engineer, the record subdivision plan shall be placed upon the Commission's agenda for endorsement. The endorsed plan will be returned to the applicant for filing on the land records. No zoning permits for any lots shown on the plan shall be issued until the plan has been filed. The Commission shall have the option of requiring surety for erosion control during the construction period.

SECTION 3 Posting of Surety. Surety shall be posted in an amount deemed sufficient by the Town Engineer and in a form acceptable to the Town Counsel. The amount of surety may include erosion and sedimentation control. Required surety shall be provided within 90 days of the date of the Commission's approval. If surety is not provided, the Commission may rescind or modify its approval or it may grant an extension of the 90 day period upon written request of the applicant. Surety in whatever form shall be automatically renewable except upon ninety (90) days' notice to the Town of Oxford.

SECTION 4 Conditional Approval. The Commission may authorize the filing of a record subdivision with a conditional approval endorsed thereon. The resolution or motion of conditional approval shall state the date on which such approval shall expire. The period of conditional approval shall not exceed five years.

The Commission shall cause final approval to be endorsed on the plan upon either the completion of improvements or the posting of surety as described above. No lot shown on the plan shall be sold or offered for sale, nor shall any zoning permit be issued for such lot, until the plan has been given final approval.

SECTION 5 Phasing. The Commission may approve a subdivision to be completed in more than one phase provided that each phase is capable of independent existence without the completion of subsequent phases. Final approval as specified in Sec. 8.2 of these regulations shall not be given to any phase until proper surety has been secured. The commission may impose additional conditions for subsequent phases as determined by factors discovered during previous phase work.

ARTICLE 11 - COMPLETION AND ACCEPTANCE

SECTION 1 Time Period/Failure to Comply. Improvements shall be completed within the time periods specified by Sec 8-26 (c), C.G.S. Failure to complete the improvements within this period shall be cause for the Commission to take the actions specified in this same Sec 8-26 (c).

SECTION 2 Recommendation to Accept. When the applicant has completed all improvements, he shall provide the Town Engineer with "as built" plans and profiles prepared and certified by a land surveyor to the standards of an improvement location survey. Such plans and profiles shall

show the location and other pertinent information on all improvements which were constructed. Written certification of the location of all street monuments shall be provided at this time. The applicant may then request the Town Engineer to inspect improvements for compliance. The Town Engineer shall notify the applicant if the work is satisfactory, and the applicant may then request that the Commission recommend acceptance of any new roads to the Board of Selectmen. The Commission's recommendation for acceptance may be conditioned on provision of a maintenance bond in an amount to be determined by the Town Engineer to be in effect for one year following acceptance of the road by the Board of Selectmen. Such maintenance bond may be in the form of a reduction in surety to an amount deemed adequate by the Town Engineer to correct any deficiencies in materials or workmanship which may occur during the one-year period and restore improvements to Town standards.

The following shall be submitted to the Commission for all roads and other property to be conveyed to the Town at such time that the Commission is requested to recommend acceptance to the Board of Selectman.

- Deed of conveyance to the Town for all property
- Lien waivers for all work done in conjunction with the construction of the subdivision.
- A certificate of Title Insurance for a minimum value of \$ 50,000.00 for all roads and other lands to be conveyed to the Town or a certificate of title showing no encumbrances that effect marketability.

SECTION 3 Certificates of Occupancy for House on Unfinished Roads. The road which provides access and frontage to a residential lot shall be completed or an asphalt binder road surface shall be installed leading up to and along the frontage of the subject lot in accordance with the standards of these regulations prior to the issuance of a Certificate of Occupant.

ARTICLE 12 - FLOOD DAMAGE PREVENTION

Subdivisions proposed in any area of Special Flood Hazard, as shown on the Flood Insurance Rate Maps, Town of Oxford, as it may be amended shall comply with the following requirements in addition to all of the other requirements of these regulations:

- 1) Design and construction shall be consistent with the need to minimize flood damage.
- 2) Public facilities and utilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.
- 3) Adequate drainage shall be provided to reduce exposure to flood hazards.
- 4) Base flood elevation data shall be indicated on the record subdivision plan.

ARTICLE 13 - WAIVERS

The requirements of these regulations may be waived by a three quarters vote of all of the Commission members. No waiver shall be granted which would result in a violation of the Town of Oxford zoning regulations or of the Oxford Flood Plain Management Ordinance. Waivers may be granted if conditions unique to a parcel make it unreasonable or impractical for such parcel to be in full compliance with these regulations. No waiver shall be granted if in the Commissions' judgment such waiver would have an adverse effect on adjacent property or on public safety. Waivers should be requested at the time of initial application. The Commission may approve a waiver at any time during the review process, but the record shall state the reasons that the waivers were granted.

ARTICLE 14 - PENALTIES

Any person, firm, or corporation making any subdivision of land without the approval of the Commission shall be subject to the penalties prescribed by statute. The Commission shall take action to have any such illegal lot removed from the land records

ARTICLE 15 - VALIDITY

If any section, paragraph, sentence, clause or phrase of these regulations shall be held to be invalid by any court of jurisdiction, such action shall not affect or impair the validity of the remainder of these regulations.

ARTICLE 16 - EFFECTIVE DATE

These regulations shall become effective on March 27, 1997. All prior subdivision regulations are hereby repealed.

APPENDIX A - SUBDIVISION PROCEDURES

- 1) Consult with Town Engineer and Zoning Enforcement Official concerning potential requirements of proposed subdivisions.
- 2) Submit Sketch Plan to Planning and Zoning staff for discussion at meeting of the Planning & Zoning Commission (optional).
- 3) Prepare application and plans.
- 4) Prepare plans and submit application to Pomperaug Health District for all subdivisions that would utilize on-site sanitary sewage disposal facilities.
- 5) Prepare plans and submit application to Oxford Water Pollution Control Authority for all subdivisions that would utilize the public sanitary sewer.
- 6) Submit application to Inland Wetlands Commission.
- 7) Submit application, plans and fee to Planning and Zoning staff.

- 8) Attend meeting of Planning and Zoning Commission for initial review at which time they determine completeness of application. If application is complete, the Commission will schedule a public hearing, if required.
- 9) Professional staff will review application for compliance with regulations and provide comments of findings.
- 10) Applicant has the opportunity to revise application in response to comments from staff.
- 11) If a public hearing is required, the applicant shall send notice to owners of property within 250 feet of perimeter of proposed subdivision.
- 12) Developer presents application at the public hearing, if held or regular meeting to Commission. Staff comments are presented to Commission.
- 13) Commission can take action only after action has been taken by Inland Wetlands Commission and Pomperaug Health District and/or Oxford Water Pollution Control Authority.
- 14) Developer selects option of completing improvements, posting surety bond or receives condition approval. He/She may start construction of public improvements upon posting of a bond for restoration and sedimentation and erosion control.
- 15) Developer dedicates open space to entity approved by Commission and submits evidence of such to Commission.
- 16) Developer is responsible for requesting inspection of all stages of improvements from appropriate agency.
- 17) After an option is established, and the bond posted, if required, the subdivision mylar is endorsed by Commission and may be recorded on land records.
- 18) If bond is posted and substantial improvements have been completed, the developer may request a partial bond release.
- 19) Developer completes all required improvements and notifies Town professional staff.
- 20) The subdivision is inspected by staff. Developer submits "as built" drawings of all public improvements to the Town for their review and approval.
- 21) Developer submits deed for road, easements, and waiver of mechanic's lien and all other necessary conveyance documents to Commission.
- 22) Commission makes recommendation for acceptance of streets, and easements to Board of Selectmen.
- 23) Action on acceptance of streets and easements by Town.

24) Commission acts upon bond release. Commission shall keep maintenance bond for one-year period if they deem appropriate.