

TOWN OF SCOTLAND

SUBDIVISION REGULATIONS

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Planning and Zoning Commission
Scotland, Connecticut

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CHAPTER I - PURPOSE

- a) These Regulations have been adopted by the Scotland Planning and Zoning Commission pursuant to the authority granted in Chapter 126 of the General Statutes of the State of Connecticut. It is declared to be the policy of the Commission to consider land subdivision as part of a plan for the orderly, efficient and economic development of the Town so as to further the general welfare and prosperity of its people. Accordingly, it is the purpose of these Regulations to insure that land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water supply, surface drainage and sanitary sewerage, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed roads are in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development, as the same may be amended from time to time, especially with regard to safe intersections with such thoroughfares; that proposed roads are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs, and that roads and driveways provide adequate access to properties for fire-fighting apparatus and other emergency services; that, when and in places deemed proper by the Commission, open spaces for parks and playgrounds are provided in subdivision plans; that proper provision is made for soil erosion and sediment control pursuant to Section 22a-329 of the General Statutes of the State of Connecticut; and that provisions are made for energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation.
- b) These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, or other provision of law, or any easement, covenant, or other private agreement or legal relationship. With regard to any easement, covenant, or other private agreement or legal relationship, it is not the purpose of these Regulations to intercede in, resolve, or arbitrate any private civil dispute. When these Regulations impose restrictions different from those imposed by any other statute, ordinance, or other requirement imposed by any level of government, whichever provisions are more restrictive or impose higher standards shall control.

CHAPTER II - DEFINITIONS

Certain terms and words used in these Regulations shall be interpreted and defined as set forth in this Section:

1. Applicant: Any person, firm, corporation, partnership, or other legally recognized entity who shall apply to the Commission for approval of a subdivision, either on the applicant's own behalf or as an agent for one or more others.
2. Application: A request for approval of a specific subdivision plan, including an application form as may be prescribed by the Commission, accompanied by all supporting information, documents, reports, and the like which may be required by these Regulations.
3. Board of Selectmen: The Board of Selectmen of the Town of Scotland
4. Commission: The Planning and Zoning Commission of the Town of Scotland.
5. Cul-de-sac: A street, or any combination or pattern of streets, having only one outlet to a through State or Town road.
6. Date of Receipt: The day of the first regularly scheduled meeting of the Commission immediately following the day of submission of the Application to the Commission, or its agent, or thirty-five (35) days after such submission, whichever is sooner.
7. Disturbed Area: An area where the natural vegetative ground cover is destroyed, moved or removed.
8. Developer: Same as "subdivider".
9. Development for Agricultural Purposes: Development exclusively for use as agricultural land, as that term is defined in Connecticut General Statutes Section 22-26bb.
10. Development Plan: The Plan of Conservation and Development of the Town of Scotland, as it may be adopted and amended from time to time, in accordance with Chapter 126 of the Connecticut General Statutes, as amended.
11. Easement: A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific, limited purpose.
12. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
13. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: a.) The overflow of inland or tidal water; b.) The

unusual and rapid accumulation or runoff of surface waters from any source.

14. Formal Subdivision Plan: The map, drawings, and all supporting data required by these Regulations upon which a formal (i.e., nonpreliminary) plan of subdivision is presented to the Commission for action and which, if approved without modifications, would be submitted to the Town Clerk for recording.
15. Final Subdivision Plan: The map, drawings, and all supporting data as approved by the Commission, containing all modifications and revisions required by such approval, and ready for endorsement by the Commission and for filing with the Town Clerk pursuant to Connecticut General Statutes Section 8-25.
16. Improvement: Any change or alteration to the existing conditions of the subdivision site for the purpose of complying with these Regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include but are not limited to: Construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, buildings, earth filling or removal, seeding and grading.
17. Inland Wetlands Agency: The Inland Wetlands and Watercourses Agency of the Town of Scotland.
18. Half Street: A proposed street, or any extension of an existing street, along and roughly parallel to a property line such that less than the entire required right-of-way and street improvements, longitudinally, would be located on one property.
19. Loop Driveway: A driveway, serving more than one (1) dwelling, intersecting with two (2) Town or State streets, and typically parallel to a street and running across the front portion of the lots.
20. Loop Street: A cul-de-sac that curves back to intersect with itself.
21. Lot: The unit or units into which land is divided or proposed to be divided with the intention whether now or in the future, of building on such units or offering such units for sale either as developed or undeveloped sites.
22. Plan and Profile: The drawing(s) depicting respectively the horizontal and vertical design for street construction and drainage, and containing all information required by Chapter IV, Section 3 of these Regulations.
23. Preliminary Layout: The preliminary map, drawing(s) and all required supporting data as required by Chapter IV, Section 1 of these Regulations, indicating the proposed manner and layout of the subdivision to be submitted to the Commission for consideration.
24. Print: A blueprint, photostat, lithoprint, or other copy which reproduces exactly the data

on the original drawing(s) from which it is made.

25. Reserve Strip: Land to be set aside for dedication to the public upon future development. Reserve strips may include land to be used for streets, street connections, pedestrian ways, parks, or other land dedicated to public use.
26. Resubdivision: A change in a map of an approved or recorded subdivision or resubdivision if such change: (a) affects any street layout shown on such map; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval of recording of such map.
27. Right-of-Way: The distance between property lines measured across and perpendicular to a street, or where no Right-of-Way has been established, twenty-five feet on either side of the center line of the Street Pavement as defined below.
28. Road Regulations: The standard specifications and details for construction and materials on file in the office of the town Clerk and indicated in Chapter XI of these regulations, attached as Appendix A.
29. Sediment: Solid material, either mineral or organic, that is transported, or has been moved from, its site of origin.
30. Standard Specifications and Details: The Standard Specifications and Details for construction and materials on file in the Office of the Town Clerk and indicated in Chapter IX of these regulations, and attached as Appendix B.
31. Street: A street, avenue, lane, or other right-of-way either: (a) dedicated and legally accepted by the Town or the State of Connecticut for the purpose of public travel; or (b) shown on a subdivision plan duly approved by the Commission, and filed or recorded in the Office of the Town Clerk, and bonded in accordance with these Regulations.
32. Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
33. Street Width: The width of the Street Pavement.
34. Subdivider: The person or other legally recognized entity primarily responsible for implementing an approved Final Subdivision Plan. The applicant may or may not be the subdivider.
35. Subdivision: The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes. The term "subdivision" includes resubdivision.

36. These Regulations: The Subdivision Regulations of the Town of Scotland, including amendments thereto.
37. Town: The Town of Scotland, County of Windham, Connecticut.
38. Traveled Width: The distance between curb faces, i.e., the width of the Street Pavement, measured in a direction perpendicular to the street.

CHAPTER III - PROCEDURE

SECTION 1. REQUIREMENT OF APPROVAL OF SUBDIVISION PLAN

- a) Subdivision Plan Approved and the Sale of Lots. All plans for the subdivision or resubdivision of land must be submitted to the Commission for approval. No lot resulting from the subdivision or resubdivision of any tract or parcel of land shall be sold or offered for sale or used for building development and no Certificate of Zoning Compliance (Zoning Permit) for any use, nor any building permit for the erection or enlargement of any building on such lot, shall be granted without the prior approval of the subdivision or resubdivision plan, or any amendment thereof, by the Commission, and the filing of the endorsed Final Subdivision Plan in the Office of the Town Clerk.
- b) Purpose of Recommended Preliminary Procedure. Before submitting an application for a Final Subdivision Plan, the applicant should follow the preliminary procedure described in Chapter III, Section 2 to save time and expense. This is a recommendation and not a requirement. An application requesting consideration of the proposal under "Preliminary Layout", Chapter III, Section 2 shall be submitted by the applicant.
- c) Modification to Approved Subdivision Plans. The Commission may approve a modification of an approved Final Subdivision Plan that does not constitute a resubdivision upon written application. If the proposed amendment or modification involves or includes any change in a property line, improvement or other physical feature shown on the approved Final Subdivision Plan, the applicant must submit ten (10) copies of a proposed amended Final Subdivision Plan. For each application, the applicant shall also submit such additional information and documents as is reasonably necessary, or as the Commission may require, to understand the nature and purpose of the proposed modification or amendment. All provisions of the original approved subdivision or resubdivision shall be complied with, except as specifically approved by the Commission. No amended subdivision shall be deemed final until an endorsed Final Subdivision Plan showing all approved changes from the originally approved Final Subdivision Plan has been filed in the Office of the Town Clerk. For the criteria to be applied to modification applications, see Chapter V, Section 1.

SECTION 2. PRELIMINARY LAYOUT

- a) Application. The applicant may present to the Commission a request for the consideration of a Preliminary Layout. Up to fifteen (15) paper prints of the Preliminary Layout, in accordance with Chapter IV, Section 1 of these Regulations, shall be filed with the request.
- b) Technical Reports. It is recommended that the applicant obtain from a licensed sanitary or civil engineer a written report or reports as to the general feasibility of the proposed

water supply and the proposed drainage plan and sewage disposal in the area to be subdivided, and provide such report(s) to the Commission. The Commission may require the applicant to perform seepage or other tests and may request such other report(s) as it deems advisable to evaluate compliance with these Regulations.

- c) Check by Commission. At the time of the filing of a request for the consideration of a Preliminary Layout, the Commission or its designee shall check such request and layout and when the information contained in the request is substantially complete in accordance with Chapter IV, Section 1 of these Regulations, the matter shall be placed on the agenda for a public meeting of the Commission. Whenever desirable, the Commission and/or its representative(s) may examine the site of the proposed subdivision prior to the meeting, and the applicant, by making a request under this Section, shall be deemed to consent to such site examination. The Commission shall give reasonable notice to the applicant of any proposed site inspections and the applicant shall be entitled to attend any such inspections.
- d) Notice of the Meeting of Commission. The Commission shall notify the applicant, prior to the meeting, of the date, time and place of the meeting of the Commission at which the Preliminary Layout is to be considered. The applicant or a fully authorized representative should attend the meeting unless unable to do so, and should notify the Commission at least one day prior to the meeting if unable to attend.
- e) Consideration of Preliminary Layout. The Preliminary Layout will be considered at a public meeting of the Commission. The Commission may hold a public hearing on any such request, and even in the absence of a public hearing, may, in its sole discretion, permit persons to be heard at such meeting.
- f) Effect of Consideration of Preliminary Layout. The purpose of the consideration of the Preliminary Layout is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission.

SECTION 3. FORMAL SUBDIVISION ACTION

- a) **Filing of Formal Subdivision Application.** Any applicant seeking Subdivision approval shall file in the office of the Commission no fewer than ten (10) copies of the following:
1. An application on forms provided by the Commission, signed by both the applicant and the owner(s) of the land to be subdivided or their respective authorized agents;
 2. A non-refundable application fee, in the form of a check made payable to the Town of Scotland, as follows:

<i>Subdivision & Resubdivision - Application Fees:</i> <i>(Fee of \$50.00 per lot plus [see below])</i> <i>(All fees subject to change)</i>	
1-5 Lots	100.00
6-10	150.00
11-20	200.00
21-40	250.00
41-60	300.00
61-80	350.00
81+	400.00
Plus:	
Post Approval Processing (Sub. with new roads/conservation easements/ road improvements/open space	400.00
Engineering review of road construction	\$.50/ft.
Engineering review of road design	\$2.50/ft

3. A Formal Subdivision Plan conforming to Chapter IV, Section 2 of these Regulations;
4. A Plan and Profile conforming to Chapter IV, Section 3 of these Regulations;
5. An Erosion and Sediment Control Plan, in accordance with Chapter IV, Section 5 of these Regulations;
6. A Hydraulic Study conforming to Chapter VI, Section 4 of these Regulations;

7. A report from the Town Sanitarian or Director of Health or their respective designees indicating compliance with the Public Health Code for each and every lot depicted upon the Formal Subdivision Plan; or, if the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Scotland Water Pollution Control Authority indicating that all requirements including those set forth in Connecticut General Statutes Section 7-246f have been satisfied;
8. A copy of any approval submitted to the Inland Wetland Agency pursuant to Connecticut General Statutes Section 8-26.
9. In accordance with Section 8-25a of the Connecticut General Statutes, any subdivision providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or, in the alternative, a certified copy of a resolution from the Board of Selectmen waiving such Certificate and agreeing that the Board of Selectmen shall be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.
10. Where the proposed subdivision includes only a portion of an existing tract, or only a portion of the applicant's property, a preliminary plan of the future street and lot pattern for the remainder of the tract or property may be required by the Commission.
11. Where existing topography is proposed to be altered, the volumes of material to be removed from, or brought onto, the site; areas of proposed blasting, and the estimated volume thereof; the location at which excavated material being removed from the site will be deposited, if known, and the time within which such removal is anticipated to occur.
12. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances that run with the land, including the identity of the dominant and servient estates, the volume and page of the Scotland Land Records where the same are recorded, and the date upon which they will expire, if any.

It is the applicant's responsibility to submit a complete application, and to demonstrate compliance with all criteria and requirements of these Regulations and, accordingly, the applicant may submit such additional reports or information as may be required to satisfy that responsibility. Any application found to be incomplete may be denied by the Commission without prejudice to a future complete application.

- b) Technical Approval or Report. In addition to the above, the applicant shall provide from

a licensed sanitary or civil engineer a written report of the adequacy of the water supply and sewerage arrangements, and from a licensed engineer of the proposed grades, drainage arrangements and drainage easements as shown on the Plan-Profiles and the Formal Subdivision Plan. The applicant shall also obtain from the appropriate Town officers such other reports as the Commission may require in order to evaluate compliance with these Regulations. Where significant environmental impact may be involved, the Commission may request a review of the application by the Eastern Connecticut Resource Conservation and Development Area Environmental Review Team or other public or private consultant.

- c) Notice of Meeting of Commission. The Commission may, in its discretion, schedule a public hearing on any Formal Subdivision application, and may, even in the absence of such public hearing, allow interested persons to be heard at the Commission's sole discretion. A public hearing shall always be scheduled for any application for Resubdivision. Any such public hearing shall commence no later than sixty-five (65) days following the Date of Receipt of the application, and shall be completed no later than thirty-five (35) days following its commencement, except that, upon written consent of the applicant, either time limitation may be extended by the Commission one or more times, so long as the total period of any such extension or extensions does not exceed the extensions provided for in the Connecticut General Statutes.

The applicant or an authorized representative should attend any public hearing. No less than ten (10) days preceding the date of the hearing, the applicant must also mail written notice by certified mail, return receipt requested, to all land-owners as indicated in the records of the Town Tax Assessor whose property is within five hundred feet of any boundary of the of the property that is proposed for subdivision or resubdivision. Notice shall include the date, time and place of commencement of the public hearing of the Commission at which the Subdivision is to be considered, and shall also notify them of any continuance of the hearing due to inability of the applicant to be present and shall submit proof to the Planning Office of such notification. As part of the notice requirements, the applicant shall place a two-sided 24 x 36 inch laminated paper sign containing the date, time, location, and subdivision description provided by the Commission's agent. Applicant shall place this sign on a durable, weatherproof mount so that the faces are visible and located on the parcel to be subdivided no more than ten feet from the edge of the road at least 10 days before the public hearing. After the close of the public hearing, the applicant shall return the sign to the Commission's agent for reuse.

- d) Consideration of Formal Subdivision Application. The Commission will review the Formal Subdivision application and all accompanying reports and other documents, and any new information or changed conditions that might necessitate alteration of the application prior to the Commission's decision thereon, provided, however, that, in those cases in which a public hearing has been held, the Commission shall receive no further testimony or information, orally or in writing, in public or in private, once the public hearing has been closed, other than from the Commission's staff, or disinterested Town, State, or Federal agencies, advisors, or officials.

- e) Action by the Commission. Except as otherwise provided herein the Commission shall take action on the Formal Subdivision application within sixty-five (65) days from the Date of Receipt of the application if no public hearing is held, or within sixty-five (65) days from the close of the public hearing, except that upon written consent of the applicant, the time limitation may be extended by the Commission one or more times, so long as the total period of any such extension or extensions does not exceed the original time period. Such action shall consist of approval, modification and approval, or disapproval of the application. "Modification", as used in this Section, may include conditions that must be satisfied prior to endorsement and filing of the Final Subdivision Plan, prior to the issuance of Certificates of Zoning Compliance, prior to the release of bonds, or at other appropriate points in time. In the case of any application involving an area regulated under the Scotland Inland Wetlands and Watercourses Regulations, the Commission shall not act on the subdivision application until it has received a report from the Inland Wetlands Agency pursuant to Connecticut General Statutes Section 8-26. In such cases, the time limit for the Commission's action shall be the later of (i) the time limit set forth above, or (ii) thirty-five (35) days following a final decision on such application by the Inland Wetlands and Watercourses Agency.
- f) Notification of Action. Within fifteen (15) days after action by the Commission, the Commission shall notify the applicant by registered or certified mail of the action taken by the Commission, and shall also cause a notice to be published in a newspaper of general circulation in the Town of Scotland. Such notice shall be a simple statement that such application was approved, modified and approved, or disapproved, together with the date of such action.
- g) Endorsement of Final Subdivision Plan. Following approval of a Formal Subdivision application, the applicant shall promptly provide a Final Subdivision Plan on mylar or other material suitable for filing in the Office of the Town Clerk, which Plan shall incorporate any modification attached to such approval, and shall be accompanied by any documents required by these Regulations, such as bonds, road deeds, conservation and drainage easements, and the like. Any conveyance to the Town of Scotland shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction, or other encumbrance. The Plan on mylar shall include, reproduced on the face thereof, a copy of the Commission's decision to approve including any conditions or modifications made a part thereof. Upon determining that the Final Subdivision Plan properly incorporates all matters required by the Commission's decision and by these Regulations the Commission Chairman or other authorized official shall endorse the Commission's approval on the Plan.
- h) Filing of Plan. Following the endorsement of the Final Subdivision Plan in accordance with the preceding paragraph, the applicant shall file the endorsed mylar of the Plan with the Town Clerk and pay any necessary filing fees. Such filing must be made within ninety (90) days after the expiration of the appeal period as set forth in Connecticut General Statutes Section 8-8 or, if an appeal is taken under that statute, within ninety (90) days of termination of the appeal by dismissal, withdrawal, or judgment in favor of the

applicant. The Commission may, upon request of the applicant, grant up to two (2) extensions of up to ninety (90) days each for such filing. Any Final Subdivision Plan not so filed shall become void. The Commission shall have no responsibility to retain any Final Subdivision Plans rendered void by operation of this provision.

- i) Alteration of Final Subdivision Plan Prior to Filing with Town Clerk. If the Final Subdivision Plan is altered, changed, erased or revised in any way between the time the Commission's approval is endorsed thereon and the time the Plan is filed with the Town Clerk, the approval shall be void unless the alteration has been approved by the Commission and so indicated on the Plan.
- j) Alteration of Final Subdivision Plan After Filing with Town Clerk. If the Final Subdivision Plan is altered, changed, erased, or revised in any way after the time the Plan is filed with the Town Clerk, such changes shall be deemed ineffective and void unless they have been approved by the Commission and a new mylar Plan showing such changes has been endorsed and filed with the Town Clerk. If the Commission finds that any such changes were made by the applicant or the applicant's successor in interest, the Commission may, after a hearing at which the applicant or applicant's successor in interest is given an opportunity to be heard, revoke and terminate its approval of the Final Subdivision Plan.

CHAPTER IV - SPECIFICATIONS FOR PRELIMINARY LAYOUTS, FORMAL SUBDIVISION PLANS AND PLAN-PROFILES

SECTION 1. PRELIMINARY LAYOUT

Preliminary Layouts submitted to the Commission shall be drawings or prints of drawings at a scale of one inch equals forty feet (1" = 40') or one hundred (1" = 100') feet on sheets either eighteen by twenty-four (18" x 24"), or twenty-four by thirty-six inches (24" x 36") in size, and shall contain the following information:

- a) Names of owner(s) and applicant, proposed subdivision name and identifying title, location of subdivision, approximate north arrow and scale and date of drawing.
- b) Location and approximate dimensions of all existing property lines of the subdivision including assessor's block and parcel numbers..
- c) All physical features, such as existing structures, easements, wetlands, watercourses, and wooded areas, properly labeled.
- d) Approximate contours of the existing surface of land, with intervals adequate to indicate drainage and grades.
- e) Proposed lot lines with approximate dimensions and area of all proposed lots.
- f) Location and approximate dimensions and area of all property proposed to be set aside for open space, playground, park or other public use.
- g) A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection. If the application submitted covers only a part of the applicant's holdings, a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.
- h) Where the subdivider anticipates that the subdivision will be developed in phases, such phases should be delineated on the Preliminary Layout.
- i) Schematic storm drainage system layout.

SECTION 2. FORMAL SUBDIVISION PLAN

The Formal Subdivision Plan submitted to the Commission for approval shall be a clear and legible print at a scale of one inch equals forty feet (1" = 40') feet on sheets twenty-four by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24"). The Plan, which may be composed of multiple sheets or sets of sheets, shall show the following information:

- a) Names and addresses of applicant and owner, proposed subdivision name and identifying title and location, scale of drawing, with north arrow, date of drawing and name, license number and seal of land surveyor and professional civil engineer.
- b) Location and dimensions of all existing property lines of the subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semi-permanent nature; Assessor's map, block and parcel numbers; utility poles and

numbers.

- c) All relevant features, such as existing structures, stone walls, fences, easements of record, wetlands, watercourses, wooded areas, and area of all land to be set aside for community wells (if any), recreation, park, open space, or other public or community use.
- d) Names and addresses of present record owners of abutting properties, as indicated in the current records of the Town Assessor and names and approval dates of abutting subdivisions.
- e) Lines of proposed and existing roads, lots, easements and areas to be dedicated to public use; lengths and bearings of all straight lines, adequate data for all curves.
- f) Area of all proposed lots in square feet and acres. Each lot shall be numbered and its dimensions on all sides given. If a side is a curved line, a single dimension shall, nevertheless, be given in addition to any subordinate dimensions.
- g) Proposed road names which shall not duplicate or be readily confused with already existing names unless an extension thereof.
- h) Any additional data necessary, together with the aforesaid data, to enable a licensed surveyor to determine readily the location of every street line, lot line, and boundary line, and to reproduce such lines upon the ground to the A-2 Standard or equivalent of accuracy.
- i) Certification by seal of (i) a Connecticut licensed professional engineer as to the adequacy of proposed public improvements, and (ii) a Connecticut licensed land surveyor that the final Subdivision Map has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Minimum Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc.
- j) A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection; and also an index map of the subdivision at a scale of one inch equals two hundred feet (1" = 200'). If the application submitted covers only a part of the applicant's holdings, the Commission may require a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.
- k) Where the subdivisions are proposed to be developed in phases, such phases shall be clearly delineated on the Formal Subdivision Plan.
- l) Soil types and inland wetlands and watercourses, as defined in the Scotland Inland Wetlands and Watercourses Regulations, delineated by a certified soils scientists; Flood Zones, in accordance with the most current Federal Flood Insurance Rate Map; existing wells, public water supply watersheds, and other public or private water supplies; existing and proposed contours at intervals of five (5') feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.
- m) The application of passive solar energy techniques, as set forth in Chapter IV, Section 6 hereafter.
- n) The location of any subdivision identification or entrance signs as per the zoning regulations.
- o) The location of any proposed highway right-of-way, as on file in the Office of the Town Clerk.

p) The approximate location and outfall of any footing or curtain drains, where required.

A printed signature box as follows:

APPROVED

SCOTLAND PLANNING & ZONING COMMISSION

Chairman, Planning and Zoning Commission Date

Chairman, Inland Wetlands and Date
Watercourse Commission

Town Sanitation Dept. Date

THE FIVE-YEAR APPROVAL PERIOD EXPIRES ON _____

- q) The location of all septic system primary and reserve leaching fields; the location of deep observation hole and percolation tests located in each such field; the results of all such tests, in tabular form; and the designation of any lot for which an engineered system is required pursuant to these Regulations.
- r) Final plans to be on a material that shall conform to all requirements for filing with the Town Clerk as part of the Land Records of the Town
- s) When the proposed subdivision covers only a part of an existing tract or only a part of the subdivider's holding, the Commission may require a sketch of the prospective future street system of the remainder of the holding or tract shall be submitted. In reviewing the proposed subdivision, the Commission shall consider both the proposed subdivision and the remainder tract and their relationship.
- t) For the purposed of enhancement of property values and for erosion control, the preservation and protection of shade trees throughout the subdivision shall be encouraged, except where they interfere with roads and utilities.
- u) Approval of a subdivision by the Commission shall not constitute approval of the removal of top soil or other excavated material from the premises other than that necessary to construct the improvements, and then only to the depths shown on the approved plan.
- v) The land located within a subdivision shall be properly graded and left in a condition that will be free of rubble and debris, and properly stabilized to eliminate erosion. Stumps,

logs, construction materials, and other debris shall not be buried on-site. Such materials shall be removed from the site and disposed of in a lawful manner.

SECTION 3. PLAN-PROFILES

When new roads or improvements of existing roads are involved in a subdivision, the Formal Subdivision Plan shall be accompanied by complete Plan-Profiles of each such road drawn on a sheet which shall be either twenty-four by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") in size. The horizontal scale shall be the same as that used in the Formal Subdivision Plan. When the horizontal scale of one inch equals forty feet (1" = 40') is used, the vertical scale shall be one inch equals four feet (1" = 4'). Such Plan-Profiles shall show:

- a) Existing ground surface on the center line, the proposed line grade, and existing elevations at both road lines.
- b) Elevations at each high and low point.
- c) By proper notation, location and elevations of bench marks, based on U.S.C.&G.S. datum.
- d) Grades expressed as percentages.
- e) Stations at high and low points, at centerline intersections, and at suitable intervals.
- f) Data showing disposition of surface water, water and sanitary sewer pipes (if any), including sufficient data to permit checking of drainage designs.
- g) Typical cross-section of each road indicating location, dimensions and materials of proposed paved improvements and utilities.
- h) Certificate under seal of a Connecticut licensed professional engineer as to the adequacy of proposed public improvements.
- i) Location of street name, speed limit, stop, dead end, and other street signs, as recommended by the Town Engineer.

SECTION 4. HYDROLOGICAL AND HYDRAULIC STUDY

The applicant shall provide a hydraulic study sufficient to demonstrate compliance with the requirements of Chapter VI, Section 4 of these Regulations.

SECTION 5. EROSION AND SEDIMENTATION CONTROL PLAN

A soil erosion and sediment control plan consistent with the publication of Connecticut Department of Environmental Protection, entitled Guidelines for Soil Erosion and Sediment Control, 2002 or as the same may be amended from time to time, shall be submitted with all subdivision applications when the disturbed area of development is more than one-half (½) acre.

SECTION 6. PASSIVE SOLAR ENERGY TECHNIQUES

The applicant shall demonstrate to the Commission that he or she has considered, in developing the subdivision plan, using passive solar energy techniques. 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 techniques shall include, but shall not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development. These techniques are to be used where feasible, but not where they would cause unreasonably adverse impacts to the natural environment. -

SECTION 7. FLOOD HAZARD REQUIREMENTS

On land contiguous too brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made by the developer for protective flood control measures in connection with the applicable provisions of the Zoning Regulations.

All new subdivision proposals and other proposed developments greater than 80 lots or 5 acres, whichever is lesser, shall include within such proposals, base flood elevation data.

Subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.

CHAPTER V - INSURANCE, BOND REQUIREMENTS, CERTIFICATE OF USE, BOND RELEASE, AND AGREEMENT FOR INSTALLATION OF IMPROVEMENTS

SECTION 1. INSURANCE

- a) The subdivider shall file with the Commission, on a form provided by the Town, a general liability insurance policy. This policy shall have a term no less than that of the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.
- b) The policy shall insure the Town of Scotland and the subdivider against all claims for damage or injury to persons or property that may arise from the construction, installation, or maintenance, or lack thereof, of any subdivision improvements, or from any operations in the development or completion of the subdivision, including but not limited to clearing, removal of vegetation, grading, excavating, filling, inspection, testing, well installation, sediment and erosion control measures, and road construction and improvement. The policy shall have the following limits:

Property Damage (including automobile)
Each Accident: Not less than \$1 million

Bodily Injury (including automobile)
Each Person : Not less than \$1 million
Each Accident: Not less than \$1 million

SECTION 2. PERFORMANCE BOND

- a) A Performance Bond in such form and amount as the Commission may require in accordance with these Regulations shall be posted by the subdivider prior to the commencement of construction of any improvement or work on any lot to insure the completion of required improvements and utilities in the event the subdivider shall fail timely to install the same. The term of any Performance Bond proposed by the developer should be the same as the normal duration of the subdivision approval pursuant to state law. Any developer who proposes to submit a Performance Bond having a shorter term shall be deemed to have accepted the risk that the Bond will not be renewed and that the approval of the subdivision may lapse and become null and void if it is not renewed. The developer shall be entitled to complete all required subdivision improvements within the time allowed by state law, provided the developer continuously maintains the Performance Bond, or a substitute Performance Bond acceptable to and approved by the Commission in accordance with these Regulations, for the full duration of such time. If, at any time, the Performance Bond lapses, is terminated or withdrawn, or ceases to be effective or in force, regardless of whether the developer is responsible for such

circumstances, the subdivision approval shall, after notice to the subdivider and the opportunity to be heard in a public hearing scheduled for this purpose, lapse and become null and void except as provided hereafter. Within 30 days after the date of any such lapse, termination, withdrawal, or cessation of the effectiveness of any such Performance Bond, the developer may submit to the Commission a written request for approval of a substitute Performance Bond. No such request shall be granted unless the developer or a designated agent or representative of the developer attends the meeting of the Commission at which the matter is to be considered. It shall be the developer's responsibility to determine the date of such meeting. The Commission may deny such request if it determines that such proposed substitute Performance Bond does not provide adequate security for the timely completion of all required subdivision improvements and utilities or if it determines that the developer has failed to comply with any terms or conditions of the subdivision approval or any of these Regulations that are applicable to the subdivision approval. The Commission may also approve the provision of a substitute Performance Bond different in form and amount than that requested by the developer. In the event the Commission approves the provision of a substitute Performance Bond, the developer shall be allowed 30 days following the date of such approval to submit the substitute Performance Bond. The Commission may, upon the developer's written request, extend the time within such substitute Performance Bond may be provided by no more than an additional 30 days. If the developer fails to provide the substitute Performance Bond within such period of 30-60 days, or if the developer fails to submit a written request for approval of a substitute Performance Bond within the time set for above, the subdivision approval shall become immediately null and void. Nothing in this section will prevent or prohibit subsequent subdivision of the property.

- b) **Separate Sedimentation and Erosion Control Bond:** Measures and facilities specified on the approved Soil Erosion and Sediment Control Plan shall be guaranteed by a separate cash or savings account bond. No Development shall commence until said bond shall be posted. In the event the developer fails to maintain proper sedimentation and erosion controls on the subdivision site, the security required under this section may be used by the Town to stabilize eroding areas, remove sediment, and otherwise correct sedimentation and erosion problems on site at the sole discretion of the Planning and Zoning Commission or its designated agent.
- c) **Restoration:** In the event the subdivision approval terminates or lapses before all required subdivision improvements and utilities have been completed, the Commission may, in its discretion, and subject to any contrary provisions of state law, use the funds available in the Performance Bond to restore all or any portion of the site to a more natural condition. The Commission shall not use the Performance Bond to restore the site if the cost to complete all required improvements and utilities would be less than the cost of performing such restoration. The Commission shall not make any decision to use a Performance Bond for restoration without obtaining an estimate for the costs of both restoration and completion of all required improvements and utilities from the Town Engineer or a similarly qualified consultant.
- d) **Conditional Approval:** The Commission may authorize the filing of a plan with a

conditional approval endorsed thereon. Such conditional approval shall allow for the construction, maintenance and installation of improvements or utilities required by the Commission and shown on the approved plan in connection with road construction, subject to the following conditions:

- 1) No work shall be commenced on or within the subdivision unless the developer provides either a full Performance Bond in accordance with subsection (a) or a Preliminary Performance Bond, satisfactory to the Commission in form and amount, in accordance with the following standards. A Preliminary Performance Bond shall be adequate to secure (i) the installation and maintenance of all sedimentation and erosion control measures and facilities specified on the approved Soil Erosion and Sediment Control Plan, and (ii) the cost of restoring the site to its natural condition if the developer fails to complete all required subdivision improvements and utilities. If the developer elects to submit a Preliminary Performance Bond, the following conditions shall apply:
 - a) A subdivision with conditional approval may be developed in phases, provided that no more than 1,200 feet of roadway and supporting improvements shall be under construction at one time without the posting of a performance bond. Before commencing development of any additional phases, all work required in the previous phase must be complete or a Performance Bond in place covering the work remaining in such prior phase.
 - b) The applicant shall guarantee in writing that no lots will be sold, no zoning or building permits will be sought and no individual lot development including tree clearing and grading will commence unless and until full security for completion of all remaining work shown on the plan is posted with the Commission. This guarantee shall be enforced by a restriction, in the form set forth in Appendix C, to be filed in the land records of the Town of Scotland. Violation of this provision shall be grounds for revocation of the subdivision approval. Upon completion of the public improvements or the final approval and bonding of the subdivision, the Commission shall release the restriction in the form set forth in Appendix D, to be filed in the land records of the Town of Scotland.
- 2) Any such conditional approval shall lapse on such date as established by the Commission, but in no event shall the date be later than two years from the date such approval is granted. The applicant may apply for and the Commission may grant a renewal of such conditional approval for such period as the Commission in its discretion may establish provided that the total period of all such extensions does not exceed the maximum duration of a subdivision approval under State law.
- e) In computing the amount of a Performance Bond or Preliminary Performance Bond, the Commission shall consider the following items:
 - 1) The construction cost of all required improvements, including storm drainage

system, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for subdivision approval or depicted on the endorsed Final or Conditional Subdivision Plan, Plan and Profile, and Erosion and Sedimentation Control Plan.

- 2) For Preliminary Performance Bonds, the cost of restoring the site if the subdivision improvements are not completed. The following assumptions will be considered for the calculation of the restoration bond: The entire limits of road construction have been disturbed; that the value of grading is equal to 25% of the total earthwork volume; that stockpiled topsoil is available on site for re-spreading over disturbed areas; that all areas are to be seeded; and that supplemental erosion control measures are provided.
 - 3) Costs for the Town to advertise and award a contract for construction of the improvements or site restoration.
 - 4) Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.
 - 5) The total estimated cost of the Performance Bond shall also include a 15% addition to cover contingencies and engineering plus an inflation factor that is equal to the current Consumer Price Index measure of inflation.
 - 6) Where a subdivision is to be developed in phases, the subdivider may petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs (e) 1 through 5 above, related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the subdivider prior to commencing development of any or all additional phases. Where the subdivider bonds in phases as authorized in this paragraph, no improvement, as that term is defined in these Regulations, shall be commenced in any phase for which no bond has been posted, and no lots shall be sold in such phase.
- f) As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Subdivision Improvements
1. Cash in the form of a certified check; or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in the State of Connecticut.
 2. A Letter of Credit in favor of the Town in the form included as Appendix E of these Regulations. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut. The issuing bank

("Surety") shall be one maintaining offices in Windham or Tolland Counties in the State of Connecticut.

- g) The bond forms set forth in the preceding paragraph shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the Bond shall be the sum which the Commission shall require. The completion date of all required Improvements shall be the end of the term of the Bond or any extension thereof, but, in no event, longer than the period set forth in Chapter 126 of the Connecticut General Statutes.
- h) For all Performance bond documents: If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the subdivision applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.
- i) If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted public improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact.

SECTION 3. CERTIFICATE OF ZONING COMPLIANCE

Before any Certificate of Zoning Compliance may be issued for any building in such subdivision on a lot that fronts on a subdivision road that has not been accepted by the Town as a public road, the subdivider must complete such road, in accordance with all applicable specifications, up to the farther side line of such lot, to a stage in construction at which only the approved sub-base and final surface course of the road remains to be done before completion of the road. The foregoing condition shall not apply to street trees, sidewalks, or other types of road-related improvements not required for vehicular travel, but shall apply to the installation of street name signs to facilitate the provision of emergency services. The balance of the work on such road, and all other public improvements, must also be bonded in accordance with the provisions of this Chapter V, Section 2. In addition, water supplies and effluent disposal systems shall be operational and accepted by the appropriate Town or State agencies prior to the issuance of a Certificate of Zoning Compliance allowing the occupancy of a dwelling on any lot.

SECTION 4. APPLICATION OF BONDS

The Commission may call any surety bond and apply the proceeds of such bond to the construction and installation of required subdivision improvements and utilities in any of the following circumstances:

- a) The Commission may call the bond at any time within sixty (60) days before the expiration or termination date of the bond, as that date may have been extended, if any portion of the required subdivision improvements or utilities has not been completed. If the Commission has called the bond under this subsection, and the expiration or termination date of the bond is subsequently extended for a period of no less than one (1) additional year, or a replacement bond of equivalent or greater amount is subsequently provided in a form satisfactory to the Commission, the Commission shall have the option of proceeding to complete any portion of the required subdivision improvements and utilities under the original bond or accepting the extended or replacement bond in lieu of completing such improvements.
- b) The Commission may call the bond at any time within sixty (60) days before the date, as it may have been extended, on which the approval of the subdivision is scheduled to expire under any applicable provision of state or local law if any portion of the required subdivision improvements or utilities has not been completed.
- c) The Commission may call the bond at any time to complete any portion of the required improvements or utilities the Commission deems reasonably necessary to serve any lots within the subdivision that have been sold or otherwise conveyed.

ANY PERSON WHO SUBMITS AN APPLICATION FOR FINAL APPROVAL OF A SUBDIVISION BASED UPON THE PROVISION OF A BOND IN LIEU OF THE COMPLETION OF ALL REQUIRED IMPROVEMENTS AND UTILITIES SHALL BE DEEMED TO HAVE READ, UNDERSTOOD AND ACCEPTED ALL OF THE FOREGOING TERMS. THE COMMISSION SHALL NOT ISSUE ANY FINAL APPROVAL OF A SUBDIVISION APPLICATION BASED UPON THE PROVISION OF A BOND UNLESS THE APPLICANT AGREES TO ABIDE BY THE FOREGOING PROVISIONS BY EXECUTION OF THE RESTRICTIVE AGREEMENT DESCRIBED IN CHAPTER V, SUBSECTION 2.e.1.b.

SECTION 5. BOND RELEASE

- a) Prior to the release of the Performance Bond the subdivider shall present a Maintenance Bond equal to ten (10%) percent of the full amount (i.e., the highest amount set by the Commission before any subsequent reductions) of the Performance Bond. The Maintenance Bond shall be for a period of two (2) years and shall guarantee the improvements installed against defects in materials or workmanship, or damage caused to the improvements by any construction activity in the subdivision. The two-year period shall commence upon the effective date of the acceptance of any road or other public improvements by that agency having authority for such acceptance. In the case of a conditional subdivision approval, the subdivider shall post a maintenance bond equal to ten percent (10%) of the cost of all improvements prior to the acceptance of any street.

- b) Application for the release of any Bond upon completion of all required improvements shall include the submission of properly scaled as-built drawings, which shall include all changes in the plans as authorized by the Commission or the Engineer during the course of construction. The as-built drawings shall include both plan and profile sheet, shall include a signature block as shown in Chapter IV. Section 2, shall be signed and sealed by a Connecticut Registered Land Surveyor and/or a Professional Engineer licensed in the State of Connecticut.
- c) Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the developer may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission shall grant no more than three (3) such reductions per phase prior to the final release of bonds, and the Commission may refuse such reductions if it finds the construction of any improvements in violation of any provision of these Regulations or the plans, terms, or conditions for any subdivision approved hereunder. For the guidance of the applicant or developer, normally the three points during road and improvement construction where a reduction in the bond instrument for the phase would occur are 1.) when the two compacted layers of subbase and processed aggregate and the drainage structures are completed; 2.) when the first layer or binder course of Class I bituminous concrete; and 3.) when the second or wearing course of Class I bituminous concrete, any required curbing and the grading/stabilization of any landscaping or the lighting on the road flanks is complete. After the Commission judges that any of the bond reductions in balance is justified, it would forward a recommendation to the Board of Selectmen who would review the matter and take appropriate action.

SECTION 6. AGREEMENT FOR INSTALLATION OF IMPROVEMENTS

An application for approval of a subdivision plan that involves the construction or installation of public improvements shall constitute an agreement by the subdivider to be personally responsible for the completion of any portions of the improvements the Commission may deem necessary to serve any lots that may be conveyed following approval of the plan. The Commission's ability to call a subdivision bond or other surety pursuant to CT General Statute Section 8-26c (c) shall not prevent the Commission from seeking to enforce the personal responsibility of the applicant to complete the necessary improvements.

The Commission shall not approve any subdivision plan that involves the construction or installation of public improvements unless the applicant signs an agreement acknowledging the foregoing personal responsibilities. The form of such agreement shall be as set forth in Appendix F of these Regulations.

CHAPTER VI - REQUIRED IMPROVEMENTS AND DESIGN CRITERIA

The Commission hereby modify many of the provisions of the Scotland Road Regulations dated July 24, 1961, as amended May 20, 1976 and attached as Appendix A of these Regulations and adopts the following criteria. .

SECTION 1. DESCRIPTION

The improvements set forth in this Chapter VI shall be required in all subdivisions except where waived by the Commission pursuant to Chapter X of these Regulations.

All construction will be done in accordance with the requirements detailed in Chapters V and VI which replace the procedures and specifications formerly contained in the Scotland Road Regulations. Please refer to appendices A and B of these regulations for reference material relating to the An Ordinance Regulating Specifications of Roads and page reserved for specialized and road regulations respectively.

SECTION 2. STREET

Proposed future publicly owned streets shall conform to the following specifications:

- a) Layout. The street and highway layout shall conform to the Plan of Conservation and Development for streets and highways.
- b) New Streets. Where the subdivision adjoins land susceptible to being subdivided, the Commission may require new streets to be carried to the boundaries of the proposed subdivision. Reservation of title in any land controlling access to streets is prohibited. Where proposed road access to serve the subdivision intersects with a State Highway, Connecticut Department of Transportation written approval of the proposed access and description of conditions of approval shall be received before subdivision approval by the Commission. Applicants should consult the related specifications in State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816 or as amended in its most current edition.
- c) Reserved Rights-of-Way. When required by the Commission, the owner shall dedicate to the Town reserved rights-of-way for future street connections to adjoining property susceptible of being subdivided. Such reserved rights-of-way shall be included in an agreement by and between the Town of Scotland and the owner, and shall include slope rights fifteen (15') feet outside of the street right-of-way. These rights-of-way shall have necessary radial intersections. Lots adjoining these rights-of-way shall be so laid out that access to the house or garage shall not be over the reserved right-of-way.

d) The designation for each new or existing street as arterial, collector or local will be determined by the Commission after evaluating the following factors:

- 1) The type of land use permitted in the subject zone, and/or proposed for the subdivision, such as, residential, commercial, industrial, or institutional;
- 2) The residential density and/or development intensity of any permitted and/or proposed land uses;
- 3) The number of acres or residential units or non-residential buildings to be served, both immediately and in the future, including potential extensions of existing or proposed streets;
- 4) The physical characteristics of the property through which the street is proposed, such as topography, surface geology, water table, and the like;
- 5) The recommendations of the Plan of Conservation and Development.
- 6) Street Widths, Shoulder Widths, Side Slopes, Final Grades, Corner Radii, and Other Geometric Features of Town Roads.

Designation	ROW Width	Traveled Width	Grade Range
Arterial Road	80 Feet	40 Feet	5-8%
Major Town Collector	50 Feet	30 Feet (Plate 1)	7-10%
Minor Town Collector	50 Feet	26 Feet (Plate 2)	7-10%
Local Street	50 Feet	24 Feet (Plate 3)	8-12%
Cul-de-sec	40 Feet	22 Feet (Plate 3)	8-12%

Shoulder width, widths or snow shelf, and side slopes ratios are shown on Plates 1, 2, and 3. There shall be a two-foot shoulder on either side of the traveled width. Maximum grade of any local road surface is 12% from the horizontal and at least three inches of crown from the centerline to each side of the traveled width shall be required. Grades approaching intersections shall not exceed 5% grade for a distance of at least 200 feet from the center of the intersection. Minimum grade for all road classifications shall be 1%. Corner radii for intersecting local streets shall have a minimum of 15 feet at the street line; for intersecting local streets with arterial and collector street shall have minimum radius of 25 feet at the street line.

Road subbase shall be gravel 5" – to be placed in two six inch lifts and compacted in between the two layers to total 12 inches thick. Processed aggregate base shall be placed in a single six inch lift and compacted and tested for compliance prior to the first or binder course of Class I bituminous concrete.

There shall be two layers of Class I bituminous concrete placed over the compacted gravel. The first or binder course of bituminous concrete shall be place and rolled/compacted to a uniform minimum thickness of two (2) inches with inspections by contracted engineering inspector for the Town. A second or wearing course of Class I bituminous concrete shall be placed, rolled, and compacted to a uniform minimum thickness of two (2) inches with inspections by contracted engineering inspector, it may be desirable to install the second or bearing course after many of

the house building projects have been completed to avoid damage to the finish surface by heavier construction vehicles.

Sight distances of different road capacity classifications at intersections shall be 200 feet for local street or cul-de-sacs, 300 feet for minor town collectors, 300 feet for local collector streets, 350 feet for major town collectors, and 450 feet for arterial or state roads. This sight distance shall be measured 10 feet back from the curb line or edge of traveled pavement and at a height of four (4) feet approximating driver eye-level.

e) Where a subdivision abuts or contains an existing street that does not comply with the specified width requirements, the owner shall dedicate the necessary area to the Town for street widening and the applicant shall show such widening on the Formal Subdivision Plan.

f) Cul-de-sac Streets. A cul-de-sac street shall not originate at a loop street. Cul-de-sacs shall not exceed 1200 feet in length except where due to topographical or other conditions it would be otherwise impossible to develop the tract. Both permanent and temporary cul-de-sacs must terminate in a turnaround area of no less than 80 feet diameter of the traveled way. At the discretion of the Commission and with the written concurrence of the Public Works Director or designate, the center of this cul-de-sac may contain landscaping or natural features as well as stormwater drainage features such as rain gardens or biofiltration structures.

When a cul-de-sac is proposed as a temporary measure pending future development of adjoining property, it shall be so designed as to be feasible of continuation in the adjacent tract.

When there is a possibility of extension of a street, all portions of the cul-de-sac, including pavement, grass strip, and sidewalk that fall outside of the limits of the normal right-of-way width shall occupy the space by virtue of an easement delivered to the Town before acceptance of the street.

The applicant (subdivider) extending a street from a cul-de-sac shall be required to remove the existing pavement outside of the standard traveled way, loam and seed the area in which pavement has been removed and install curbs and sidewalks when required at the option of the Commission, extend existing driveways and relocate mail and paper boxes in the original cul-de-sac area in accordance with Town requirements and all at the applicant (subdivider's) own expense.

g) Loop Streets. Loop streets shall not originate at another loop street or a cul-de-sac street. Loop streets shall not provide access to more than twenty (20) lots.

No lots within the loop shall have its rear line fronting on the street.

- h) Half Streets. The dedication of half streets at the perimeter of a new subdivision is prohibited.
- i) Slope Rights. Where new streets abut private property, necessary slope rights shall be obtained by the applicant when in cut or fill, and these slope rights shall be shown on the final layout submission to the Commission. The applicant shall investigate the effect of cuts or fills on adjacent private property within the slope right areas. The applicant shall provide the Town with evidence that no drainage problems or other problems will arise on adjacent property due to construction or fill operations.
- j) Existing Street Improvements/Access. Whenever any subdivision is proposed for land accessible only by an unpaved street or an existing Town street which does not conform with minimum requirements of grade, alignment, width and construction set forth in these Regulations, and the Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street was altered or improved where it fronts the proposed subdivision or beyond the limits of the proposed subdivision, the Commission may disapprove such plan or may condition its approval upon alteration of such street by and at the expense of the subdivider.
- k) Scenic Roads; Stone Walls. Frontage improvements, as described in the preceding section, may be modified by the Commission in order to achieve the objectives of any Scenic Roads Ordinance passed by the Board of Selectmen. In addition, the Commission shall consider the existence and preservation of stone walls which are part of Scotland's historic character or a part of the parcel boundary line separating parcels from one-another or along town or state roads.
- l) Specification and Details. All street improvements shall be constructed in accordance with included details of Chapter V and VI which when made effective served to replace the Town of Scotland Road Regulations shown in Appendix A and also on file in the office of the Town Clerk.
- m) Utilities. All utility lines including, but not limited to, those required for electrical, communication, lighting and cable television sources and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines. The subdivider shall make all necessary arrangements with the service utility to provide the underground services. The method of installation shall be approved by the particular utility company and be in conformance with the utility location requirements of these Regulations. A streetlight may be required at the intersection of the new and the existing town or state road and a streetlight may be required at the terminal end of a cul-de-sac. Applicant shall use full-cut-off lighting fixtures for required streetlighting to minimize glare into neighboring lots or the night sky. The Commission may waive all or part of these requirements of these Regulations in accordance with Chapter XI.

In making the determination set forth in the preceding paragraphs, the Commission shall take into account the street's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, and generally the ability of any vehicle to use the street safely.

- n.) Street Naming and Street Signs. Proposed names for new streets shall be reviewed by the Board of Selectmen acting on a written request of the applicant. Written approval obtained before addition of street name to final subdivision plan approved by the Commission. Street signs shall be installed in accordance with State of Connecticut standards at the expense of the applicant or developer.

SECTION 3. Proposed Streets in Open Space Subdivisions or Common Interest Ownership Communities.

1. Upon request of the Commission or demonstration by the applicant that unique conditions and site plan features as part of an open space or conservation subdivision justify some requested relaxation or flexibility of town road width standards, the Commission may reduce traveled road width by 2-foot increments consistent with assured public safety, access for emergency vehicles, and installation of access management or traffic calming features of road design such as gentle curved road alignment to avoid longer straight-aways.

2. For common interest ownership projects where an association may own internal roads and be responsible for maintenance, drainage structures, and snow plowing, the Commission may waive or modify town road standards including geometric and construction standards consistent with the safe passage of expected traffic volumes and type and access for emergency vehicles. In the common interest ownership documentation reviewed by the Commission or Town Attorney, a statement shall be included making it clear that the internal accessways would irrevocably be the maintenance responsibility of the common interest community never would be taken over or accepted as a Town road by the Town of Scotland.

SECTION 4. LOTS

- a) If the owner of a proposed subdivision also owns adjacent land that cannot be independently subdivided into lots meeting the requirements of the Regulations, such adjacent land must be incorporated into the proposed subdivision. The Commission shall not approve any subdivision containing one or more fragments or parcels that would not meet the minimum requirements for a developable lot unless such fragments or parcels expressly intended to be dedicated to a public use acceptable to the Commission.
- b) No lot, regardless of size, which is rendered useless for building due to utility easements, right-of-way, watercourses-topography, or lack of compliance with the Public Health Code,

shall be shown as building lots on any subdivision. Except as provided in Subsection (a), such property shall be included in adjoining lots.

- c) Reserved for future use
- d) Reserved for future use
- e) Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines. Variations from this rule will be made only where it is impractical to do otherwise, and shall require approval in accordance with Chapter XI of these Regulations.
- f) Space shall be provided on all lots for off-street parking.
- g) Lot Boundary Markers. A lot boundary marker shall be placed by the subdivider's surveyor on each lot corner and also at any point where a change in direction of a lot line occurs. Such marker may be a steel rod, iron pin, drill hole, or other equally permanent method and it shall be clearly marked with an indelible paint. The permanent marker location shall be shown on the final subdivision map and must be placed on the site prior to the issuance of a final Certificate of Use and Compliance on the subject lot. Upon the specific request of the applicant in the subdivision application form, the commission may waive this requirement on extraordinarily large lots or remaining tracts of property in accordance with Chapter XI of these Regulations.
- h) Lot Size. To ensure that all proposed subdivision lots have an adequate area for on-site water and sewerage systems, house and accessory building locations, driveways and parking area and usable recreation space; to minimize drainage problems and facilitate ground water discharge; and to minimize potentially detrimental encroachments upon watercourses, waterbodies, wetland soils and flood plain areas; all proposed subdivision lots, except as otherwise permitted under the Scotland Zoning Regulations, shall comply with the Minimum Buildable Area requirements of the Zoning Regulations.
- i) Common Driveways
 - 1. Common Driveways shall be allowed in accordance with Section 7.6B of the Scotland Zoning Regulations.
 - 2. A driveway easement shall be filed on the deeds of the affected lots to clearly establish liability and maintenance agreements in the form set forth in Appendix G. Said deed restriction shall be approved by the Town of Scotland Planning staff and filed on the land records prior to the issuance of a Certificate of Use and Compliance on any of the subject lots.

SECTION 5: STORM DRAINAGE

- a) Avoidance, where possible, Concentration of Stormwater and Drainage with Curb and Catch-basin Design

Where topography, size of the drainage subbasin area, and the estimated stormwater can be accommodated by uncurbed roads constructed with underdrains and by alongside the road-axis graded swales, dry detention areas, and leak-offs with possible detention and pretreatment before reaching any nearby downstream wetlands, this design would be preferable to more conventional road stormwater drainage design including curbs and catchbasins which concentrate stormwater

and require extensive installation of piping and more substantial downstream control structures to deal with run-off from new subdivision roads and developed portions of proposed building lots. Besides avoidance of long-term maintenance costs for the Town of Scotland, this swaled and curbless road is the more typical town road/drainage situation and contributes to the rural character or appearance of Scotland.

2. Examples and schematic views of techniques and Best Management Practices (or BMP's) to implement the drainage swaled and curbless road can be found in Connecticut Department of Environmental Protection Stormwater Discharge Control Manual, Draft 2003 or as amended.

b) General Hydraulic Design Requirements (especially for curbed and catchbasin portions of proposed roadways or accessways).

1. Storm drainage systems constructed under these Regulations shall provide for the proper drainage of the tributary area so as to prevent flooding, scouring, siltation or insufficient flows to brooks, lakes, ponds, and other watercourses and waterbodies, and other adverse impacts. The subdivider shall make provisions for preventing the creation of stagnant water within the limits of the proposed subdivision. A hydraulic study is required when any lot has more than 0.5 acres of disturbed area or more than 25% impervious area to determine contribution to possible drainage impact to toad drainage system. A hydraulic study sufficient to meet the standards and requirements of a Connecticut Department of Environmental Protection General Discharge Permit shall be submitted when the total disturbed area of the proposed road and the sum of the disturbed area for each lot totals more than five acres. The applicant must apply for and obtain such a General Discharge Permit prior to final filing of subdivision mylars on the land records of the Town Clerk.
2. Storm drains shall be designed to flow full using design formulae approved by the Town Engineer.
3. Storm sewers shall have a minimum pitch of 0.5%. Variance from this requirement may be granted by the Commission if storm sewers are designed with a minimum self-cleaning velocity of three (3') feet per second with full flowing pipes.
4. A minimum cover of two and one-half (2 ½') feet shall be provided for all storm drains.
5. No storm drain system shall outlet onto adjoining properties without a drainage easement; nor into a natural watercourse, whether continually flowing or intermittent, so as to exceed the capacity of the watercourse, or to cause erosion, sedimentation, scouring, or other adverse impacts on such watercourse.
6. All storm drain system outlets shall be terminated with an approved outlet structure and downstream sotrmwater control measures sized and designed for estimated flows resulting from the upslope subdrainage areas.
7. The first inlet in a storm drain system shall be located within three hundred fifty (350') feet of the roadway highpoint. A drainage structure, either an inlet or a manhole, shall be provided at three hundred (300') foot maximum intervals on all storm drains with exception of the first inlet. A drainage structure shall also be placed at each grade change

along a storm drain, at each change in horizontal direction, and at each junction point of two (2) or more drains.

8. Underdrain outlets shall be connected to drainage structures whenever practical. When impractical, they shall be terminated with an approved endwall. At all underdrain outlets, a "free outlet" condition should be provided.
9. The minimum pipe size for all public storm drain systems constructed under these Regulations shall be 15-inch inside except that culverts of a lesser size may be permitted where recommended by the Engineer.
10. The following types of pipes shall be used for drainage installations:
 - A. Reinforced concrete pipes or Advanced Drainage Systems (ADS) pipe or equivalent for surface drainage storm sewer systems and cross culverts.
 - B. Where clearance is limited by existing utilities, pipe arches or oval pipe will be used.
 - C. On grades over 10% - use ACCMP.
 - D. Where uneven support is expected - use ACCMP.
11. All drainage easements shall include a twenty (20') foot access strip in addition to the width of the channel or brook from bank top to bank top. Channels shall be rip-rapped or paved when deemed necessary by the Commission.
12. Drainage easements, outside of street lines, shall be at least thirty (30') feet wide and shall include wording so as to allow inclusion of other utilities such as water and sanitary sewer. Easements for outlet pipes shall extend to a suitable existing storm drain, an adequate natural watercourse, or a suitable infiltration system approved by the Town Engineer. The center line of storm sewer is not to be installed less than ten (10') feet from the edge of the right-of-way.
13. Where the development streets join existing Town streets, the developer must provide drainage at intersections as necessary, or as directed by the Commission.
14. The size and location of all private storm drains that connect to the Town storm drain system shall be approved by the Commission prior to installation. A waiver must be filed by the developer with the Commission. The waiver shall relieve the Town of any responsibility for damage resulting from any failure of the private storm drainage system. This waiver shall be part of the deed so as to run with the property as to subsequent purchasers.
15. Rear yard drains and cellar or foundation drains that are connected to storm drainage systems must be shown on the final approved plan of the drainage systems.
16. Details of special or unusual drainage structures shall be submitted to the Commission for review and approval before construction.
17. Where any proposed lot or lots has its required frontage on an existing Town street, and has an existing ditch or waterway along the front of said lot or lots, but within the Town right-of-way, the developer, at his expense, shall install a stormwater pipe drain, of suitable size and material, necessary catch basins and a curb, to conform with the curb line.
18. In accordance with Conn. Gen. Stats. §8-25, proper provision shall be made for the upgrading at the applicant or developer's expense of any downstream ditch, culvert or

other drainage structure which, through the introduction of additional drainage due to the subdivision, becomes undersized and creates potential for flooding on a state highway.

b) Drainage Design Formulae.

1. Peak discharges for the design of storm drains shall be derived using the rational method for drainage areas of less than 1,000 acres, where:

Q = ciA
Q = peak discharge in cubic feet per second
c = weighted runoff coefficient in percent
I = rainfall intensity in inches per hour
A = gross area tributary to the drain under design
expressed in acres

2. Peak discharges for the design of storm drains shall be derived using the SCS method for TR 20 or TR 55 formula for drainage areas of more than 1,000 acres, where:

Q = runoff (in.)
P = rainfall (in.)
S = potential maximum retention after
runoff begins (in.)
I = initial abstraction (in.)

3. Design discharges for major channels and brooks may, with the concurrence of the Commission, be based on a flood hydrograph or flood flow formula type of analysis.

- 4.) Hydraulic design shall be based on the Manning Formula:

Q = discharge in cubic feet per second
n = roughness coefficient
r = hydraulic radius
s = slope
A = wetted area of conduit

c) Design Storm Criteria.

- 1) All storm drainage facilities shall be designed based on the following storm return frequency criteria:

a) Residential Drainage Systems:

Storm Sewers and Minor Ditches - 10 year storm
Major Ditches and Channels - 50 and 100 year storm

b) Commercial Districts:

All Drainage Facilities - 50 and 100 year storm

c) Industrial Parks:

All Drainage Facilities - 50 and 100 year storm

- 2) Rainfall intensities used for storm drainage shall be taken from Plate No. 4, Rainfall Frequency-Intensity-Duration Chart, from Connecticut Department of Transportation.
- 3) Time of concentration shall be derived for all storm drains constructed.
- 4) Weighted runoff coefficients shall be derived based on the following criteria:
 - a) Areas Containing Roads, Roofs, Parking Lots, Sidewalks and Driveways 90%
 - b) Areas Containing Lawns and Natural Ground 15% to 40% depending on the slope of the ground
- 5) Off-site drainage and the ultimate development of adjoining land shall be addressed and calculations provided in the design of a storm drainage system for the subject site. All off-site impacts, alterations, easements, and similar information shall be shown on the subdivision plans and on-site stormwater drainage control measures shall be designed so that there is little or no off-site or downstream impact of design capacity stormwater volumes from the subbasin areas and the total project drainage estimates..

SECTION 6: INSPECTION

- a) All subdivision Improvements to be dedicated to the Town shall be inspected by the Commission or such agent as may be designated by the Commission (such as a consulting Town Engineer or registered Professional Engineer who has been contracted to inspect and review conformance to road specifications/standards and the installation and quality of road or drainage improvements), in consultation with the Board of Selectmen. Such consulting Town Engineer shall inspect the details of a construction permit for the road and associated drainage improvements and shall be compensated through collection of per foot inspection fee detailed in the Zoning Fee Ordinance paid before issuance of the road construction permit by the applicant or the construction company engaged by the developer. In addition, he developer shall, prior to the commencement of construction, arrange with the Commission and the Board of Selectmen for the employment of a clerk of the works to supervise the installation of all improvements. Such clerk of the works shall be an individual(s) approved by the First Selectman; shall be answerable and report, as requested, to the Commission and the Board of Selectmen, acting by and through the First Selectman; and all fees and expenses of such clerk of the works shall be payable by the subdivider, whose employee or subcontractor the said clerk shall be.

- b) Inspections shall be made at least after the following stages of construction:
- 1) When rough grading is complete.
 - 2) When drainage and all other underground facilities are installed, but prior to any backfilling.
 - 3) After deposition, compaction, and compaction testing for all layers of subbase and processed gravel..
 - 4) During construction of bituminous concrete binder course and curbing (if required) and then, after written approval to the developer/contractor from consulting Town Engineer to proceed, on the last bituminous concrete or wearing course.
 - 5) During the placing of bituminous concrete or other approved materials for sidewalks (if required in the subdivision site plan by the Commission).
 - 6) A final inspection shall be made when all improvements are complete, and when any required catchbasin, drainage structure, or landscape feature has been cleaned or groomed, and before acceptance by the Town.
- c) The developer or subcontracted construction company shall not proceed to work on any stage subsequent to the first stage until such inspection has been made by the Commission or its appointed agent, on the preceding stage and approval in writing has been obtained on the preceding stage. At least forty-eight (48) hours' notice, excluding Sundays and Holidays, shall be given by the developer to the Commission or its appointed agent for each inspection.

SECTION 6: STREET BOUND STONES

Street bound stones shall be placed at all block corners, at angle points, and the points of curves in streets and at such intermediate points as may be necessary to identify the street line in the field. The location of all street monuments shall be indicated on the final subdivision plan. They shall be installed and their accuracy certified by a Licensed Land Surveyor. The monuments shall be made of concrete, and shall be thirty (30") inches in length. The top shall be four (4") inches square with an "H" cast into it. The base shall be six (6") inches square. The monuments shall be set with the top two (2") inches above finish grade.

CHAPTER VII - WATER SUPPLY AND SANITARY WASTE DISPOSAL

SECTION 1. WATER SUPPLY

- a) Every proposed lot must be suitable for the installation of an adequate water supply consisting of a drilled well, artesian well or community water supply. Where evidence before the Commission indicates that water supply may not be adequate, whether because of poor quality, insufficient quantity or other reason, the subdivider may be required to submit additional information demonstrating the adequacy, quality and quantity of the proposed water supply. Such information shall be submitted to the Town Director of Health or other appropriate Town official for review and comment. The Commission may also require the installation of test wells in one or more locations prior to issuing approval of any Final Subdivision Plan.
- b) If the use of a community water supply system is proposed, the subdivider shall submit a plan in compliance with, evidence of an approval by the Town Director of Health. [See also, Chapter III, Section 3(a)(ix)]

SECTION 2. SANITARY WASTE DISPOSAL

- a) No lot requiring an individual septic system for sewage disposal shall be considered for approval by the Commission until the lot has been approved by the Town Director of Health, Town Sanitarian, or other appropriate Town official as suitable for the system. Percolation tests, soil reports, and the relevant Town official's report must be submitted with the Subdivision Application. Where evidence indicates special cause for concern, the Commission may require additional information in applications, including, but not limited to, a permeability analysis and/or renovation analysis of bacteria, phosphates, or other pollutants.
- b) It is the responsibility of the subdivider to contact the Town Director of Health or Town Sanitarian to prove that the lot area is adequate to permit the installation and operation of an individual sewage disposal system. The subdivider shall provide the necessary equipment and labor for the making of any and all tests required by Town health officials. When Town health approval is given subject to conditions, such conditions shall be noted on the record map.
- c) A minimum of one (1) deep observation hole and percolation test shall be performed in each proposed primary, and in each proposed reserve, septic system area indicated on the subdivision plans.

CHAPTER VIII - OPEN SPACES AND RECREATION AREAS

SECTION 1. DISPOSITION

For any subdivision of land under these Regulations, the Commission may require of the subdivider the conveyance and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this Chapter VIII, "open space or recreation areas" shall be defined to include, but not be limited to, areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider Plan of Conservation and Development objectives and map designations and the subject site's characteristics with respect to the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, ledge outcroppings and other unusual physical features; the protection of productive agricultural soil, the protection of historic or archeological sites; the expansion of existing open space, recreational areas, and greenways and the meeting of neighborhood and/or community-wide recreational needs. The Commission reserves the right to select that portion of the proposed subdivision to be dedicated for open space or recreational purposes, and it may reject or modify any area proposed by the applicant.

SECTION 2. SIZE

Where open space and/or recreation area dedication is deemed appropriate, the size of the required areas shall be determined by the Commission based on the site's value and importance in meeting the objectives cited in Chapter VIII, Section 1 and the scope of the subdivision proposal. Required open space and/or recreation areas shall ordinarily be a minimum of ten percent (10%) of the area of the property under consideration. Based on the site's value with respect to the objectives cited in Chapter VIII, Section 1, up to twenty percent (20%) of the area of the property under consideration may be required by the Commission. In the event the Commission elects to have the applicant dedicate a portion of the proposed subdivision that is proportionately more valuable than the remainder of the subdivision, the Commission may require the dedication of less than ten percent (10%) of the area of the subdivision if the area to be dedicated would have a fair market value approximately equivalent to ten percent (10%) of the fair market value of the land to be subdivided as measured prior to subdivision approval. However, in no case may the fair market value of the land or interests which the Commission requires the owner to dedicate exceed ten percent (10%) of the fair market value of the total subdivision area as measured prior to subdivision approval. In determining the total land to be reserved as open space and/or recreation land, the Commission may consider not only the tract or tracts of land to be immediately subdivided, but also any other adjacent tract or tracts owned, controlled or under agreement to buy or optioned by the subdivider. Areas to be reserved as open

space and/or recreation land shall be shown on the subdivision map.

SECTION 3. SITES OF ARCHAEOLOGICAL SIGNIFICANCE

- a) In all subdivisions of five (5) acres or more, all applicants shall make written inquiry of the office of State Archaeologist to determine if there is existing evidence or a reason to believe evidence exists of sites of archaeological significance within the subdivision. Such inquiry shall be made by certified mail, return receipt requested. Proof of such mailing shall be provided to the Commission at the time of submitting the subdivision application. Any significant sites shall, where possible, be left undisturbed and may be considered in meeting the minimum open space requirements of this Chapter. If no reply from the State Archaeologist is received within 30 days after receipt of the notice, it shall be presumed that the State Archaeologist has determined that the area is not located within an area of archaeological significance.
- b) The Commission may require an environmental assessment where it determines that the subdivision may contain significant natural and/or cultural resources, based on the National Resources Inventory, Conservation Commission, Open Space Report, Plan of Conservation and Development, State Archaeologist's report, or other pertinent information reviewed by the Commission.

SECTION 4. METHOD OF DEDICATION

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

- a) Conveyed in fee simple to the Town.
- b) Conveyed in fee simple to the State of Connecticut for open space or recreational purposes.
- c) Conveyed in fee simple to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.
- d) Dedication in fee simple to a homeowners' association for open space or recreational purposes (see Chapter VIII, Section 8).
- e) Utilization of conservation easement(s), with or without public access, using the form set forth in Appendix H.
- f) Utilization of a recreation easement, to the Town, State, or a private non-profit entity.
- g) Utilization of an agricultural use restriction easement, to the Town, State, or a private, non-profit entity.
- h) Private ownership for open space purposes with the appropriate conveyance of development rights.
- i) Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content.

SECTION 5. REFERRALS

The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Conservation Commission, Recreation Commission, Tolland County Soil and Water Conservation District, or any other appropriate agency.

SECTION 6. CONDITION OF OPEN SPACES AND/OR RECREATION LAND

- a) Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall be left in a natural state by the subdivider unless otherwise specified by the Commission. Except for such improvements as may be required by the Commission, open space areas shall not be graded, cleared or used as a repository for brush, stumps, earth, building materials or debris.
- b) Open space and/or recreation areas shall typically abut or have direct public access to a public street and, as appropriate, any existing park or public land. The Commission may require access areas to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Access roadways shall have an adequate base, shall be adequately drained and shall typically be twenty feet (20') wide and have a slope no greater than twelve percent (12%).
- c) When site improvements are required, they shall be clearly shown on the final subdivision maps or alternatively on a separate site improvements plan and they shall be approved by the Commission prior to the filing of the subdivision plan.
- d) The boundary lines of all areas to be dedicated shall be set in the field and marked by Commission-approved plaques where such lines intersect any lot line, road, or perimeter line within the proposed subdivision, and at such other points as may be required by the Commission to ensure identification in the field.

SECTION 7. ENFORCEMENT BONDING

To ensure proper construction of any required improvements in areas to be dedicated pursuant to this Chapter VIII, the Commission shall require the subdivider to include in the performance bond an amount sufficient to ensure completion of such improvements. All required improvements of open space and/or recreation land shall be completed prior to the sale of more than fifty percent (50%) of the lots within the subdivision.

SECTION 8. HOMEOWNERS' ASSOCIATION

The Commission may, upon the request of the subdivider, permit the ownership and maintenance of the open space and/or recreation area to be transferred to an association of property owners. The document providing for such transfer must:

- a) Establish a mandatory participation in an association of property owners to maintain the land reservation for open space, park, and/or playground purposes, with power to assess all members for all necessary costs.
- b) Be binding on all future property owners.
- c) Be perpetual.
- d) Not be affected by any change in zoning or land use.
- e) Assure adequate maintenance.
- f) Provide for enforcement by the Town by appropriate legal action.
- g) Provide that if maintenance or preservation of the dedication no longer comply with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.
- h) Comply with the Connecticut Common Interest Ownership Act (CIOA) and other relevant state laws and regulations.

After approval by the Town Attorney and Commission, the document shall be filed by the subdivider in the Office of the Town Clerk simultaneously with the endorsed Final Subdivision Plan.

SECTION 9. LEGAL TRANSFER

Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of this Chapter VIII and shall be submitted in triplicate with the final subdivision map to be filed. All documents must be acceptable to the Town Attorney and Planning Staff and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Town Meeting. In the event that acceptance is rejected by the Town Meeting, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternative means of preserving the open space and/or recreation areas. In no case shall the acceptance of any deed by the Commission or an employee of the Town prior to Town Meeting approval be deemed as acceptance of the open space and/or recreation area by the Town.

SECTION 10. DEDICATION FOR OTHER MUNICIPAL PURPOSES

In the event the subdivider proposes to transfer to the Town land for municipal purposes other than open space or recreation, the Commission may, in its discretion, approve such dedication as a credit toward any open space and/or recreational area disposition requirements under this Chapter VIII.

SECTION 11. FEE IN LIEU OF OPEN SPACE

As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town in lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils, or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

- a) Amount: Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.
- b) Procedure: To employ the fee-in-lieu of open space option, the following procedures shall be used:
 - 1) The applicant shall submit to the Commission a written proposal to pay a fee or transfer land to the Town in lieu of providing open space.
 - 2) The Commission shall determine whether it is willing to consider the applicant's proposal further, or whether it would be willing to consider a different combination of land transfer and fee. The Commission's determination at this stage shall not be binding on either the Commission or the applicant.
 - 3) If the Commission and applicant agree on further consideration of a fee, transfer of land, or both, they shall jointly select an appraiser to submit a report.

Steps 1) through 3) may be accomplished as part of the consideration of a Preliminary Layout, or at the time of acceptance of a Formal Subdivision application.

- 4) The applicant shall submit the appraisal prior to the completion of the Commission's review of the Formal Subdivision application. If the Commission holds a public hearing on the application, the applicant must submit the appraisal

before the close of the public hearing.

- 5) The Commission, as part of the action on the application, may either accept the fee-in-lieu proposal or a combination of fee and land transfer proposal, or it may require an open space dedication.
- c) Payment: The method of payment of any fees under this Section shall be one of the following two options:
 - 1) The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of the approved Final Subdivision Mylar with the Town Clerk; or,
 - 2) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the Final Subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.
 - 3) No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.
- d) Dedicated Fund: Fees submitted under this section shall be deposited by the Town in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

SECTION 12. OPEN SPACE EXEMPTIONS

In accordance with Connecticut General Statutes Section 8-25, the following instances shall be exempt from the provisions of Chapter VIII Open Spaces and Recreation Areas:

- a) where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Final Subdivision Plan. If the Commission determines, subsequent to the approval of such subdivision, that such transfers were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice

thereof to be filed in the Land Records; and

- b) where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, and as amended. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

CHAPTER IX - OPEN SPACE SUBDIVISION DESIGN

SECTION 1. PURPOSE

The purpose of this Chapter IX is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character.

SECTION 2. DEFINITIONS

The following terms, as used in this Chapter IX, shall have the meanings set forth thereafter:

Active Recreation: Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Conventional Subdivision: A subdivision design that is consistent with the provisions of the Scotland Zoning and Subdivision Regulations that would be applicable in the absence of this Chapter IX and Section XY of the Scotland Zoning Regulations.

Open Space Subdivision: A cluster development, as defined by Section 8-18 of the Connecticut General Statutes, in which the dimensions that would otherwise be required for lots under the Scotland Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space.

Passive Recreation: Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

SECTION 3. REQUIREMENT OF SUBMITTING AN OPEN SPACE SUBDIVISION DESIGN (Amended 12/08/2008)

- a) Except as otherwise provided in Section 9 of this Chapter IX, every applicant proposing to subdivide a parcel of land containing fifteen (15) or more acres in any zoning district allowing residential development, must submit an application for a special permit in accordance with Article VII of the zoning regulations for open space subdivision plan. The application must meet the requirements of this Chapter IX and the other relevant provisions of these Regulations and the Scotland Zoning Regulations. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included. An applicant may submit an alternative, conventional subdivision plan in addition to the open space subdivision plan required by this Chapter if the applicant wishes to have the Commission consider granting an exception to the open space subdivision requirement pursuant to Section 9 of this Chapter. The alternative conventional subdivision plan must conform to all other requirements contained in these Regulations and the Scotland Zoning Regulations.
- b) The Commission recommends that prior to the submission of an official application for open space subdivision approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for approval of the final open space subdivision plan.

SECTION 4. GENERAL DENSITY LIMITATIONS

Except as otherwise provided in these Regulations, the maximum number of units or building lots for an open space subdivision shall be determined by the Yield Plan Method.

- a) Yield Plan Method. In the Yield Plan Method, the applicant must provide a preliminary conceptual subdivision plan consisting of lot and street layouts conforming to the Zoning and Subdivision Regulations governing conventional subdivision lots. Although such yield plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision layout. Consequently, yield plans must identify physical and other features

that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours, at a contour interval of no more than five (5) feet; wetlands and watercourses; 100-year floodplains (Flood Zones A, as shown on FEMA maps); slopes exceeding twenty-five percent (25%); rock outcrops; and easements and rights-of-way affecting the parcel.

On lots that would not be served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems must be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

- b) Lot Area and Bulk. See Section 5.2 of the Zoning Regulations

SECTION 5. DENSITY BONUSES

The maximum number of lots allowed under Section 4 may be increased in one of the following ways:

- a) Open Space Maintenance Fund. The Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. The density bonus granted under this subsection shall be limited to fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter IX. Any such density bonus shall be conditioned upon the provision by the owner of the parcel to be subdivided of an agreement to pay a fee into an open space maintenance fund to be established and maintained by either (i) the Town of Scotland, (ii) the State of Connecticut, or (iii) the non-profit land trust to be charged with the maintenance of the open space provided in the applicable subdivision plan. The amount of the fee shall be set by the following formula: $[(CFMV/N) \times (0.5 \text{ XL})]$, where CFMV is the cumulative fair market value of all of the buildable lots or parts resulting from the subdivision, N is the total number of buildable lots or parts resulting from the subdivision, and XL is the number of additional lots allowed by the density bonus. The value of CFMV shall be determined by a licensed Connecticut real estate appraiser chosen jointly by the applicant and the Commission, in which case the applicant shall be responsible for any appraisal fees.
- b) Other Open Space Dedications. A density bonus may be granted for the provision of excess open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Chapter IX. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of

Scotland. For each five acres of excess open space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter IX. The decision whether to accept an applicant's offer to dedicate excess open space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Section 1 of this Chapter IX.

- c) Encouraging Affordable Housing. A density bonus shall be allowed for open space subdivisions that provide affordable housing, as defined in Section 8-30g of the Connecticut General Statutes. For each affordable housing unit provided under this section, one additional lot shall be permitted, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter IX. Affordable housing is herein defined as units to be sold or rented to families earning 70-120 percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

All calculations of bonus units shall be rounded to the nearest whole number.

SECTION 6. OPEN SPACE PERCENTAGE AND USE LIMITATIONS

- a) Minimum Percentage of Open Space. The minimum percentage of land that shall be designated as permanent open space shall be as required under Section XY of the Scotland Zoning Regulations.
- b) Use of Open Space Areas. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable portion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, provided that no portion of such systems protrudes above grade. Stormwater management ponds or basins may be included as part of the minimum required open space, provided that such ponds shall: i) contain water for less than forty-eight (48) hours or (ii) is a fire protection pond approved by the fire chief or his or her designee or (iii) is a permanent body of water which is designed and landscaped to simulate a natural pond. Land within the rights-of-way for underground utility lines may also be included as part of the minimum required open space. However, land within the rights-of way of overhead power lines or other surface utility lines shall not be included in the minimum required open space.

SECTION 7. DESIGN STANDARDS FOR OPEN SPACE SUBDIVISION

The dimensional requirements for lots in an open space subdivision shall be as specified in Section XY.6 of the Scotland Zoning Regulations. In designing an open space subdivision, the applicant should consider the purposes set forth in Section 1 of this Chapter IX, the provisions and standards set forth in Chapter VIII of these Regulations and Section XY.6 of the Zoning Regulations, and the following factors:

- a) Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.
- b) Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- c) Open space intended for recreation or other active public use should be easily accessible to pedestrians, including, to the extent feasible, the handicapped and elderly.
- d) Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from and the view of prospective home sites, and to minimize the area devoted to motor vehicle access and travel.

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

SECTION 8. DEDICATION OF OPEN SPACE

Open space areas within an open space subdivision shall be dedicated, in fee simple, to one of the following:

- a) An association or corporation composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities.
- b) The Town of Scotland.
- c) The State of Connecticut.
- d) A private, not-for-profit conservation trust that assures the preservation and maintenance of the open space areas in perpetuity.
- e) Such other private or government entity that assures the preservation and maintenance of the open space areas in perpetuity and is acceptable to the Commission.

The application shall designate which of the foregoing entities is proposed to own the open space, but the Commission, as part of any approval of such application, may modify such designation to require ownership by an entity set forth in subsection (a), (b), or (c), above. The Commission may not require ownership by an entity described in subsection (d), above, unless the applicant has proposed ownership by such an entity. The provisions of Section 7.7 of the Zoning Regulations set forth applicable criteria and limitations for such matters as development restrictions and covenants, instruments of open space conveyance, boundary designations, recording, rights to enforce, and association requirements.

SECTION 9. EXCEPTIONS

An applicant may apply to the Commission for an exception to the open space subdivision plan requirements. The purpose of the exception is to provide flexibility with regard to parcels of land for which an open space subdivision plan would be impractical due to existing physical conditions or limitations, would create an undue hardship, or would be substantially detrimental to the character of, or property values in, surrounding areas. In evaluating, approving or disapproving an application for such an exception, the Commission may consider the following criteria:

- a) The nature of the proposed development.
- b) The nature of the resources present on the land.
- c) The size of the subdivision.
- d) Road access.
- e) The shape of the parcel;
- f) Any undue hardships that the creation of an open space subdivision would cause; and,
- g) Any other factors the Commission deems appropriate.

An applicant who is granted an exception under this Section 9 may submit a conventional subdivision plan.

SECTION 10. PROCEDURES

Except as otherwise provided in this Chapter IX, all open space subdivision plans and applications, as well as conventional subdivision plans and applications submitted under Section 9 of this Chapter IX, must meet the procedural and substantive requirements of these Regulations and the Zoning Regulations

CHAPTER X - LOT LINE REVISIONS

SECTION 1. Lot Line Revision in Approved Subdivision Plans

The revision of any lot line or lot lines shown in a subdivision plan that has been previously approved by the Commission shall be deemed to constitute a modification of the approved subdivision plan. Any and all such modifications must be reviewed and approved by the Commission. The Commission shall not hold a public hearing on any such proposed lot line revision unless the proposed revision would result in a resubdivision, as defined in Section 8-18 of the Connecticut General Statutes, as amended. The Commission shall approve a proposed lot line revision unless it determines either (i) that one or more of the proposed reconfigured lots would not meet any applicable requirements of the Zoning Regulations, or (ii) that the proposed modification would result in a lot or lots that would be significantly more difficult to develop or use because of the location of such physical features as wetlands, watercourses, or steep or rocky areas within the reconfigured lot or lots. For the procedure to be used for Lot Line Revisions, see Chapter III, Section c.

SECTION 2. Lot Line Revisions in Other Lots

The revision of lot lines for adjoining, legally existing lots that predate the enactment of subdivision regulations in the Town of Scotland or that were lawfully created without subdivision approval shall not be deemed to be a subdivision and shall not require the review or approval of the Commission unless such revision results in the creation of a greater number of lots or parcels than existed before the revision.

CHAPTER XI- WAIVER OF REGULATIONS

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with Connecticut General Statutes Section 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare. In considering a modification or waiver under this Chapter, the Commission shall only approve such modification or waiver upon a finding that all of the following conditions are met:

- a) Conditions exist on the subject property which are not generally applicable to other land in the Town;
- b) Said conditions would render the subject property, or some significant portion thereof, unusable for any viable use permitted in the subject zone if these Regulations were strictly applied;
- c) Said conditions were not created by the property owner nor by his/her predecessor(s) in title;
- d) The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations;
- e) The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.

Any request for modification or waiver under this Chapter shall be set forth on the Subdivision Application form, and, if granted, shall be noted on the Final Subdivision Plan with a reference to the lot(s) affected, and the Section of these Regulations modified or waived, and the extent or nature thereof. In granting or denying any request under this Chapter, the Commission shall state upon the record the reasons for such action.

CHAPTER XII- MISCELLANEOUS PROVISIONS

SECTION 1. PENALTY FOR FAILURE TO COMPLY

- a. Failure to Obtain Subdivision Approval. In accordance with Connecticut General Statutes Section 8-25, any person, firm, corporation, partnership or association making the subdivision or resubdivision of land without approval of the Commission shall be liable to a fine of Five Hundred (\$500.00) Dollars for each lot sold or offered for sale. In the event that any subdivider shall violate these Regulations, or the conditions or requirements of any subdivision approved hereunder, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Scotland Land Records.
- b. Violation of Subdivision Approval. Any person, firm, corporation, partnership or association that violates any provision of these Regulations or any condition of modification of any Subdivision approval; or fails to comply with the plans and other documentation submitted in accordance with these Regulations shall be provided notice of such violation by registered mail, return receipt requested. Said notice shall indicate the date of a regular or special meeting at which the Commission shall consider such violation, and the subdivider shall have the opportunity to be heard and present evidence at such meeting. If, following such meeting, the Commission determines that a violation as described in this paragraph has occurred, the Commission may take any or all of the following actions: Void the subdivision for any lots which have not been conveyed to purchasers not affiliated with the subdivider; call any bonds or letters of credit which have been placed to secure compliance with these Regulations and any approval granted hereunder; direct the Zoning Enforcement Officer to withhold any Certificate of Zoning Compliance for any such lot(s) in the subdivision; refuse to accept any public improvement in connection with such subdivision;; refuse to grant any extension of time for the completion of improvements in such subdivision; require additional bonding; require additional engineering or other studies to evaluate the scope and nature of the violation; bring legal action seeking injunctive relief or such other relief as may at law or equity pertain.

SECTION 2. AMENDMENTS

These Regulations may be amended by the Commission in accordance with the procedures set forth in Section 8-25 of the Connecticut General Statutes.

SECTION 3. VALIDITY

Should any section or provision of the Regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be

invalid.

SECTION 4. ENACTING CLAUSE, SHORT TITLE AND REPEAL

The Scotland Planning and Zoning Commission acting under authority of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Subdivision Regulations of the Town of Scotland". The provisions of the Subdivision Regulations heretofore in force and any amendments thereof, so far as they are the same as in these Regulations, are to be deemed continued and not as new enactments. Any and all provisions of the Regulations as originally enacted which are inconsistent with the provisions of these Regulations are hereby repealed, but this shall not affect any violations thereof already existing or any penalty incurred and the same may be prosecuted as if these Regulations had not been adopted.

CHAPTER XIII - SUBDIVISION DESIGN STANDARDS

SECTION 1. PURPOSE

The subdivision design standards set forth in this chapter are intended to fulfill the requirements of Section 8-25 and 22a-19 of the Connecticut General Statutes, and specifically to assure that land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; that proper provision is made for water, drainage, and sewerage and, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, that proper provision is made for protective flood control measures; that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Town's Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that reasonable provision is made for the creation, maintenance, and preservation of open spaces, parks, and playgrounds; and that the design of any subdivision does not unreasonably pollute, impair, or destroy, or create an unreasonable risk of polluting, impairing, or destroying, the public in the air, water, or other natural or historic resources of the state.

SECTION 2. APPLICATION OF STANDARDS

- a) Manner of Application. The standards set forth in this chapter, elsewhere in these Regulations, and in the current Plan of Conservation and Development shall be considered by the Commission in determining whether to approve, modify and approve, or deny any subdivision or resubdivision application. The Commission may modify a proposed subdivision plan in any manner it determines to be reasonably necessary to achieve compliance with such standards. Such modifications may include, without limitation, the adjustment of proposed lot lines; the adjustment of the locations or dimensions of proposed streets, rights-of-way, utilities, or other improvements; or the provision, or the adjustment of the proposed location, of any open-space area, park, or playground. Such modifications may also include the elimination, combination or merger of specific lots on the proposed subdivision plan if the Commission deems such modifications necessary to avoid unreasonably adverse impacts to specifically identified natural or historic resources or to avoid specifically identified health or safety hazards to landowners, pedestrians, drivers, or other persons making proper use of any land within the area of the subdivision.
- b) Limitation of Modifications. For purposes of Section 2 (a), the term 'specifically identified' shall apply only to natural resources, historic resources, or health or safety hazards that are specific to the subdivision application and land being reviewed. For example, the Commission may order the elimination or merger of a specific lot that is proposed to

contain an inordinate percentage of inland wetlands or that would require a driveway to enter a road at a point with particularly difficult sight lines. However, the Commission may not require a general reduction in the overall lot density on the basis of generalized health, safety, or environmental reasons if the lot density as proposed is consistent with the requirements of the current Zoning Regulations.

SECTION 3. PUBLIC HEALTH STANDARDS

The standards for the protection of public health shall be as set forth in Chapter VII of these Regulations, entitled "Water Supply and Sanitary Waste Disposal."

SECTION 4. STANDARDS FOR OPEN SPACES, PARKS, AND PLAYGROUNDS

The standards for the provision of adequate open spaces, parks, and playgrounds shall be as set forth in Chapter VIII of these Regulations, entitled "Open Spaces and Recreation Areas."

SECTION 5. STANDARDS FOR STREET DESIGN

The standards for the provision of adequate access and street systems include those set forth in Chapter VI of these Regulations, entitled "Required Street Improvements and Design Criteria." In addition, the Commission shall apply the following standards:

- a) All streets in a proposed subdivision plan shall be designed to allow their incorporation into a safe, practical and effective Town street and highway system. For example, when a subdivision is planned within an area of the Town that is largely undeveloped or sparsely developed, the Commission shall consider whether any proposed cul-de-sacs would compromise the Town's ability to provide for through roads as the area becomes more densely developed.
- b) Street layouts shall be designed with reasonable consideration for future access to adjoining parcels of land. Cul-de-sacs shall be disfavored if adjoining undeveloped parcels should be more easily and practically developed by a through-road connection and if the use of cul-de-sacs would be likely to require emergency vehicles to traverse a substantially longer route to reach adjoining properties.
- c) In approving a subdivision application, the Commission may require the dedication of land along existing Town streets if necessary to provide the street right-of-way with an adequate width.

SECTION 6. STANDARDS FOR PROTECTION OF NATURAL RESOURCES

The Commission may modify a proposed subdivision plan prior to approval if it deems such modifications(s) necessary to protect specifically identified natural resources such as, but not limited to:

- 1) Inland wetlands or watercourses and their riparian zones;
- 2) Habitat of rare or endangered plant or animal species;
- 3) Significant stands of mature trees or particularly large or unusual trees;
- 4) Significant geological features, such as unusual rock outcroppings;
- 5) Vista points and undisturbed ridgelines;
- 6) Floodplains; and
- 7) High-yielding or potentially high-yielding aquifers.

SECTION 7. STANDARDS FOR PROTECTION OF HISTORIC RESOURCES

The standards for the protection of historic resources shall include those standards set forth in Chapter VIII, Section 3 of these Regulations, entitled "Sites of Archaeological Significance." In addition, the Commission may modify a proposed subdivision plan prior to approval if it deems such modification(s) necessary to protect specifically identified historic resources such as, but not limited to:

- 1) Stone walls or fences;
- 2) Foundations or other evidence of historic settlements within the Town;
- 3) Native American or other burial grounds; and
- 4) Historic structures or landmarks, as defined by Section 22a-19a of the Connecticut General Statutes.

APPENDIX A—AN ORDINANCE REGULATING SPECIFICATIONS OF ROADS

The following ordinance was adopted at the Scotland Town Meeting held July 24, 1961, applying to the acceptance of all roads. The work "Roads" in this ORDINANCE shall mean roads, streets or highways.

Section 1 – Before any road shall be submitted for consideration by the Board of Selectmen, a copy of a map showing said road shall be submitted to said Selectmen. Said map shall have been prepared by a competent engineer or surveyor licensed in the State of Connecticut, and shall be certified as to its accuracy and conformity with existing regulations by land surveyor registered in the State of Connecticut. Upon written approval by the Board of Selectmen and acceptance of said road by the Town of Scotland, shall be filed at the office of the Town Clerk, at the applicant's expense, for inclusion in the highway system of said Town.

Section 2 – The Construction of all roads to be offered for Town acceptance shall be subject to inspection at all times by the Board of Selectmen.

Section 3 – The width of the right-of-way shall be a minimum of fifty (50) feet between property lines with corners rounded by curves of a least twenty five (25) feet radius. The traveled path of all roads shall be at least twenty (20) feet. The traveled path shall be approximately centered in the right of way. There shall be a two (2) foot shoulder on either side of the traveled path.

Section 4 – The traveled portion of the road shall consist of the following:

(a) An approved sub-base, depth dependent upon bringing up to grade.

(b) A Surface course shall consist of a minimum of twelve (12) inches of approved gravel after compaction.

Section 5 – All such roads shall be so graded that the crown of the road is approximately three (3) inches higher than the outer edges of the road, and grades shall be maintained at less than twelve percent (12%).

Section 6 – All tree stumps shall be removed at least four (4) feet back from the shoulder of the road.

Section 7 – Cross culverts shall be of reinforced concrete or asphalt coated metal pipe. Underdrain to be installed when necessary.

Section 8 – Location of culverts to be approved by the Board of Selectmen. Minimum cover over culvert pipes to be fifteen (15) inches. All drainage and safety structures are to comply with the State of Connecticut highway specifications.

APPENDIX D—RELEASE OF RESTRICTIVE COVENANT

TOWN OF SCOTLAND PLANNING AND ZONING COMMISSION NOTICE OF FINAL APPROVAL AND RELEASE OF RESTRICTIVE COVENANT

In accordance with Connecticut General Statutes §8-25, *et. Seq.*, as amended, and the Scotland Subdivision Regulations, a CONDITIONAL SUBDIVISION APPROVAL was granted by the Scotland Planning and Zoning Commission on _____, _____ (date) for a subdivision known as _____ (name), hereinafter referred to as "the Subdivision", and being more particularly described on a map or maps entitled:

The foregoing map(s) are on file as map Nos. _____ in the Town Clerk's Office. To enforce such CONDITIONAL SUBDIVISION APPROVAL, a RESTRICTIVE COVENANT dated _____, _____ (date) was filed at Volume _____, Page _____ of the Scotland Land Records, which covenant was in the name of _____ as Grantor.

On _____, _____ (date) the Scotland Planning and Zoning Commission voted to grant FINAL APPROVAL to the Subdivision, and to RELEASE the aforesaid RESTRICTIVE COVENANT.

This approval will expire FIVE YEARS from the date of the original CONDITIONAL APPROVAL unless extended by the Commission, the date of such expiration being _____, _____. No such extension shall exceed TEN YEARS from the original CONDITIONAL APPROVAL.

Dated at Scotland, Connecticut this _____ day of _____, _____.

WITNESSED BY:

SCOTLAND PLANNING AND ZONING
COMMISSION

By _____

Its Chairman/Secretary

STATE OF CONNECTICUT)

Section 9 – Necessary drainage easements to the Town of Scotland from each culvert or water run-off, minimum of ten (10) feet in width shall be obtained from the adjoining landowners, at applicant's expense, which easements shall be recorded in the land records of the Town of Scotland.

Section 10 – Water from adjoining driveways or intersecting roads shall be so diverted as not to enter upon the traveled portion of the road. Where the contour of the adjoining land is such that in the opinion of the Selectmen, it may create a drainage problem, then the Selectmen may order the installation of necessary catch basins, culverts, and retaining walls. All intersecting road layouts shall have corner cut-offs, minimum radius to be fifteen (15) feet.

Section 11 – There shall be a cul-de-sac at the end of any dead end road, with radius of not less than forty feet.

Section 11-a – Said road shall be coated with two (2) coats of bituminous concrete, each layer to be rolled to one and one quarter (1 ¼) inches thick.

Section 12 – Upon the written approval of the Board of Selectmen, the question of the final acceptance of said road shall be presented to a Town meeting duly warned, and upon acceptance by said Town Meeting, the road shall be conveyed to the Town of Scotland by warranty deed containing the usual full covenants, which deed shall be filed in the land records of the Town of Scotland with the map as hereinbefore provided, at the applicant's expense.

Section 13 – In the event of unusual conditions, these specifications may be varied by the unanimous vote of the Board of Selectmen.

The following additions to this ordinance were adopted at the Scotland Town Meeting held May 20, 1976, to become effective July 1, 1976.

Section 8 – was deleted and replaced with present form.
Section 11a was added.

APPENDIX B—ROAD STANDARDS AND SPECIFICATIONS

[Reserved for future use]

APPENDIX C—RESTRICTIVE COVENANT

WHEREAS, [OWNER OF PROPERTY UPON WHICH SUBDIVISION RESTS - NOT NECESSARILY SUBDIVIDER] is a Connecticut corporation/partnership having its principal place of business at [ADDRESS] (hereinafter, "Owner"); and

WHEREAS, Owner is the owner, in fee simple, of real property located in the Town of Scotland, County of Windham and State of Connecticut, being [SOME BRIEF DESCRIPTION, SUCH AS ADDRESS OR ASSESSOR'S MAP/NUMBER], said real property being more particularly described on Schedule A, attached hereto and made a part hereof (hereinafter, "the Property"); and

WHEREAS, a subdivision known as [SUBDIVISION NAME] has been approved by the Scotland Planning Commission on the Property, which approval is predicated upon certain plans and other application materials, and which is subject to the Subdivision Regulations of the Town of Scotland (hereinafter, "the Regulations") and to certain conditions or modifications as may be disclosed in the records of the said Commission (hereinafter, "the Subdivision"); and

WHEREAS, the Subdivision requires the construction of certain improvements, which improvements are required to be bonded in accordance with Chapter V, Section 2 of the new Regulations prior to the endorsement and filing of the Subdivision in the Office of the Scotland Town Clerk; and

WHEREAS, the parties acknowledge that the purpose of such bonding is to guarantee the construction of all improvements in the Subdivision, and compliance with the Regulations, the Subdivision plans and submissions, the conditions and modifications of approval, and similar requirements applicable to the Subdivision, prior to the offering of any lot in the Subdivision for sale or development; and

WHEREAS, the Subdivider desires to postpone the posting of said bonds, and the Commission has indicated a willingness to accept such postponement provided that Subdivider and Owner are willing to covenant that no lots in the Subdivision shall be conveyed, under any circumstances, to any party, until the required bonds are posted.

NOW, THEREFORE, [OWNER] declares and covenants that none of the lots in the Subdivision shall be conveyed to any party, other than the Town of Scotland, prior to the submission to, and approval by, the Scotland Planning Commission of suitable bonds for Subdivision improvements, in accordance with the Regulations. The lots may be encumbered by mortgages junior in right to this Covenant. [OWNER] further declares and covenants that no construction activity of any kind, including but not limited to the clearing, grading, or excavation of land, shall occur on the Subdivision property prior to the posting of such bonds. This Covenant shall run with the land and shall be binding on all persons claiming title to said premises under Owner.

IN WITNESS WHEREOF, [OWNER] has caused this instrument to be executed in his/her/their/its name, on this day of , 19 .

Signed, Sealed and Delivered
In the Presence Of:

STATE OF CONNECTICUT:

: ss.

, 19

COUNTY OF :

Personally appeared _____, signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed before me, the undersigned officer.

Commissioner of the Superior Court
Notary Public/Justice of the Peace
My Commission Expires:

STATE OF CONNECTICUT:

: ss.

, 19

COUNTY OF :

Personally appeared _____, [NAME AND TITLE/OFFICE OF SIGNER FOR CORPORATE OR PARTNERSHIP OWNER], signer and sealer of the foregoing instrument and acknowledged the same to be his/her free act and deed as such [TITLE/OFFICE], and the free act and deed of said corporation/partnership, before me, the undersigned officer.

Commissioner of the Superior Court
Notary Public/Justice of the Peace
My Commission Expires:

NOTES:

THIS COVENANT MUST BE ACCOMPANIED BY A CURRENT CERTIFICATE OF TITLE INDICATING THAT THE PROPERTY IS IN THE NAME OF THE "OWNER" AND IS FREE AND CLEAR OF ANY AND ALL ENCUMBRANCES (SUCH AS LIENS, ATTACHMENTS, MORTGAGES) WHICH MIGHT IMPAIR ITS PRIORITY IN RIGHT; OR SUBORDINATION AGREEMENTS FOR ANY SUCH ENCUMBRANCES.

THIS ENCUMBRANCE MUST BE FILED IN THE LAND RECORDS, INDEXED UNDER THE NAME OF THE OWNER. IT SHOULD BE FILED FOLLOWING THE FILING OF THE ENDORSED SUBDIVISION MAPS AND ANY DEEDS OF OPEN SPACE. DEEDS TO ROADS, DRAINAGE EASEMENTS, AND OTHER RIGHTS INCIDENTAL TO A NEW ROAD, SHOULD NOT BE FILED UNTIL ACCEPTANCE OF THE COMPLETED ROAD (THOUGH THE DEEDS CAN AND SHOULD BE HELD IN ESCROW).

IT IS THE RESPONSIBILITY OF THE BONDED PARTY (BE IT OWNER OR SUBDIVIDER OR DEVELOPER) TO INSURE COMPLIANCE OF ALL SUBDIVISION IMPROVEMENTS AND CLEAR TITLE TO THE ROAD AND APPURTENANT EASEMENTS UPON ACCEPTANCE. IF THE BONDED PARTY IS NOT THE OWNER OR DEVELOPER, IT IS INCUMBENT ON THE BONDED PARTY TO NEGOTIATE SUITABLE CONTRACTUAL AGREEMENTS WITH THE OWNER AND DEVELOPER. BONDS WILL BE CALLED, OR WILL NOT BE RELEASED, REGARDLESS OF THE IDENTITY OF THE PARTY CAUSING NONCOMPLIANCE, INCLUDING THE OWNER OF AN INDIVIDUAL LOT.

THE USE OF THIS COVENANT IN LIEU OF BONDING IS NOT AUTHORIZED BY EITHER THE FORMER OR CURRENT SUBDIVISION REGULATIONS. IT HAS BEEN PREPARED TO ACCOMMODATE A PRACTICE SPORADICALLY FOLLOWED BY THE COMMISSION AT THE EXPRESS URGING OF SUBDIVIDERS. THE USE OF THIS COVENANT IS ENTIRELY AT THE SUBDIVIDER'S AND OWNER'S RISK, AND ANY JUDICIAL DETERMINATION OF INVALIDITY OF THIS COVENANT SHALL REQUIRE THE IMMEDIATE POSTING OF BONDS BY THE SUBDIVIDER OR OWNER.

, 19

Commissioner of the Superior Court
Notary Public
My Commission Expires:

APPENDIX E—LETTER OF CREDIT

XYZ BANK AND TRUST COMPANY

IRREVOCABLE LETTER OF CREDIT

LETTER OF CREDIT NO.:

Date:

BENEFICIARY: Town of Scotland
Scotland, CT 06264

Gentlemen:

We hereby open our Irrevocable Letter of Credit in your favor for up to the aggregate amount of \$ _____ (insert written amount) for the account of:

[Subdivider]

[Address]

This amount is available upon presentation of your sight draft accompanied by a signed and notarized statement from the First Selectman of the beneficiary in the form set forth on Exhibit A. Such statement shall constitute adequate evidence that [subdivider] defaulted under the terms of the subdivision approval, which approval is set forth in the Minutes of the _____, 20_ meeting of the Scotland Planning Commission, which subdivision is more particularly shown by a series of maps entitled, [title of subdivision maps] _____

prepared by _____ on file in the Scotland Town Clerk's Office, or as such maps may be amended in accordance with the Scotland Subdivision Regulations. The specific roadwork and other public improvements covered by this Letter are as set forth on said series of maps, the Scotland Subdivision Regulations as in force on the date of approval, and the Scotland Road Specifications referenced therein.

We hereby agree with you that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to the [name of bank] in (city) _____, (state & zip) _____, U.S.A.

This Letter of Credit expires on _____, 20_.

This Letter of Credit shall be extended for an additional period of one (1) year from the present or future expiration date hereof unless sixty (60) days prior to such expiration date we shall notify you in writing, by registered mail, that we elect not to renew this Letter of Credit for such additional period. Upon receipt of that notice, you shall have the right to draw against the amount remaining available under this Letter of Credit in accordance with terms of this Letter of

Credit and accompanied by the beneficiary's statement signed by the said First Selectman or his designee, stating:

I certify that [subdivider]_____ is indebted to us in an amount no less than the amount represented by the accompanying draft."

In respect to the written statement above and in Exhibit A, [name of bank] is authorized to accept them as binding and correct without investigation or responsibility for the accuracy, veracity, correctness or validity of the same or any part thereof. We hereby agree with the drawers, endorsers, and bona fide holders of all drafts drawn under and in compliance with the terms of this Letter of Credit that such drafts will be duly honored by us upon presentation, notwithstanding any claims of illegality, unenforceability, or fraud in connection with the transaction. We here waive the right to defer the honor of any such drafts presented by the beneficiary or by any drawer, endorser, or bona fide holder of any such drafts.

Each draft must bear upon its face the clause "Drawn under Letter of Credit #____ dated _____, w0_ of [name of bank], ____ (city) ____, ____ (state & zip) ____, U.S.A.

Very truly yours,

[name of bank]

By: _____[signature]

Its _____ [office]

Duly Authorized

EXHIBIT A
NOTICE OF DRAW UNDER LETTER OF CREDIT

_____, 20__

Re: Irrevocable Letter of Credit No.

Gentlemen:

This is to notify you that [subdivider] has defaulted on its obligations to us by failing to cure a default within ten (10) days after we sent written notice of default; and the amount represented by the accompanying draft is due and owing us.

Very truly yours,

THE TOWN OF SCOTLAND

By:_____

Its _____ [office]
Duly Authorized

**APPENDIX F—STANDARD AGREEMENT FOR CONSTRUCTION AND
INSTALLATION OF PUBLIC IMPROVEMENTS AND UTILITIES IN
SUBDIVISIONS**

Date:

Subdivision:

**STANDARD AGREEMENT FOR CONSTRUCTION AND INSTALLATION
OF PUBLIC IMPROVEMENTS AND UTILITIES IN SUBDIVISIONS**

Agreement made this ____ day of _____, 2002, by and between the TOWN OF SCOTLAND, hereinafter called the "Town", a municipal corporation having its territorial limits within the County of Windham and State of Connecticut, acting herein by its Planning and Zoning Commission, _____ and _____, of the Town of _____, County of _____ and State of _____, owner or owners of record of property for which a final subdivision plan has been approved, and the heirs, executors, administrators, successors and assigns of said owner or owners, hereinafter called the "Subdivider".

WITNESSETH:

WHEREAS, the Town by vote taken on the ____ day of _____, 2002, by its Planning and Zoning Commission, has approved a subdivision known as _____, said vote reading as follows:

; and

WHEREAS, the Subdivider desires to proceed with the construction and installation of public improvements and utilities in said subdivision in accordance with the specifications, ordinances, codes, regulations and standards of the Town and as shown on a Public Improvements and Utilities Map entitled:

"

"; and

WHEREAS, the utilities as may be shown on said map are to be installed and constructed by, on behalf of, or by separate agreement with private utility companies or public agencies having jurisdiction over such public improvements, which terms shall be deemed to include, without limitation, all streets, sanitary sewers, curbs, gutters, sidewalks, storm drainage, all erosion prevention measures, and all work on natural or relocated watercourses, whether within or without the boundaries of the subdivision, hereinafter called the improvements, as may be shown on said map or otherwise required by the Planning and Zoning Commission are to be installed and constructed by, on behalf of, or under contract with the Subdivider; and

WHEREAS, the estimated cost of constructing and installing the improvements, said estimated costs having been approved by the First Selectman and the Town Engineer, is (\$ _____) Dollars, and the Subdivider has filed with the First Selectman

(\$_____) Dollars as surety securing to the Town the actual construction and installation of the improvements, which surety represents ninety-five percent (95%) of said estimated cost; and

WHEREAS, the Subdivider has deposited with the First Selectman (\$_____) Dollars as a deposit against which the Town may draw to defray the costs of maintenance and repair of the improvements and the costs of any necessary repairs to the improvements reasonably resulting from defects in workmanship or materials during the construction or maintenance period, which deposit represents five percent (5%) of said estimated costs. This Agreement shall be reviewed on its anniversary and adjusted to secure an adequate surety amount.

NOW, THEREFORE, be it agreed between the parties hereto, acting under the authority of the Subdivision and Resubdivision Regulations of the Town of Scotland effective 199_, and may therefore be amended as follows:

THE TOWN AGREES:

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

THE SUBDIVIDER AGREES:

1. To construct and install the improvements at no expense to the Town in accordance with said Subdivision and Resubdivision Regulations, said final subdivision plan, including the public improvements and utilities map, Standard Specifications for the Design and Construction of Subdivision Improvements effective _____, 199_ and as thereafter amended, applicable laws, regulations, standards, codes or ordinances of the Town and State of Connecticut, and any terms or conditions established by said Commission and herein contained.
2. To construct and install the improvements complete in every detail, in a good and proper manner, as directed by the First Selectman, and in conformance with standard engineering and construction practices within one year from the date of approval of said subdivision by said Commission or within an earlier time as prescribed by said Commission, except as such completion date may be extended by said Commission.
3. The Subdivider agrees that he shall at all times indemnify and save harmless the Town and its respective officers, agents and servants, on account of any and all claims, damages, losses, litigation, expenses, counsel fees, and compensation arising out of injuries (including death) sustained by, or alleged to have been sustained by the servants, employees or agents of the Town, or of the Subdivider, any contractors employed by him or any subcontractor of material man, and from injuries (including death) sustained by or alleged to have been sustained by, the public, any or all persons on or near the work, or by any person or property, real or personal (including property of the Town), caused in

whole or in part by the acts or omissions of the Subdivider, any contractor employed by him or any subcontractors or material man or any one directly or indirectly employed by them or any of them while engaged in the performance of any work covered by this Agreement and during any maintenance period specified therein.

4. The Subdivider shall, in part, secure his obligations under this standard agreement with the Town of Scotland by maintaining at his own expense at least the following forms of insurance:

- (a) Owners' protective liability and property damage insurance for and in the name of the Town of Scotland and covering all claims against the Town arising out of this agreement.
- (b) Public liability and property damage insurance, including coverage for acts of subcontractors, for all liability assumed under this agreement and where applicable, coverage for use of explosives, for collapse of buildings and damage to underground properties, and coverage by any law or municipal ordinance or regulation.
- (c) Standard automobile liability and property damage insurance, including coverage for hired or borrowed cars.
- (d) Workmen's Compensation and Employer's Liability Insurance, as provided by Connecticut law and custom.

The minimum amounts of all such insurance shall not be less than those shown on the Town's Standard Insurance Certificate, namely:

Bodily Injury

per person	\$1,000,000
per accident	\$3,000,000

Property Damage

per accident	\$ 250,000
per aggregate	\$ 750,000

but the stipulation of minimum amounts shall in no way limit the liability of the Subdivider to any such amounts.

5. To permit the Town to draw upon said deposit to defray the costs of maintenance and repair of the improvements or utilities prior to their acceptance by the Town, including but not limited to snowplowing, cleaning of drainage facilities, and street sweeping, and to defray the costs of any necessary repairs to the improvements or utilities reasonably resulting from defects in workmanship or materials during the maintenance period of one year following said acceptance, provided that the Town, except in cases of emergency, shall notify the Subdivider at least seventy-two (72) hours in advance of said repair and maintenance; and to deposit an additional sum with the First Selectman, such sum not to exceed the amount of the original deposit, if at any time the original deposit should prove insufficient to defray any such costs incurred by the Town.

No principal or interest will be withdrawn from any surety or maintenance account before release from this agreement by the Town. All principal and interest shall become property of the Town, upon default, for the purposes specified in this Agreement.

ADDITIONAL OR SPECIAL CLAUSES

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this
day of _____, 2002, at _____, Connecticut.
Signed and Sealed in TOWN OF SCOTLAND
the Presence of

_____ BY:

1st Selectmen or His Designee

SUBDIVIDER

BY:

Title:

APPENDIX G—DECLARATION OF EASEMENT FOR DRIVEWAY AND UTILITIES

DECLARATION (this “Declaration,” made this ^ day of ^, 20^, by ^ (hereinafter referred to as “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of certain premises (the “Easement Area” shown on a map or plan entitled ^ which map is on file as “^” or to be filed with the Town Clerk of the Town of Scotland to which reference may be had and which Easement Area comprises parts of Lots ^ as shown on the aforementioned map (when specifically referred to, Lots ^ shall be referred to by their lot number and when referred to collectively all of said lots shall hereinafter be referred to as the “Burdened Lots”); and

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

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

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

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

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

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

I. GRANT OF EASEMENT.

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

easement shall be appurtenant to and for the benefit of the Easement Properties and may be used by the owners of the Easement Properties, their heirs, successors, assigns, licensees and guests.

II. USE OF EASEMENT AREA.

The Easement Area shall be used for the purposes of ingress and egress to and from ^[street] by vehicular and pedestrian traffic and for the installation, maintenance, repair, and replacement of utility lines (including lines for storm water discharge, electric, cable, telephone, sewer, water and other residential utilities) together with any appurtenances related thereto (hereinafter referred to as "Utilities") in order to furnish utility services to the Easement Properties.

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

III. ACT EXPEDITIOUSLY.

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

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

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

V. MAINTENANCE AND REPAIR OF EASEMENT AREA.

The Owners shall maintain the Easement Area in its present condition or in the condition to which it is improved from time to time, free and clear of obstruction, shall repair the same as necessary, shall keep the same reasonably free and clear of ice and snow, and shall keep the Easement Area insured with respect to liability. The cost of all necessary repairs, maintenance, snow and ice removal, clearing of the driveway, and insurance thereon shall be paid equally by the Owners. Each owner shall be responsible for a proportional share of such cost computed by dividing one by the number of lots served by the driveway over the Easement Area (a "Required

Share"). Notwithstanding the foregoing, no owner shall be responsible for any expenses hereunder until a Building Permit has been obtained from the Town of Scotland to construct a building upon his lot. Therefore, when computing an Owner's Required Share hereunder, the lots for which no Building Permit has been issued shall not be included in the number of lots served by the driveway over the Easement Area.

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

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

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

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

incurred in said collection including a reasonable attorney's fee, if a court action is instituted. All repairs, replacement, maintenance or improvements made to the Easement Area shall be made to a quality suitable to accomplish the purposes for which the Easement Area has been created.

VI. PERMANENT EASEMENT.

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

VII. INTEREST DUE WITH REGARD TO UNPAID OBLIGATIONS.

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

VIII. GRANT AND RESERVATION.

Declarant hereby reserves the right to grant rights of access over the Easement Area to any utility company required by the Department of Public Utility Control of the State of Connecticut or to the Town of Scotland for the purposes herein contained. The Owners will sign any documents required by the aforementioned utility companies or the Town of Scotland to carry out the intent of this paragraph which is to provide utility service to the Easement Properties.

IX. COVENANTS, AGREEMENTS AND RESTRICTIONS.

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

X. SUBSEQUENT MODIFICATIONS.

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

XI. MISCELLANEOUS.

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

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

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

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

XII. MERGER.

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

XIII. RESTORATION.

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

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

Signed, Sealed and Delivered
in the Presence of:

^[Name of Declarant]

By:

STATE OF CONNECTICUT)

COUNTY OF ^) ss. ^
)

^, 2002

Personally appeared ^, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed as such President and the free act and deed of said corporation, before me.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

APPENDIX H—CONSERVATION EASEMENT AND RESTRICTION

The purpose of a Conservation Easement is to protect in perpetuity significant natural features and to minimize the environmental impact of activities associated with land development within the Town of Scotland.

It is the responsibility of the property owner to be fully aware of all of the conditions contained in the Conservation Easement Agreement as expressed below. The Town of Scotland will vigorously enforce the conditions established herein.

THIS INDENTURE made this day of , 20 , by and between [name of owner as of record] of the Town of , County of and State of Connecticut (hereinafter called "GRANTOR"), and the Town of Scotland, a municipal corporation having its territorial limits within the County of Windham and State of Connecticut (hereinafter called "GRANTEE");

WITNESSETH:

WHEREAS, the Grantor is the owner of real property, hereinafter described, situated in the Town of Scotland, County of Windham and State of Connecticut, which Grantee, acting through its Planning and Zoning Commission, has determined would be in the public interest to retain, maintain and conserve in its natural state; and

WHEREAS, the Grantee, acting through its Planning and Zoning Commission, has determined that the maintenance and conservation of the said property of the Grantor can best be accomplished by the securing by Grantee of a Conservation Easement over, across, and upon the said property of Grantor; and

WHEREAS, the Grantor is willing, in consideration of One and 00/100 (\$1.00) Dollar, receipt of which is hereby acknowledged, and of possible reduction by Grantee of real property taxes on said property, to grant to said Grantee the easement and covenants as hereinafter expressed concerning said property, thereby providing for its maintenance and conservation;

NOW, THEREFORE, said Grantor, does hereby give, grant, bargain, sell and confirm unto said Grantee, its successors and assigns forever, the right, privilege and authority to perpetually preserve, protect, limit, conserve and maintain the land hereinafter described in its present natural condition. All covenants contained herein are deemed to run with the land.

Said Grantor further covenants and agrees to provide notice by Certified Mail to the last known address of any person or entity who hereafter shall have any possessory interest in the subject property, including, but not limited to any tenant, successor, or assign, of a Certified Copy of the Conservation Easement Agreement. Failure of said Grantor to provide such notice shall not constitute any waiver of Grantee's rights herein.

Said premises subject to this Conservation Easement Agreement, hereinafter called "THE CONSERVATION EASEMENT AREA" are described as follows:

[Legal description of Easement area]

Said premises are delineated on the following map filed on the Scotland Land Records:
[Subdivision map title]

I. PROHIBITIONS

GRANTOR FURTHER COVENANTS AND AGREES TO PROHIBIT AND REFRAIN FROM THE FOLLOWING ACTIVITIES UNDER, OVER, OR UPON THE CONSERVATION EASEMENT AREA:

1. The construction or placing of buildings, roads, signs, billboards or other advertising, or other structures on or above ground.
2. The dumping or placing of soil or other substance or material as landfill, or dumping of trash, ashes, waste, rubbish, garbage, junk, or unsightly or offensive materials.
3. The excavation, dredging or removal of loam, peat, gravel, soil, rock or other substances in such a manner as to affect the surface or the quantity or quality of ground or surface waters.
4. The removal or destruction of trees, shrubs, or other vegetation, the destruction of wildlife or its habitat, the application of pesticides or herbicides, or any other activity or use which is or has the potential for being detrimental to drainage, flood control, water quality, erosion control, soil conservation, wildlife or the land and water areas in their natural condition.
5. The conduct of any of the foregoing activities in such proximity to the Conservation Easement Area that their result could be detrimental to drainage, flood control, water quality, erosion control, soil conservation or wildlife in the Conservation Easement Area.
6. The removal or disturbance of the Conservation Easement Area temporary stakes prior to permanent marking, permanent iron pins or boundary markers, or any other field identifications of the Conservation Easement Area boundaries.
7. The operation of snowmobiles, motorcycles, all terrain vehicles, other motorized vehicles, bicycles, or loud or offensive recreational vehicles of any nature except necessary fire-fighting equipment and other emergency service vehicles or activities.

II. EXCEPTIONS

NOTWITHSTANDING ANY OF THE FOREGOING PROVISIONS:

1. The Grantee, acting through its Planning and Zoning Commission, or its successor, may upon written application of the Grantor, permit the construction, reconstruction, maintenance and repair within said premises of above-ground and below-ground public or private utilities, including sanitary sewer and/or water lines, subject to (a) demonstration of the need for the proposed activity within said premises and (b) environmental review of the site and proposed methods of installation and maintenance of such utilities.
2. The Grantee, acting through its Planning and Zoning Commission, or its successor, shall upon written application of the Grantor, permit the removal of dead trees and dead brush from said premises in a manner acceptable to the Planning and Zoning Commission.
3. The Grantee, acting through its Planning and Zoning Commission, or its successor, may upon written application of the Grantor, permit the pruning and thinning of live trees and brush on said premises.

Application by the Grantor for any approval provided for hereunder shall be made to the Planning and Zoning Commission, or its successor, and shall be in accord with the procedures established by the Planning and Zoning Commission, or its successor, in effect at that time.

The Grantee agrees, by acceptance hereof, to release automatically such Conservation Easement Agreement as though this instrument had never been executed by Grantor, should, at any time, said premises be condemned by some dominant government authority.

The Grantor herein reserves to Grantor the right to make use of the above-described premises for any and all purposes which are in keeping with the stated intent of this Conservation Easement Agreement and which shall in no way endanger the maintenance and conservation of the above-described premises in their natural state.

III. IDENTIFICATION AND INSPECTION OF CONSERVATION EASEMENTS **GRANTOR FURTHER COVENANTS AND AGREES AS FOLLOWS:**

1. Before commencement of site work on any property of the Grantor which contains or is adjacent to a Conservation Easement Area, Conservation Easement boundaries are to be marked by Grantor's licensed Land Surveyor with oak stakes labeled "Conservation Easement" with waterproof ink and tied with red flags. These stakes are to be located at each change of boundary direction and at every 100-foot interval on straightaways. Stakes are to remain in place until the Grantor installs easement boundary markers. All Conservation Easement corners shall be permanently marked with iron pins which protrude from ground surface not more than one inch and such pins shall not contain sharp edges.
2. The Grantor hereby agrees to install and maintain markers identifying the boundaries of the Conservation Easement Area, such markers to be specified by the Scotland Planning and Zoning Commission.
3. The Grantor hereby grants the Grantee the right to have a qualified representative of the Town inspect the Conservation Easement Area following reasonable notice to current Grantor or occupant.

IV. FINDING OF VIOLATION

1. If it is determined by the Planning and Zoning Commission or its successor, that a violation of a Conservation Easement Agreement exists, the Grantor shall be ordered to cease and desist from and prevent any activity which, in the opinion of the Planning and Zoning Commission, or its successor, is in violation of this Conservation Easement Agreement.
2. Within sixty (60) days of such order and after appropriate notice, the Planning and Zoning Commission shall hold a hearing for the purpose of determining if the cease and desist order shall continue.
3. If the Grantor is found to have violated the terms of this Conservation Easement Agreement, the Grantor agrees, among other things, to restore the Conservation Easement Area(s) as closely as possible to its (their) natural state. Such restoration shall include but need not be limited to:
 - (a) replanting with trees, shrubs or other appropriate vegetation acceptable to the Planning and Zoning Commission;
 - (b) removal of any debris, trash, garbage, ashes, waste, rubbish, silt, unsightly or offensive material;

- (c) removal of any unauthorized buildings, signs, billboards or other advertising, or other structures on or above-ground;
- (d) emplacement and maintenance of erosion controls;
- (e) replacement by a land surveyor of any Conservation Easement Area markers which have been removed or disturbed.

Restoration shall be at the expense of Grantor and in accordance with plans developed by a qualified professional such as a landscape architect, land surveyor, or a professional engineer, and approved by the Planning and Zoning Commission, or its successor.

- 4. If the Grantor, or any other person acting with the consent of the Grantor, is found to have violated a Conservation Easement Agreement, the Planning and Zoning Commission, or its successor, may pursue, without election, any available remedy at law or equity.
- 5. In the event that Grantee shall bring legal action to enforce any provision of this Conservation Easement and Restriction and if any court of competent jurisdiction shall find that the Grantor violated any provision of this Conservation Easement and Restriction, Grantor agrees to pay all the costs, including reasonable attorney's fees for said legal action.

The Grantor herein reserves to himself the right to make use of the above-described premises for any and all purposes which are in keeping with the stated intent of this Conservation Easement and which shall in no way endanger the maintenance and conservation of the above-described premises as open space in its natural state.

The Grantee acknowledges that the conveyance of this Conservation Easement is not intended, and shall not be construed, to grant any rights of access to the above-described premises to the general public nor to any person or persons.

The foregoing Conservation Easement and Restriction shall be permanent, and shall be binding upon the Grantor and his heirs, successor and assigns, except as hereinbefore set forth, and inure to the benefit of Grantee, its successors and assigns.

TO HAVE AND TO HOLD the above granted rights, privilege or authority unto said Grantee, its successors and assigns forever, to its and their own proper use and behoof.

IN WITNESS WHEREOF, the Grantor has hereunto set, or caused to be set, his hand and seal the day and year first aforementioned.

Signed, Sealed and Delivered
In the Presence Of:

GRANTOR

L.S.

TOWN OF SCOTLAND

L.S.

By
FIRST SELECTMAN
GRANTEE

STATE OF CONNECTICUT:

: ss. Scotland , 20
COUNTY OF WINDHAM :

Personally appeared, , signer and sealer of the foregoing Instrument and
acknowledged the same to be his free act and deed, before me

Notary Public
My Commission Expires: _____

• •

SS.

, 20

• •

Personally appeared _____, of the TOWN OF SCOTLAND, duly authorized signer and sealer of the foregoing Instrument and acknowledged the same to be his/her free act and deed, before me, the undersigned officer.

My Commission Expires:

My Commission Expires:

APPENDIX I — AMENDMENT HISTORY

	REFERENCE
05/10/1967	Subdivision Regulations Adopted in the Town of Scotland
*05/10/1967 to 02/13/2006	*Revisions
05/06/2007	PZ0701RA - Regulation Amendment to the Subdivision Regulations to Chapter III (Procedures) - Section 4 (Moratorium in the Forest Products (FPD) District, for the purpose of deleting said section in its entirety; to add Appendix "I" - Amendment History; and to change staff name.
12/08/2008	PZ0809RA – Regulation Amendments to Subdivision Regulations to Chapter IV, Section 3, (Open Space Subdivision Design).

*** Does not include all amendments that occurred during this time frame.**