



**CITY OF WATERBURY, CONNECTICUT  
LAND SUBDIVISION REGULATIONS**

**WITH AMENDMENTS THROUGH:  
LURRP DRAFT – JULY 2010**

**Adopted by LURRP July 8, 2010 for Referral to the City Plan Commission**

I HEREBY CERTIFY THAT THIS IS A COMPLETE AN ACCURATE COPY OF THE LAND SUBDIVISION REGULATIONS OF THE CITY OF WATERBURY IN EFFECT AS OF THE DATE NOTED BELOW:

DATE:

DRAFT - DRAFT - DRAFT

CERTIFIED BY:

DO NOT ENDORSE

NOT ADOPTED

JAMES A. SEQUIN, AICP

CITY PLANNER



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Adopted                     

Revised



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**ARTICLE 1**  
**GENERAL**  
**PROVISIONS**

**ARTICLE 1. GENERAL PROVISIONS**

**Section 1.01 Purpose and Authority**

**1.01.01 Purpose**

These Subdivision Regulations of the City of Waterbury (“Regulations”) are adopted to:

- (i) Consider the subdivision of land in its relation to the best interest of the City of Waterbury;
- (ii) Ensure that sites for buildings will be created in a manner that will achieve the best possible urban environment, that will meet all the practical requirements of modern urban living, that will promote the health, safety, and general welfare of the community, and that will comply with the Waterbury Zoning Regulations and Inland Wetlands Regulations and applicable City Ordinances.; and
- (iii) Regulate the layout of lots and streets; provide for water, sewerage, and storm drainage; regulate the design and installation of infrastructure improvements; and provide for open spaces and retention of natural features in harmony with the City’s Comprehensive Plan of Conservation and Development.

**1.01.02 Authority**

- (i) These Regulations are adopted by the Waterbury City Planning Commission (“CPC”), in accordance with the applicable provisions of the Connecticut General Statutes (“CGS”) [Chapter 126](#), and the [City of Waterbury Ordinance 158.02](#).
- (ii) In accordance with CGS [Section 8-25](#), no Subdivision of land shall be made until a plan for such a Subdivision has been approved by the CPC.
- (iii) In accordance with CGS Section 8-25, no lot in a Subdivision approved conditionally shall be sold or offered for sale prior to final approval of the Subdivision by the CPC except as provided by CGS Section 8-25.



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**Section 1.02 Severability**

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If any section, paragraph, subdivision, clause, or provision of these Regulations shall be found to be invalid, or unconstitutional, such finding shall apply only to that section, paragraph, subdivision, clause, or provision, and the remainder of these Regulations shall remain valid and effective.

**Section 1.03 Other Regulations**

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**1.03.01 Previous City of Waterbury Regulations**

Previously enacted, amended, and adopted versions of the Waterbury Subdivision Regulations are repealed as of the effective date of these Regulations,

**1.03.02 Other Regulations**

- (i) All references in these Regulations to other local, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility on the part of the City of Waterbury for enforcement of those local, state, or federal regulations.
- (ii) All references to local, state, or federal regulations in these Regulations refer to the most current version of those regulations. When the referenced regulations have been repealed and not replaced by other regulations, the referenced requirement in these Regulations for compliance is no longer in effect.
- (iii) When any provision of these Regulations conflicts with requirements, regulations, restrictions, or limitations that are imposed or required by the provisions of any other ordinance, statute, or law, the most restrictive provisions shall apply and govern. When any provision of these Regulations conflicts with another provision of these Regulations, the most restrictive provision shall apply and govern.



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**Section 1.04 Interpretations**

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**1.04.01 Minimum Requirement**

When a regulation is expressed in terms of a numerical minimum requirement, any fractional result of 0.5 or more shall be rounded up to the next consecutive whole number.

**1.04.02 Maximum Limits**

When a regulation is expressed in terms of numerical maximum limits, any fractional result shall be rounded down to the next lower whole number.

**1.04.03 Headings**

Headings are provided for convenience and reference only and do not define or limit the scope of any provision of the text associated with the heading.

**Section 1.05 Pending Subdivision Applications**

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Pursuant to CGS Section 8-28b, an application filed with the CPC that is in conformance with these Regulations at the time of the filing shall not be required to comply with, nor shall it be disapproved for the reason that it does not comply with, any change in these Regulations.



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**ARTICLE 2  
DEFINITIONS**

**ARTICLE 2. DEFINITIONS**

**Section 2.01 General**

**2.01.01 Application**

In the application of these Regulations, the rules and definitions herein shall be observed and applied, except where the context clearly indicates otherwise.

**2.01.02 Construction**

Unless otherwise expressly stated, the following rules shall apply to words and phrases used throughout these Regulations.

- (i) Unless the context clearly indicates the contrary, words used in the singular shall include the plural, words used in the plural shall include the singular, and words used in the present tense shall include the future tense.
- (ii) The word “shall” indicates a mandatory and not discretionary condition.
- (iii) The word “may” indicates a discretionary or permissive condition.
- (iv) The word “lot” shall be synonymous with the words “tract”, “piece” and “parcel”.
- (v) The words “zone”, “zoning district”, and “district” shall have the same meaning.
- (vi) The phrase “these Regulations” shall refer to the entire body of the Waterbury Subdivision Regulations.



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## Section 2.02 Terms

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### 2.02.01 Interpretation

Words used in these regulations shall have the meanings as defined in this Section. As necessary, the precise meaning of other words and terms shall be determined by the Commission after reference to one or more of the following:

- The Connecticut General Statutes,
- Black's Law Dictionary,
- The Illustrated Book of Development Definitions (Rutgers University Center for Urban Policy Research), and
- A comprehensive general dictionary.

### 2.02.02 Specific Definitions

As used in these Regulations, the following words shall have the meaning described.

1. **ADA**: Americans with Disabilities Act.
2. **Alley**: Slow speed service routes that run behind and between rows of lots. Alleys typically provide public service workers with easy access to utilities and garbage collection, and residents easy access to garages, backyards, and accessory units. Alleys also offer second or third approaches for emergency response.
3. **Applicant**: A property owner, agent of a property owner, or person with interest in the property such as a lease or an option to purchase, who has filed an application for Subdivision approval, Special Exception approval, or petition pursuant to these Regulations.
4. **Application**: The form and supporting information submitted for approval of a Subdivision or other approval required by these Regulations.
5. **Block**: A set of contiguous lots that are bounded by streets, or are bounded by a combination of streets, public parks, railroad rights-of-way, rivers, creeks, ponds, or other bodies of water.
6. **Buffer**: A strip of land along a property boundary free of any building, structure, or use other than natural woody growth, landscaping, fencing, or screening designed to create open space separating uses to provide stormwater management, or to shield or block noise, light, or other nuisances.
7. **Building**: A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, or materials of any kind or nature. When any portion of a building is completely separated from every other portion of a building by a division wall without openings, such separated portions shall be deemed separate buildings.



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8. **Building Orientation:** The relationship of a building's longest axis to the true south compass point.
9. **CGS:** Connecticut General Statutes.
10. **City of Waterbury Definitions**
  - a. **Board of Aldermen:** The Board of Aldermen of the City of Waterbury.
  - b. **City Engineer:** The licensed professional engineer who is the principal engineering official for the City of Waterbury.
  - c. **City Planner:** The qualified professional responsible for carrying out City planning, land use regulation, and administration of the City Planning Department, the Zoning Commission, Inland Wetlands Commission, City Plan Commission, Zoning Board of Appeals, and any other City board or commission as designated by the Mayor of the City of Waterbury.
  - d. **City Plan Commission:** The City Plan Commission ("CPC") of the City of Waterbury.
  - e. **City Plan of Conservation and Development:** The plan prepared and updated by the City Plan Commission in accordance with CGS [Section 8-23](#).
  - f. **Municipality or City:** The City of Waterbury, Connecticut.
  - g. **Ordinance:** An ordinance contained in the City of Waterbury Code of Ordinances.
  - h. **Planning Department:** The offices of the City Planner, the Zoning Enforcement Officer(s), the Zoning Commission, the City Plan Commission, the Zoning Board of Appeals, and the Inland Wetlands Commission and the official office for receipt of all applications, filings, reports, or other documentation required by these Regulations.
  - i. **WPCA:** The City of Waterbury Water Pollution Control Authority.
  - j. **Zoning Enforcement Officer:** The City official appointed by the City Planner and authorized to issue permits, certificates, and violation notices and to perform related tasks as assigned.
  - k. **Zoning Board of Appeals (Board):** The Zoning Board of Appeals of the City of Waterbury.
  - l. **Zoning Commission:** The Zoning Commission of the City of Waterbury.
11. **City Datum:** The official elevation datum established by the City of Waterbury, being 136.755 above mean sea level.
12. **Class A-2 Survey:** A survey prepared by a professional land surveyor to the accuracy required by the Code of Practice for Standards of Accuracy of Surveys and Maps,



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adopted December 10, 1975, as amended, by the Connecticut Association of Land Surveyors, Inc.

13. **Common Interest Community:** A legal entity established pursuant to CGS [Chapter 828](#) for the purposes of owning and maintaining common properties within specified developments where permitted by these Regulations.
14. **ConnDOT:** The Connecticut Department of Transportation.
15. **Conventional Subdivision:** A Subdivision of land in which all lots meet the minimum area and dimensional requirements of the City of Waterbury Zoning Regulations for the district in which the subdivided parcel is located, without a proposed or assumed modification of the standards of the Waterbury Zoning Regulations.
16. **Curb Extension:** An extension of the sidewalk into the traveled way.
17. **Date of Receipt:** The date a petition or application is received which shall be the day of the next regularly scheduled meeting of the City Plan Commission immediately following the day of the submission to the Waterbury Planning Department of such petition or application or thirty-five days after such submission, whichever is sooner, as defined in CGS [Section 8-7d](#) as may be amended.
18. **Developer:** The person responsible for the development of the approved Subdivision.
19. **Development:** The modification of land or a structure or creation of one or more structures to accommodate a new or expanded use.
20. **Disturbed Area:** An area where the vegetation cover, surface soil, or other natural elements are destroyed or removed leaving the land subject to accelerated erosion.
21. **Drainage:** The controlled removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation, maximize groundwater recharge, and prevent or alleviate flooding during and after construction or development.
22. **Dustless Surface:** A surface adequately covered with stone, gravel, asphalt, or bituminous products, or adequately treated with calcium chloride, or similar dust-inhibiting substances.
23. **Dwelling:** A building or portion thereof, designed exclusively for residential occupancy, including Single Family Residences, Two or Three Family Residences, and Multifamily Residences.
24. **Dwelling Unit:** One or more rooms providing complete living, sleeping, and eating facilities for one family, including bathroom and kitchen facilities.
25. **Earth/Earth Material:** Natural soil, loam, sand, gravel, rock, clay, silt, or any other excavated natural material.
26. **Easement:** Right of use for a specific purpose or purposes by a person on a designated portion of land that is owned by another person.
27. **Engineer, Professional:** A person licensed in the State of Connecticut to practice engineering pursuant to CGS [Chapter 391](#), as may be amended.



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28. **Erosion:** The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, or gravity.
29. **Excavation:** The digging out, extraction, and removal of earth.
30. **Filing:** Changing the existing contours of land by the placement of earth materials, including the addition of earth materials to wetlands or watercourses.
31. **Floodplain:** The “Area of Special Flood Hazard” consisting of land in the City subject to a one (1)% or greater chance of flooding in any given year and identified on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency (“FEMA”) by the 100-year flood boundary line.
32. **Floodway:** The channel of a river, stream, or other water body as defined by FEMA.
33. **Grade:** The slope of roads and ground surfaces, usually expressed as a percentage or ratio of horizontal distance to vertical distance.
34. **Grade, Finished:** The completed surfaces of lawns, walks, or roads brought to grades as shown on approved plans or designs relating to the subject property.
35. **Grading:** Any excavation or filling, including temporary placement of earth material, or any combination thereof, that results in a change of contour or elevation of the land.
36. **Infrastructure Improvements:** Improvements that must be provided by the developer as a condition of approval of a Subdivision application. Such improvements include, but are not necessarily limited to, underground utilities, stormwater management facilities, pedestrian amenities, landscaping, lighting, signage, and streets.
37. **Land Surveyor, Professional:** A land surveyor registered and licensed to conduct business in the State of Connecticut pursuant to CGS [Chapter 391](#), as may be amended.
38. **Lane:** A short, narrow road, usually not exceeding two (2) to six (6) blocks in length, that is the primary means of access to single family residences and mixed use neighborhoods and with parking allowed only along one side.
39. **Lot Definitions**
  - a. **Lot:** A plot or parcel of land under the same ownership meeting the dimensional requirements of the Waterbury Zoning Regulations except where legally non-conforming as provided in Section 1.06 of the Waterbury Zoning Regulations.
  - b. **Lot, Corner:** A parcel of land at the junction of and fronting on two (2) intersecting streets.
  - c. **Lot Frontage:** The length of that side of a lot abutting on a public or private street measured along the street line or along the front yard setback line in those situations where the street line is an arc. See **Figure TBD** “Depiction of Lot Standards” in **Appendix B** of these Regulations.
  - d. **Lot, Through:** An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot.



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- e. **Lot Depth:** The mean distance from the street line of the lot to the rear lot line measured in the general direction of the side lines of the lot.
  - f. **Lot Line:** The property line bounding a lot.
  - g. **Lot Line(s), Front:** The lot line(s) dividing the lot from the right-of-way of a street or streets.
  - h. **Lot Line(s), Side:** The lot line(s) extending from the street that divides contiguous lots that abut the street.
  - i. **Lot Line(S), Rear:** The lot line(s) between the side lot lines and generally opposite to the front lot line.
  - j. **Lot of Record:** A contiguous area of land that is either part of an approved Subdivision filed with the Town Clerk or recorded in the land records of the Town Clerk and listed as a separate development parcel on the Waterbury Tax Assessor records as of the effective date of these Regulations or any applicable amendments thereof.
  - k. **Lot Width:** See Lot Frontage.
- 
- 40. **Net Buildable Area:** The area of land on a lot exclusive of wetlands, watercourses, and steep slopes.
  - 41. **Open Space:** A space not occupied by a building or structure on the same lot as the principal building or use or within the same project.
  - 42. **Optimal Solar Building Orientation:** The building's longest axis is east to west (90 degrees from true south) with acceptable variations of 30 degrees north of due east (or 30 degrees south of due west) to 30 degrees south of due east (or 30 degrees north of due west).
  - 43. **Owner:** The owner of a lot as recorded in the land records of the City of Waterbury Town Clerk.
  - 44. **Passive Solar Energy Techniques:** Site design techniques that 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.
  - 45. **Person:** Any individual, group of individuals, association, partnership, corporation, limited liability company, company, business organization, trust, estate, public or quasi-public corporation or body, and any other legal entity, its legal representatives, agents, or assigns.
  - 46. **Plan of Conservation and Development:** The plan prepared and updated by the City Plan Commission in accordance with CGS [Section 8-23](#).
  - 47. **Reserved Areas:** Sections of land reserved for future streets, public facilities, paths, and open space.



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48. **Resubdivision:** As defined in CGS [Section 8-18](#) as may be amended, a change in a map of an approved or recorded Subdivision if such change:
- Affects any street layout shown on such map,
  - Affects any area reserved thereon for public use, or
  - Diminishes the size of any lot shown and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
49. **Record Subdivision Map:** The final map or drawing of the Subdivision approved by the City Plan Commission, or any City of Waterbury authority previously authorized to regulate the Subdivision of land, and filed or recorded on the land records of the Town Clerk.
50. **Sediment:** Solid material, either mineral or organic, that can be displaced from its site of origin by erosion.
51. **Site:** The parcel, or parcels, of land under common ownership where a land development project is located or proposed.
52. **Soil:** Unconsolidated mineral and organic material of any origin.
53. **Solar Access:** The ability to allow sunlight to strike a solar collector.
54. **Stockpiling:** Temporary storage of earth material.
55. **Storm Sewers:** A system of pipes, manholes, catch basins, culverts, or inlets installed for the purpose of draining off surface water that may collect on streets or roadways, but does not include subdrains or drains on private property not owned by the City.
56. **State:** The State of Connecticut.
57. **Steep Slope:** Land graded naturally or otherwise at twenty percent (20%) or greater.
58. **Street Definitions**
- Street:** An existing state highway as defined by Section 13a-1 of the Connecticut General Statutes, as amended; an existing city street; or a proposed public or private highway, street, or road in a Subdivision or resubdivision for which a Record Subdivision Map has been approved by the City Planning Commission.
  - Street, Arterial:** All State-numbered routes within the City of Waterbury or as determined by the City Engineer.
  - Street, Collector:** A street of considerable existing or potential continuity that carries or will carry vehicular traffic generally through one section of City to an arterial street or another secondary street as determined by the City **Engineer**.
  - Street, Cul-De-Sac:** A street with only one means of ingress and egress.
  - Street Line:** The common line between a lot and a street right-of-way.
  - Street, Local:** A public or private street that carries or will carry vehicular traffic, usually for a short distance, to an arterial or secondary collector street as



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determined by the City Engineer. If a local residential street is of limited length and with no potential for continuity and extension, with the approval of the City Plan Commission and the City Engineer said street may be constructed to the standards for a minor street.

- g. **Street, Minor:** A public or private street that carries or will carry vehicular traffic, usually for a very short distance, to an arterial, secondary or local residential street as determined by the City Engineer.
  - h. **Street, Paper:** Any street or highway shown on a map or plan approved by the City Plan Commission or any City of Waterbury authority previously authorized to regulate the Subdivision of land, but not actually constructed on the ground.
  - i. **Street, Private:** A street owned and maintained by a private entity or common interest community providing access to no more than eight (8) building lots.
  - j. **Street, City:** A public way permanently dedicated to movement of vehicles and pedestrians, and i) accepted into the City of Waterbury street system by the Board of Aldermen, or ii) maintained under public authority, or iii) shown on a Subdivision plan approved by the City Plan Commission, filed on the Land Records of the Waterbury Town Clerk.
  - k. **Street Right-of-Way:** The land between lot lines in which a road is built and the adjacent area reserved for parking, pedestrian and drainage improvements, and future travel lanes.
  - l. **Street Width:** The width of the paved street measured from one side of the pavement edge or curb face to the other.
59. **Structure:** Anything constructed or erected, the use of which requires a) location on, in, or under the ground or water; or b) attachment to something having location on the ground or water including, but not necessarily limited to, buildings and other structures, fabric covered frame enclosures, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, porches, decks, handicap ramps, signs, permanent awnings, gas or liquid storage tanks that are principally above ground, ground-mounted antennas, ground-mounted solar panels or satellite dishes, and fences or walls more than six feet in height.
60. **Subdivider:** The person responsible for the development of the approved Subdivision.
61. **Subdivision:** The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes, and including resubdivision, as defined in CGS [Section 8-18](#) as may be amended.



## ARTICLE 3. APPLICATION PROCEDURES

### Section 3.01 Pre-application Review

- (i) Any person may submit a pre-application review request, on a form provided by the City Planning Department along with such preliminary and conceptual plans, data, and information addressing the application requirements of [Section 3.02](#) as may be useful for a pre-application review.
- (ii) The pre-application submittal shall be reviewed by the City Planner who may consult with the City Engineer, the Director of Public Works, and other City officials to prepare a report for the CPC.
- (iii) As provided by Connecticut General Statutes [Section 7-159b](#), such pre-application review and any results or information obtained from it may not be appealed under any provision of the General Statutes and shall not be binding on the applicant or any authority, commission, board, department, agency, or other official having jurisdiction to review the proposed project.

### Section 3.02 Final Application for Subdivision Approval

An application for Subdivision approval shall include one (1) original and ten (10) paper copies, one electronic copy in a format compatible with Microsoft Word and one copy in portable document format of the maps, plans, and accompanying documents listed below, unless waived by the Commission by majority vote based on a written request for and justification of such waiver by the applicant. The original of all such maps, plans, and documents shall be dated, signed, sealed, or otherwise certified by an architect, landscape architect, engineer, or surveyor registered, licensed, or otherwise certified to conduct business in the State of Connecticut.



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**ARTICLE 3  
APPLICATION  
PROCEDURES**

**3.02.01 Subdivision Plans**

The Subdivision Plans shall be in sheets no larger than 24 inches wide and 36 inches long, to a scale of 40 feet to the inch. An index plat, drawn at a scale of 200 feet to the inch shall be included, showing the entire Subdivision with streets, lots, and section numbers. Also, when there is more than one sheet, appropriate “match” lines must be drawn and an index provided. Plan submissions including more than one sheet shall be bound. Where applicable, the vertical scale shall be one (1) inch equals four (4) feet and the horizontal scale shall be one (1) inch equals twenty (20) feet. The applicant shall consult with the CPC and/or the City Planner as to whether additional paper prints are required for review by outside agencies. Subdivision plans shall comport with the following.

- (i) Drawings in the plan set shall have the following title information:
  - 1) The words “Subdivision Plan,” the name of the Subdivision, and “City of Waterbury, State of Connecticut;”
  - 2) The name(s) of the owner(s) of the property;
  - 3) The name of the applicant, if not the owner;
  - 4) The names, registration numbers, and seals of the professional land surveyor and professional engineer who prepared the drawing;
  - 5) The date, scale (numerical and graphical), and a north arrow;
  - 6) An insert location map which shall show the outline of the property and the streets proposed, and all existing and approved roads and streets, and their names;
  - 7) As appropriate for the respective drawing, the words “The accuracy of the information on this map meets the standards for a Class A-2 Survey,” and the seal and signature of a professional land surveyor;
  - 8) The total area of the Subdivision property in acres; and
  - 9)
- (ii) A boundary survey map and site development plan drawn at a scale of 1” equals 100’ feet showing the following information:
  - 1) The boundaries of the Subdivision with courses and distances marked thereon as determined by an accurate land survey from control points approved by the City Engineer and noted on the drawing;



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- 2) Property lines and the names of abutting property owners as determined from the Waterbury Tax Assessor's records current at the time of the application;
- 3) The location and width of all existing and proposed roads (rights-of-way), including street names, all easements, and railroads;
- 4) The proposed lot layout and dimensions and area of each lot (numbered) and proposed easements;
- 5) Proposed public parcels, open space, lots, rights-of-way, or easements within the Subdivision, and the area in acres, shown on the Subdivision plan as dedicated to the City of Waterbury;
- 6) The location of existing and proposed survey monuments;
- 7) The location, extent, and alignment of existing and proposed wetlands, watercourses, ponds, and drainage ways;
- 8) The boundary line of the entire tract proposed for Subdivision, depicted as a heavy weight line easily distinguishable from other property lines;
- 9) Location and identification of Zoning Districts within boundaries of the Subdivision;
- 10) True north arrow;
- 11) Dimensions and all lines to the hundredth of a foot, all bearings or deflection angles on all straight lines, and the central angle, tangent distance, and radius of arc for all curves;
- 12) Boundaries, area, building lines, and lot numbers of all proposed lots (Lot areas may be shown in tabular form on the same sheet);
- 13) All existing fences, stone walls, monuments, iron pipes, or other physical evidence concerning the boundary of the property. Where new markers are established, they shall be referenced to established points of the Connecticut Coordinate System. A pair of coordinates shall be put on the plan for four separate boundary markers located along the exterior boundary of the Subdivision;



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- 14) Location of all street bearings, curve data, including arc length, radii, and central angles;
  - 15) The delineation of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling;
  - 16) An erosion and sedimentation control plan meeting the requirements of the Waterbury Zoning Regulations Section **9.TBD**;
  - 17) Location of all drainage easements and open spaces; and
  - 18) Locations and descriptions of benchmarks and the datum used to prepare the drawings.
- (iii) Construction details, profiles, and cross-sections shall be provided as follows:
- 1) Profiles at the center line and the right-of-way lines of all proposed streets showing the existing and proposed finished grade for all planned streets;
  - 2) Cross-sections of drainage ditches and cross-sections indicating the size and location of sub-surface installations within street rights-of-way;
  - 3) Inset detailed drawings of any drainage structures, special structures, and street cross-sections, as appropriate;
  - 4) Location, depth, invert, slope and size of all existing and proposed pipes, ditches, culverts, manholes, catch basins, headwalls, bridges, outfalls, watercourses, and any other existing topographic features within the proposed Subdivision area;
  - 5) Construction details and cross sections of any retaining walls, including the location of all easements necessary to permit access by the property owner for maintenance and repair of such retaining walls, as required by **Section TBD**;
  - 6) Existing ground surface along proposed street centerlines;
  - 7) Proposed grades and vertical curves with centerline elevations every fifty (50) feet along proposed streets;
  - 8) Centerlines of all existing and proposed streets;



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- 9) Location, size, and invert elevations of existing and proposed sanitary sewers, if any;
  - 10) Location and size of all proposed water mains, distribution lines, and hydrants;
  - 11) Cross-sections at one hundred (100) foot intervals where existing terrain slopes in excess of ten (10) percent from the centerline of the street;
  - 12) Location and type of proposed tree and shrub plantings and any other landscaping to be undertaken;
  - 13) Locations and invert elevations of all proposed gas, electric, telephone, and cable television transmission lines and appurtenances;
  - 14) Where drainage systems are to be constructed, one copy of the construction plan, suitably marked to show watershed data used in the design of such systems and accompanied by all calculations used in the drainage;
  - 15) Wherever any grading is proposed, the existing and finished grade; and
  - 16) In the case of retaining walls or other special features, a drawing to a scale of one-half (1/2) inch equals one (1) foot of all such details.
- (iv) Applications shall provide the following:
- 1) A soil erosion and sediment control plan prepared in accordance with the Section 9.TBD of the Waterbury Zoning Regulations entitled “Stormwater and Erosion Management Standards;”
  - 2) Soil percolation tests and water table test borings obtained in the approximate location of the proposed on-site sanitary waste disposal systems and taken prior to the deposition of fill in those areas where it is proposed to install leach fields;
  - 3) A contour map based on field or aerial survey with intervals of five feet provided the horizontal distances between contours do not exceed one hundred (100) feet in which case contours within intervals of two (2) feet will be provided if requested by the City Engineer. Elevations of such contours shall be based



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on the City datum. The contour lines will indicate both existing and proposed finished topography. The approximate perimeter of cut and fill areas will be designated, and the estimated volume of each shall be stated on the plan;

- 4) Evidence of interest in all lands included in the Subdivision Plan; and
- 5) A description of the passive solar energy techniques considered or applied to the proposed Subdivision design, including an explanation of the rejection of such techniques in the design of the proposed Subdivision.
- 6) Certification whether
  - Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary line of an adjoining municipality;
  - Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - Sewer or water drainage from the project site will flow through and impact the sanitary or storm sewer system(s) within the adjoining municipality; or
  - Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

**3.02.02 Additional Application Provisions**

- (i) No Application for Subdivision that involves a regulated activity as defined in the Waterbury Inland Wetlands and Watercourses Regulations shall be submitted to the CPC prior to its submission to the Waterbury **Inland Wetlands Commission**.
- (ii) Before approving any Subdivision, the CPC may require, where applicable, written statements attesting to the suitability of plans for
  - 1) water and sewer systems or on-site subsurface sewage disposal systems from the Water Pollution Control Authority and/or Director of Health, and



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- 2) all other improvements, such as roads, drainage, and monuments, from the City Engineer.
- (iii) The submission of the application shall constitute authorization for the CPC and its staff to enter upon the property for the purpose of obtaining such additional information as the CPC may deem appropriate, and for the purpose of inspecting and executing such improvements, the completion of which are secured by a surety in accordance with the Waterbury **Public Improvement Standards and Policies**.
  - (iv) An applicant may seek approval from the CPC to phase installation and construction of public improvements and/or public service facilities in sections of the Subdivision. Any such request shall be made to the CPC no later than the day the application is filed for a Subdivision with the City Plan Department with a copy of the overall Subdivision map showing a detailed breakdown by section of the parts of the Subdivision, labeled Section 1, Section 2, Section 3, etc. Each phase shall be a minimum of 25 percent of the total number of proposed lots.



**ARTICLE 4. SUBDIVISION DESIGN STANDARDS**

**Section 4.01 Purpose**

Land to be subdivided shall be of such character that it can be used for building purposes without danger to public health and safety. Every effort shall be made to locate streets, lots, and open spaces in a manner that complements the parcel's unique characteristics, results in a minimum disturbance of the natural terrain and vegetation, and considers the capacity of the land to accommodate the proposed development. Approval of a Subdivision plan by the CPC gives no assurance as to the suitability of each lot shown thereon for building purposes.

**Section 4.02 Applicability**

CPC approval for the Subdivision of land shall be in conformance with these Regulations and shall be consistent with the Waterbury Plan of Conservation and Development. Subdivisions, including lot layout and infrastructure improvements shall be planned, designed, and constructed in accordance with the requirements and standards of these Regulations and the Waterbury Zoning Regulations. These requirements and standards are the criteria upon which a proposed Subdivision will be evaluated. If a proposed Subdivision does not meet these standards, it will be considered an undesirable development for the City of Waterbury and shall not be approved.

**Section 4.03 Subdivision and Street Names**

The proposed name of the Subdivision and any new streets shall not duplicate, or too closely approximate in pronunciation or spelling, the name of any other Subdivision or street, respectively, in the City of Waterbury.

**Section 4.04 Subdivision Lot Layout**

**4.04.01 Lot Dimensions**

- (i) Lot dimensions and area shall comply with the standards of the Waterbury Zoning Regulations.
- (ii) Lots shall have frontage on a public street or an approved private street in compliance with the Waterbury Zoning Regulations.
- (iii) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless the applicant demonstrates that a variation from this rule will give a better street or lot layout. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.



#### **4.04.02 Lot Layout**

- (i) The Subdivision plan shall show the potential location of future principal building(s), driveway, and, if needed for development of the lot, subsurface waste water disposal system..
- (ii) The plan shall show how the potential location of improvements will meet the required lot standards of the Zoning Regulations and other regulatory requirements such as avoiding wetlands and/or steep slopes.
- (iii) Wherever possible, the first floor elevation of a principal structure shall be higher than the grade of the road on which it fronts.

#### **4.04.03 Solar Access**

The CPC may require an applicant to demonstrate that consideration has been given in the development of the Subdivision plan to using passive solar energy techniques to the extent possible without significantly increasing the cost of the housing to the buyer, after tax credits, subsidies, and exemptions.

- (i) As far as practical, streets shall be aligned along an east-west orientation (i.e., within 30-degrees either side of true east) to facilitate the development of buildings facing true south. Where topographic, soil conditions and access to thoroughfares preclude an east-west street orientation, then due consideration shall be given to a more flexible lot layout, a south facing orientation for the long wall of the building and the appropriate siting of vegetation as means of enhancing the potential use of solar energy and protecting access to sunlight.
- (ii) For the purpose of enhanced solar access, building layout should apply optimal solar building orientation to the extent practicable.
- (iii) Vegetation clearing and landscaping should preserve or provide the maximum possible solar access, shade, and windbreak.

#### **4.04.04 Retaining Walls**

Whenever proposed for lot layout or street design purposes, retaining walls shall be designed and installed in accordance with applicable standards of the Connecticut Building Code. In all instances, adequate access to such retaining walls for maintenance and repair purposes shall be available within the street right-of-way or from the property on which such retaining wall is located or such access shall be provided in the form of an easement to the City or to the subject property owner.

#### **Section 4.05 Street Design**

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**4.05.01 Purpose**

These street design standards are intended to guide the location, width and other dimensions, and associated infrastructure to accommodate existing and prospective traffic; afford satisfactory access for police, fire fighting, snow removal, sanitation, road maintenance equipment, and pedestrian access; and coordinate street layout so as to compose a convenient system and avoid undue hardships to adjoining properties. Subdivision plans shall comply with the design standards of this Section as well as the Waterbury Public Improvement Standards and Policies and other requirements of the City Engineer, as applicable.

**4.05.02 Access and Connectivity**

- (i) All proposed streets shall connect with an improved public street in Waterbury, or with a proposed street that has been approved and bonded in accordance with the Waterbury Public Improvement Standards and Policies.
- (ii) No proposed lots or new street shall have access to a privately owned street within the Subdivision unless specifically approved by the CPC.
- (iii) When required by the CPC, the applicant shall dedicate to the City a reserved right-of-way of at least 50 feet in width for potential street connections to adjoining property which may be subdivided in the future and/or to existing City street rights-of-way. When the adjoining property is subdivided, the developer of said adjoining property shall be required to connect to and build the street over the reserved right-of-way at his own expense.
- (iv) The CPC may require that any proposed street be built to connect with an existing City street, or proposed street that has been approved and bonded in accordance with the Waterbury Public Improvement Standards and Policies, where such existing or proposed street abuts the property proposed for Subdivision.
- (v) The arrangement of proposed streets shall generally provide for the continuation of principal existing and proposed streets without offsets and of required width in accordance with the Waterbury Public Improvement Standards and Policies. Where straight continuations are not practical, such continuations may be adjusted by curves or deflection angles in accordance with these Regulations and the Waterbury Public Improvement Standards and Policies, as applicable.
- (vi) Where a Subdivision application shows one or more lots of adequate size to permit future resubdivision, such lot or lots shall be provided



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with the required street frontage, whether or not any development is proposed for such lot or lots.

- (vii) To the extent feasible, street patterns shall be proposed without dead ends and shall be designed to discourage excessive vehicle speed or cut through traffic on local or minor streets. The CPC may require road designs for local or minor streets to incorporate traffic calming elements.
- (viii) Intersecting streets shall be laid out at such intervals that block lengths between street lines are not more than 1,000 feet, except where existing street conditions, in the opinion of the CPC, justify a variation from this requirement. The minimum width of blocks shall not be less than 200 feet between street lines in a residential area.
- (ix) The CPC shall not approve a Subdivision, if, in its judgment, a lack of multiple access points presents a potentially unsafe condition.

**4.05.03 Rights-of Way**

Where a proposed Subdivision contains frontage on an existing street that has a right-of-way less than half of what is required by these Regulations, or has a width of pavement less than that required by these Regulations, the CPC may require the applicant to provide the additional required right-of-way **or widen any street** along the Subdivision frontage.

**4.05.04 Design Standards**

The street plans and design and construction shall be in accordance with the requirements provided in the Waterbury Public Improvement Standards and Policies, as applicable.



#### 4.05.05 Cul-de-Sacs

The CPC shall not approve any cul-de-sac or dead-end street that will provide access to more than thirty (30) single family lots or exceed 1,500 feet in length in the RS-12, RS, and RL Districts. The CPC shall not approve any cul-de-sac or dead-end street in excess of 750 feet in all other districts.

- (i) A temporary turnaround shall be provided on all temporary cul-de-sac streets, with the notation on the Subdivision map that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The CPC may limit the length of temporary dead-end streets in accordance with the design standards of these Regulations and the Waterbury Public Improvement Standards and Policies. Any such temporary turnaround shall be approved only upon submittal of documentation from the Waterbury School System and the Waterbury Fire Marshall that such turnaround will be adequate for school bus and fire fighting apparatus, respectively.
- (ii) Streets designed to have one end permanently closed shall provide in each case a turnaround roadway with a minimum right-of-way and paved travelway as required by the Waterbury Public Improvement Standards and Policies. In all non-residential Subdivisions, and where school buses are to traverse the turnaround in residential Subdivisions, the inside radius of the turnaround shall be 45 feet, otherwise the minimum inside radius may be reduced to 30 feet.
- (iii) Turnarounds with unpaved island centers shall be considered only with one-way traffic around the center. The unpaved area may be used for stormwater management and shall have a minimum radius of 30 feet, and a maximum radius of 120 feet.
- (iv) On residential streets only, a "T" or "Branch" turnaround may be considered for streets less than 1,500 feet in length only when documentation is provided from the Waterbury School System and the Waterbury Fire Marshall that such turnaround will be adequate for school bus and fire fighting apparatus, respectively. The applicant shall demonstrate that single unit truck design vehicles are able to reverse direction using the turnaround without leaving the paved area.



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- (v) Permanent cul-de-sacs may be permitted only where topographic or existing development warrants, as stated above, and where they will not:
- 1) Impede the circulation patterns and existing street networks in the City;
  - 2) Cause undue concentrations of traffic; or
  - 3) Be prejudicial to the needs of public health and safety by unduly delaying or inhibiting access to lots.

**4.05.06 Vertical Relation of Roads to Lots**

Where the grade of the existing or proposed road will be materially higher or lower than the proposed lots fronting on it, the CPC may, for reason of providing adequate sight distance on driveways, alleviating excessive or hazardous slope, or preventing excessive runoff, require any lot or any part of such lot to be regraded as necessary to be compatible with the road grade.

**4.05.07 Street Amenities**

- (i) Traffic control requirements shall be based on expected traffic volume calculated in accordance with ConnDOT standards. Traffic control signals and signs shall be provided by the applicant as required by the City Engineer. The applicant shall be responsible for the cost and installation of any traffic control devices deemed necessary by the City Engineer. Such devices shall meet the appropriate standards set forth in the ConnDOT [Manual of Traffic Control Signal Design](#). Installation of such traffic control devices shall be securing by the bond required for public improvements. Necessary State permits for work related to State highways shall be the responsibility of the applicant and shall be coordinated through the office of the City Engineer.
- (ii) A new Subdivision shall be provided with street signs designed and located as required by the City Engineer. Such signs shall be installed prior to the issuance of a Certificate of Zoning Compliance for any Certificate of Occupancy. Such signs shall identify the street as a private street unless and until the street is accepted by the City of Waterbury.
- (iii) Guard rails shall be provided in accordance with the Waterbury Public Improvement Standards and Policies.



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- (iv) Street lighting shall be provided as follows.
- 1) The developer shall be required to install one lighting pole at each intersection and any additional lighting poles as the City Engineer may require to prevent hazard. The location of such poles shall be shown on the Subdivision plans as defined in **Section TBD** of these Regulations. The cost of all lighting fixtures, poles, and installation shall be the responsibility of the applicant and shall be secured by the bond required for public improvements.
  - 2) Street lights shall be light-emitting diode luminaires.
  - 3) Light sources for street lights shall be fully shielded horizontally and provide no more than one foot-candle of illumination at the adjacent property line, and meet the design requirements of the City Engineer. The type, material, and installation of the power supply to the lights shall be acceptable to the local electric service provider.
  - 4) Prior to the acceptance of the street by the City of Waterbury, the applicant shall submit acceptable evidence that all costs of construction, erection, and installation of street lighting have been paid in full and shall submit certification from the local electric service provider that the design and construction standards of the lights is acceptable to the electric service provider.
- (v) A planting strip of at least five (5) feet wide and of sufficient width for any required street trees shall be provided between the curb and sidewalk. At a minimum the planting strip shall be planted with grass. Where required by the CPC, street trees shall be provided as specified in the Waterbury Public Improvement Standards and Policies.
- (vi) Curbs shall be required for all new public streets unless determined unnecessary by the CPC upon the recommendation of the City Engineer. Curbs shall conform to the Waterbury Public Improvement Standards and Policies. All streets that incorporate pedestrian access shall include curb ramps at intersections for use by persons with disabilities in accordance with the ADA.



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- (vii) Sidewalks, meeting the design requirements of the Waterbury Public Improvement Standards and Policies, shall be provided as follows or where otherwise required by the CPC:
- 1) Sidewalks and curbs along the street frontage shall be required on one side of a Subdivision street that is within 200 feet of an existing or proposed school, park, playground, other community facility, or retail use;
  - 2) Pedestrian crossings shall be marked with appropriate signage and striping per the Manual on Uniform Traffic Control devices; and
  - 3) Installation of curb extensions are encouraged as a traffic calming measure at all intersections on streets where on-street parking is allowed, but shall not be constructed into vehicle travel lanes.

**4.05.08 Monuments**

Monuments or bounds shall be provided and set by the applicant's surveyor where indicated on the Subdivision plan and where required by in the Waterbury Public Improvement Standards and Policies. Monuments shall be installed at the locations shown on the Subdivision Plans and shall be of materials as required by the Waterbury Public Improvement Standards and Policies.

**4.05.09 Driveways and Alleys**

- (i) Driveway width shall be at least nine (9) feet and shall not exceed twenty (20) percent of the lot frontage.
- (ii) Combined driveways serving no more than two lots may be allowed with a minimum width of twelve (12) feet.
- (iii) Where feasible, the grade of driveways should not exceed three percent for the 25 feet of the driveway immediately adjacent to its intersection with the street right-of-way line. Driveway grade shall not exceed 15% at any location.
- (iv) Stormwater runoff shall be retained within the travel portion of a driveway until discharged into a stormwater management facility or natural watercourse in accordance with **subsection 4.06.04** of these Regulations.
- (v) Alleys may be included in the proposed Subdivision plan with a minimum right-of way width of twenty (20) feet and a minimum



pavement width of twelve (12) feet. Alleys shall be on the back side and between rows of lots.

## Section 4.06 Utilities

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### 4.06.01 Underground Utilities and Lateral Utility Connections

- (i) All utilities and lateral utility connections to the property line shall be installed underground on new streets unless specifically authorized by the CPC where adjoin properties are served by overhead service. Utilities shall be installed within the street right-of-way and spaced and encased, or otherwise designed so as not to interfere with one another. Utilities and lateral connections shall be of a material and in a location approved by the City Engineer. No finished grading or surfacing shall be done until all utilities have been installed and inspected by the City. If a utility must be installed outside the street right-of-way, easements to the utility company shall be provided by the applicant and shown on the Subdivision plan.
- (ii) The lateral utility connections required shall be the following, which shall be placed in accordance with the City Engineer's preferred cross-section in **Appendix A**:
  - 1) Sanitary sewer (if applicable);
  - 2) Water service;
  - 3) Storm drain;
  - 4) Electrical service;
  - 5) Telephone service; and
  - 6) Cable television service.
- (iii) Utility locations in the street right-of-way shall be installed, to the extent possible, in the locations shown on the Cross Section Detail included in **Appendix A**. Where existing utilities pre-empt installation of utilities in the locations shown on that detail, the alternate location of utilities shall be approved by the City Engineer.

### 4.06.02 Easements



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Where necessary, the City Engineer shall require easements of at least 15 feet in width along the lines of or across lots for storm and sanitary sewers or other utilities lines. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of planned utilities.

**4.06.03 Potable Water and Sanitary Sewage Disposal**

Adequate provisions shall be made for a potable water supply and disposal of sanitary wastes. If public sewer facilities are available the provision of sanitary sewers (including lines, pumps, and laterals to the property lines) shall be required and the developer shall bear the full cost of such improvements. When lots in a proposed Subdivision are to be served by on-site sanitary waste disposal, the CPC shall require approval of the septic systems in accordance with the Department of Public Health regulations.

**4.06.04 Stormwater Management**

- (i) The Subdivision plan shall provide for the collection and discharge of surface water runoff that may exist either previously to, or as a result of the Subdivision. Such drainage facilities shall be designed and constructed in accordance with the standards set forth in [Section 9.tbd](#) of the Waterbury Zoning Regulations and the Connecticut Department of Environmental Protection [Stormwater Quality Manual](#), including the use of infiltration, landscaping, and pervious surfaces wherever feasible. Stormwater management systems shall be located in the street right-of-way or within easement areas satisfactory to the City Engineer. Where it is proposed that storm water run-off from the Subdivision will not be directed in its entirety to existing stormwater management facilities and consequently may discharge onto adjacent properties, approval shall be conditioned on the execution and submission of an easement for such drainage granted by the affected adjacent property owner(s).
- (ii) Development shall result in zero net increase in the rate of peak stormwater run-off, both sheet flow and point discharge, between pre- and post-development conditions for the 2, 10, and 25 year storms.
- (iii) Storm drain components shall be designed in accordance with the Stormwater Quality Manual, or as otherwise required by the City Engineer. System components shall be sized to accommodate upstream or upgradient water flows expected to flow through the site. The condition of the upslope areas, for purposes of calculating runoff flows, shall be the conditions in place at the time of the approval of the plan by the City Engineer.



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- (iv) The Subdivision plan shall demonstrate that development of the Subdivision will not cause stormwater runoff to exceed the capacity of downstream stormwater management facilities or natural watercourses. In the event downstream conveyances require increased capacity to accommodate the increase stormwater runoff from the proposed Subdivision, the developer shall be responsible for the cost of and any permitting required for upgrading the downstream stormwater conveyances.

**4.06.05 Flood Prone Areas**

In areas contiguous to water bodies subject to flooding, proper provisions shall be made for protective flood control measures. Land identified as [floodplain](#) shall not be subdivided unless the following conditions are met.

- (i) Water supply and sewage disposal systems shall be designed and located so as to avoid impairment or contamination from flooding, erosion, or related circumstances.
- (ii) New and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into systems.
- (iii) New and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (iv) Subdivisions shall meet the applicable standards of the [Waterbury Flood Control Ordinance, City Code Chapter 153](#), as may be amended.



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**Section 4.07 Notice of Unimproved Street**

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Where any approved Subdivision includes public improvements, secured by bond in accordance with the Waterbury Public Improvement Standards and Policies, the CPC may require as a condition of approval that the developer post a sign prior to the sale of any lot or within 35 days of the recording of the Subdivision map, whichever is sooner, providing public notice that the streets, sewer and water system, and any other required public improvements have not been accepted by the City of Waterbury and all maintenance of such improvements are the responsibility of the property owners until such acceptance in accordance with the Waterbury Public Improvement Standards and Policies. Such sign(s) shall be installed at each intersection of any new street with an existing street or as otherwise approved by the City Planner.



## ARTICLE 5. OPEN SPACE

### Section 5.01 Purpose

This Section provides standards and guidelines for the preservation and dedication of open space (“setaside open space”) as a component of new Subdivisions to provide meaningful natural and recreational areas within private developments and to encourage site development sensitive to the natural characteristics of the area being developed.

### Section 5.02 Applicability

In approving any conventional Subdivision in accordance with these Regulations, the CPC may require dedication of open space and/or recreation areas in locations deemed proper and adequate by the CPC or may accept a fee-in-lieu of open space as provided below. The CPC shall require dedication of open space and/or recreation areas for approval of any Planned Residential Conservation Subdivision in accordance with [Section 6.01](#) of these Regulations.

### Section 5.03 Criteria and Standards

#### 5.03.01 Criteria

In determining the appropriateness of an open space and/or recreation area and whether public access shall be required, the CPC shall consider recommendations in the Plan of Conservation and Development and the subject site’s characteristics with respect to the following objectives.

- (i) Protection of surface and subsurface water resources.
- (ii) Provision of public access where appropriate.
- (iii) Enlargement of an existing open space area.
- (iv) Assemblage of open corridors or greenbelts by providing linkages to existing open space or connecting nodes of development, trails, wildlife corridors, or riparian buffers.
- (v) Protection of critical or threatened habitats as identified by the Connecticut DEP Natural Diversity Database.
- (vi) Protection of groundwater within existing or potential public drinking water supply aquifers.
- (vii) Protection of natural drainage systems.
- (viii) Protection of land and features of cultural importance including archeological and historical sites.



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- (ix) Provision of sites for active and passive recreation of a non-commercial nature.
- (x) Protection of unique and significant natural features including watercourses, wetlands, floodplains, and scenic vistas.
- (xi) Preservation of areas that shape and preserve community design and character such as buffer strips, landscaped areas visible from main roads, walkways, and waterbodies.
- (xii) Protection of steep slopes to control soil erosion and water runoff as well as maintenance of scenic views of and from areas including but not necessarily limited to bluffs, ridges, and rivers.

**5.03.02 Standards**

The following standards apply to the provision of open space as required for any conventional Subdivision. For Planned Residential Conservation Development Subdivisions, provision of open space shall be in accordance with the standards of **Section 6.01** of these Regulations.

- (i) Required dedication of setback open space shall be in an amount not greater than fifteen (15) percent of the gross land area of the Subdivision as determined by the CPC based on the criteria provided in **subsection 5.02.01**, above.
- (ii) The CPC shall determine that proposed open space meets one or more of the criteria provided in **subsection 5.02.01**, above. The applicant may revise an application to meet such criteria, if necessary. The CPC may deny an application for Subdivision approval that does not meet the open space requirements of this Section.
- (iii) Land provided as open space may include land characterized as wetlands, floodplain, or steep slopes in proportions no greater than the total percentage of such land existing on the entire parcel to be subdivided. Any land provided in excess of the minimum required need not meet this requirement.
- (iv) No open space area shall be less than one acre unless it meets the total open space requirements for the Subdivision.
- (v) The CPC may require access ways to open space areas used for the purpose of active or passive recreation to be graded and improved in a manner suitable for safe pedestrian and/or vehicular traffic. Open space access roadways that are intended to accommodate vehicular



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traffic shall have a right-of-way no less than 50 feet with a traveled way of 20 feet. The slope of an access roadway shall not exceed 12 percent. Parking may be required to accommodate the number and types of vehicles expected to use the facility. Easements for pedestrian access ways shall be no less than 15 feet wide.

- (vi) Land to be provided as open space for the purpose of conservation and protection of wildlife and natural or scenic resources shall typically be left in a natural state. Except for improvements approved by the CPC, open space areas shall not be disturbed. Clearing shall be limited to maintenance clearing to remove dead trees, brush, and invasive species listed by the Connecticut DEP.
- (vii) All site improvements proposed for open space shall be shown on the Subdivision plans.
- (viii) Any excavation, filling, regrading or other alteration of open space; any construction of any building, structure or other improvement thereon; or any paving or surfacing of open space subsequent to the date of approval of the Subdivision, other than those activities required by the plans as approved, shall require an amendment to the Subdivision approval.
- (ix) The CPC may require the landscaping of open space in situations including but not limited to the following:
  - 1) Where such open space is located adjacent to a proposed or existing roadway or to a nonresidential use;
  - 2) Where such open space contains inland wetlands or watercourses or slopes in excess of twenty (20) percent grade; and
  - 3) Where such open space contains active recreation areas.

**Section 5.04 Conveyance of Open Space**

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**5.04.01 Purpose**

This Section provides procedures and requirements for the conveyance of open space provided in accordance with these Regulations.

**5.04.02 Method of Conveyance**



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- (i) The CPC shall determine the most appropriate method of conveyance after considering the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development, the desirability and suitability of public access and use, and the scope of the Subdivision proposal.
- (ii) As determined by the CPC, conveyance of open space may be, in order of preference:
  - 1) By fee simple donation to a duly established common ownership community, a qualified 501(c)(3) organization established for the purpose of land conservation, or the City of Waterbury or the State of Connecticut,; or
  - 2) By provision of a conservation easement, approved in form and content by the CPC and Corporation Counsel, in favor of a qualified 501(c)(3) organization established for the purpose of land conservation, the State of Connecticut, or the City of Waterbury.
- (iii) If an applicant proposes conveyance of open space by fee simple or by conservation easement to the State of Connecticut, a qualified 501(c)(3) organization established for the purpose of land conservation, a common ownership community, or any other private organization, a letter from an authorized agent for the State or private organization, stating its willingness to accept the open space and the terms of any required conservation easement, shall be included with the application. The CPC may require that any such conveyance shall include a conservation easement in favor of the City of Waterbury, in form and content acceptable to the CPC and Corporation Counsel.
- (iv) In the case where the ownership and maintenance of the open space is to be transferred to a common ownership community, such transfer shall be in accordance with standards established by the CPC to include, but not necessarily be limited to, the following:
  - 1) Creation of the association or corporation prior to the sale of any lot; and
  - 2) Mandatory membership in the association of all original lot owners and any subsequent owners under non-amendable bylaws or other restrictions which require the association to maintain the land reserved for open space, park and playground



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purposes, with power to assess all members for all necessary costs and, where necessary, provide reserves for, the costs associated with maintenance, repair, upkeep and insurance of the open space.

- (v) Association documents shall provide that if maintenance or preservation of the dedicated open space no longer complies with the provisions of the approval, the City may take all necessary action to assure compliance and assess against the association all costs incurred by the City for such purposes.
- (vi) Open space covenants and restrictions and association documents shall be subject to the approval of the CPC and the Waterbury Corporation Counsel in form and content. After approval the document shall be filed by the applicant in the office of the Town Clerk.

**5.04.03 Legal transfer**

Properly executed legal documents, including warranty deeds for any title transfer, shall be prepared in accordance with the provisions of this Section and shall be submitted in triplicate with the final Subdivision maps to be filed. All documents must be acceptable to the Corporation Counsel and the CPC and shall refer to the approved Subdivision map by title. All warranty deeds for the dedication of land to the City shall be held in escrow by the CPC to be recorded on the land records upon acceptance by the Board of Aldermen. If the Board of Aldermen chooses not to accept the open space, the deed shall be returned, and the applicant shall return to the CPC for determination of an alternative means of preserving the open space or provision of a fee-in-lieu of open space in accordance with Section 5.04 of these Regulations. In no case shall the acceptance of any deed by the CPC or an employee of the City be deemed as acceptance of the open space and/or recreation area by the City.



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**Section 5.05 Fee in Lieu of Open Space Dedication**

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**5.05.01 Purpose**

This Section provides procedures and requirements for the provision of a fee-in-lieu of open space, as authorized by [CGS 8-25](#).

**5.05.02 Applicability**

The CPC may accept the payment of a fee-in-lieu of the land dedication required for open space, except where prohibited by these Regulations. Acceptance of such fee shall be based on a determination that the site does not offer open space of an adequate size or otherwise meeting the criteria of [subsection 5.02.01](#), above. Any applicant proposing a fee-in-lieu of open space is encouraged to discuss the rationale at a pre-application review, as described in [Section TBD](#) of these Regulations. Any such proposal shall be submitted in writing as part of the Subdivision application.

**5.05.03 Establishment of Fee-in-Lieu**

When a fee in lieu of land is accepted, it shall be in an amount equal to 10% of the fair market value of the land to be subdivided prior to approval of the Subdivision, exclusive of the value of any existing buildings or other structures on the site. The fair market value shall be determined by an appraiser approved by the CPC at the cost of the applicant. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved parcels in the Subdivision shall be made at the time of the sale of each approved parcel of land in the Subdivision and placed in a fund created in accordance with [CGS Section 8-25b](#) for the purpose of preserving open space or acquiring additional land for open space, recreational or agricultural purposes.

**5.05.04 Mortgage to Secure Fee-in-Lieu**

A Fee-in-Lieu of Open Space Agreement shall be executed by the subdivider and the City of Waterbury and a mortgage deed shall be provided to secure payment in accordance with such agreement to the City of Waterbury. Such agreement and mortgage shall be in form and content acceptable to the Corporation Counsel and shall be executed with or prior to the filing of the record Subdivision map.



## ARTICLE 6. SPECIAL SUBDIVISIONS

### Section 6.01 Planned Residential Conservation Subdivisions

#### 6.01.01 Purpose

The purpose of this Section of these Regulations is to provide procedures and requirements for approval of Planned Residential Conservation Subdivisions (“PRCD”), including the required Special Exception, as authorized by [Section 4.08](#) of the Waterbury Zoning Regulations. A PRCD constitutes a [cluster development](#) as defined by CGS [Section 8-18](#).

#### 6.01.02 Applicability

A PRCD is a flexible means to create well designed residential communities that are sensitive to existing natural open space and that protect and enhance environmentally sensitive land and landscapes, while preserving property values. Such developments are intended to provide lots for the same number of Single Family and Two Family dwelling structures (or a combination thereof) that would be allowed in the underlying Zoning District using conventional Subdivision standards. PRCDs are permitted in the [RS-12, RS, and RL](#) Districts, as provided in [Section 4.08](#) of the Waterbury Zoning Regulations, subject to Subdivision and Special Exception approval by the CPC and the standards of this Section.

#### 6.01.03 Procedure

- (i) For the purposes of the required public hearing and associated notices and other administrative procedures, the applications for Subdivision and Special Exception approval may be consolidated into a single proceeding and acted upon by the CPC with a single decision.
- (ii) To be eligible for approval, a proposed PRCD shall:
  - 1) Meet the objectives and criteria specified in this Section and in the Waterbury Zoning Regulations [Section 11.04](#); and
  - 2) Comply with all of the requirements, standards, and conditions set forth in this Section and in the Waterbury Zoning Regulations.



#### 6.01.04 PRCD Standards

PRCD developments shall comply with the following standards.

- (i) The property proposed for development of a PRCD shall have a minimum of five acres.
- (ii) In lieu of the applicable District Development Standards, lots within a PRCD development may be permitted with:
  - 1) a minimum lot width of 35 feet;
  - 2) one zero foot side yard line and a minimum total side yard setback of 10 feet;
  - 3) a minimum front yard setback of 20 feet and a minimum rear yard setback of 25 feet;
  - 4) maximum total coverage of 67% and maximum building coverage of 40%;
  - 5) maximum building height of 35 feet or 2 ½ stories, whichever is lesser; and
  - 6) a minimum lot area of 4500 square feet
- (iii) No more than two attached dwelling units shall be permitted per building and each dwelling unit shall be located on a separate building lot.
- (iv) No building within a PRCD parcel shall be located within twenty five (25) feet of the boundary of an electrical or gas transmission line easement or the boundary of the PRCD Subdivision and no such building shall be located within one hundred (100) feet of any single-family dwelling located outside the PRCD Subdivision.
- (v) The minimum distance between residential buildings, whether Single Family or Two Family dwelling units, shall not be less than twenty (20) feet.
- (vi) At least 35% of the lot area shall be permanently protected as open space, meeting the criteria of this Section and conveyed as provided by [Section 5.03](#) of these Regulations. Land provided as open space may include land characterized as wetlands, floodplain, or steep slopes in proportions no greater than the total percentage of such land existing on the entire parcel to be subdivided. Any land provided in excess of the minimum required need not meet this requirement. This open



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space requirement is not subject to waiver by provision of a fee-in-lieu of open space.

- (vii) Private streets may be permitted in a PRCD. Frontage along such streets may satisfy any lot frontage requirements of the Waterbury Zoning Regulations, provided that any such street shall be:
  - 1) at least twenty (20) feet in width;
  - 2) constructed to the same standards required for public streets by the Waterbury Public Improvement Standards and Policies; and
  - 3) owned by a common interest community duly established in accordance with CGS [Chapter 828](#).
- (viii) Maximum residential unit density shall not exceed that permitted on the subject parcel under the standards applying to the underlying Zoning District.

**6.01.05 PRCD Supplemental Application Information**

In addition to the basic filing requirements for a Special Exception and Site Plan approval, an application for approval of a PRCD shall provide the following.

- (i) If proposed, a description and supporting documentation demonstrating a suitable legal organization and management system, including provisions for financing and maintenance, for a common interest community, established in accordance with [CGS Chapter 828](#), for ownership of common properties and facilities, open space, and utility systems.
- (ii) A calculation of the number of residential units permitted for a conventional Subdivision on the subject parcel under the applicable Zoning District Standards of the underlying District, prepared by a professional engineer.
- (iii) A parcel map depicted wetlands, floodplain, and slopes over 20% and a calculation of the open space area to be provided in accordance with this Section prepared by a professional engineer.

**6.01.06 PRCD Approval Criteria**



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In approving a PRCD Subdivision and Special Exception, the CPC shall consider the following objectives.

- (i) Preservation of natural areas as common open space for conservation, recreation, aesthetic, and environmental benefits.
- (ii) Location of dwelling units in a manner that is in harmony with natural site features, so as to promote the preservation of agricultural, forest, conservation, and water resources and avoid an adverse impact on water resources and other features of the natural environment;
- (iii) Employment of site layout that contributes to the convenience of residential living and relates to adjoining properties and neighborhoods in a manner that is harmonious with their character and will protect property values;
- (iv) Promotion of land development that uses a variation in lot lines, reduces lot areas, lot widths, setbacks (front, side, and rear), and building coverage standards without increasing the number of units that could be legally constructed on a particular tract of land under the Waterbury Zoning Regulations.

**Section 6.02 Non-Residential Subdivisions**

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**6.02.01 Purpose**

This Section provides standards and requirements for the Subdivision of land for non-residential purposes.

**6.02.02 Applicability**

The applicant shall demonstrate to the satisfaction of the CPC that, in addition to the requirements and standards set forth in these Regulations that apply to the design and layout of all Subdivisions, the street, parcel, and block pattern proposed is specifically suited to the non-residential uses anticipated and compatible with other developments and uses in the vicinity.

**6.02.03 Non-Residential Subdivision Standards**

At a minimum, the following requirements and standards shall be met to show that the Subdivision is appropriate for the proposed commercial or industrial development.

- (i) Proposed industrial lots shall be suitable in area and dimension to accommodate the types of industrial development anticipated.
- (ii) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.



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- (iii) Special requirements may be imposed by the CPC with respect to the street, curb, gutter, and sidewalk design and construction and to the design and construction of public utilities, including water, sewer, and storm water drainage.
- (iv) Every effort shall be made to protect adjacent residential areas from potential external impacts of a proposed commercial or industrial Subdivision, including the provision of adequate buffer areas. Provisions will be made for a permanently landscaped buffer strip if determined necessary by the CPC.
- (v) Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent residential districts where an alternative route exists or can be developed.



## ARTICLE 7. ADMINISTRATION AND PROCEDURES

### Section 7.01 Waivers

In accordance with the provisions of CGS Section 8-26, as may be amended, and upon submittal of a written request and justification by an applicant, the CPC may waive requirements under these Regulations by a three quarters vote of the members of the CPC in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area. When considering such waiver requests, the CPC will consider topographic features including but not limited to slopes, inland wetlands, ledge outcroppings, and other significant natural features. No waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The CPC shall state in its decision the reasons for which a waiver is granted in each case.

### Section 7.02 Public Hearings

#### 7.02.01 Hearing

In all matters requiring a public hearing by the CPC pursuant to these Regulations or the Connecticut General Statutes, the following procedures shall apply.

- (i) The Commission may require a public hearing for a Subdivision application.
- (ii) The Commission shall hold a public hearing for a resubdivision application and for any application for a Planned Residential Conservation Subdivision and Special Exception approval.
- (iii) The Commission shall hold a public hearing on any proposal or petition to change these Subdivision Regulations.
- (iv) Any public hearing shall be held in accordance with CGS Sections 8-26 and 8-7d as may be amended.

#### 7.02.02 Notices

- (i) The City Planning Department shall publish notice of the public hearing in accordance with CGS Sections 8-26 and 8-7d, as may be amended.
- (ii) The applicant shall notify all owners of land in the City of Waterbury which, in whole or in part, is adjacent to any land subject to a public hearing by mailed notice at least fifteen (15) days prior to the scheduled opening of the public hearing. "Owner" refers to the owners of the land, as indicated on the City of Waterbury last-



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completed grand list as of the date the notice is mailed, not owners of the improvements thereon. The term “adjacent land” shall include any land separated from the land subject to the public hearing by a public or private street.

- (iii) The applicant shall submit proof of mailing in the form of a certificate of mailing which specifies the names and mailing addresses to which the notice was sent. The requirements of the mailed notice provisions are satisfied upon mailing of the specified notice and submission of said certificate. Failure to submit a certificate at the opening of the public hearing may render the application incomplete. The mailed notice requirement shall be satisfied even if it is later determined that an error in mailing was caused by an error on the grand list.
- (iv) The applicant shall provide notification by posting on the subject property in the following manner.
  - 1) Sign(s) provided by the City Planning Office shall be posted by the applicant in clear view of the passing public on every paved street frontage of any property which is the subject of a public hearing. At least two (2) such signs shall be provided on any frontage longer than 750 feet. Signs shall be provided by the City Planning Department upon receipt of a deposit as determined by the Department, which deposit shall be refunded upon the return of any such signs. If a property has no paved street frontage, signs shall be posted in a location(s) determined by the City Planner.
  - 2) The applicant shall place such sign(s) fifteen full days prior to the day of the public hearing commences and make all reasonable efforts to maintain such signs in place until the day following the close of the public hearing. The applicant shall remove required signs after the required period and shall return such signs to the City Planning Department within seven (7) days of the close of the public hearing.
  - 3) The applicant shall submit an affidavit indicating compliance with the foregoing requirements regarding sign placement. If the applicant was unable to comply with the posting requirement due to theft, vandalism, or destruction of the signs, the affidavit shall detail all such problems and the good faith efforts of the applicant to remedy such problems. The



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Commission may accept the good faith efforts as compliance with the posted notice provisions by majority vote. Failure to submit said affidavit at the opening of the public hearing may render the application incomplete.

- (v) The City Planner shall, in accordance with CGS [Section 8-7d](#), notify the clerk of any adjoining municipality of the pendency of an application concerning any project on any site in which:
- 1) any portion of the property affected by a decision of the CPC is within five hundred (500) feet of the boundary of an adjoining municipality;
  - 2) a significant portion of the traffic to the completed project on the site will use streets within an adjoining municipality to enter or exit the site;
  - 3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within an adjoining municipality; or
  - 4) water run-off from the improved site will impact streets or other municipal or private property within an adjoining municipality.
- (vi) Whenever a Subdivision of land is proposed in Waterbury for which a public hearing is to be held, and a portion of the Subdivision will abut or include land in an adjoining municipality, the City Planning Department shall, before approving the Subdivision plan, give written notice of the Subdivision plan to the Regional Planning Agency in which the other municipality is located. Such notice shall be made by certified mail, return receipt requested not later than thirty days before the public hearing. A Regional Planning Agency receiving such notice shall, at or before the hearing, report to the CPC and the applicant on its findings on the intermunicipal aspects of the proposed Subdivision, including street layout, storm drainage, sewer and water service and such other matters as it considers appropriate. If the Regional Planning Agency does not submit a report at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed Subdivision. The report of such Regional Planning Agency shall be purely advisory.



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### Section 7.03 Fees

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The following fee provisions apply to all administrative and application procedures required by these Regulations.

- (i) Fees for all applications or petitions before the CPC are required as established by the **Board of Aldermen**. Failure to provide the required fee(s) shall result in a determination of incompleteness and denial of any administrative request or application.
- (ii) **On any application for Subdivision or Special Exception, the CPC** may retain outside consultants for specialized technical review when it finds the size, complexity or potential impact of the proposal requires specialized assistance and expertise in accordance with the following procedure:
  - 1) The fees charged by such outside consultants shall be paid for by the applicant;
  - 2) The applicant shall deposit with the Planning Department an amount equal to one hundred fifty (150) percent of the estimated consultant fees (or lesser amount if authorized by the City Planner) from written estimates prepared by the consultants on the basis of the anticipated cost of the review and, following review of the application and payment of consultant fees, the applicant shall be reimbursed any unused funds without payment of interest; and
  - 3) Payment of any outstanding balance in the consultant fees shall be a condition of approval of any application and no final approval shall be recorded on the Waterbury Town Clerk's Land Records until such amount is paid in full.

### Section 7.04 Approval and Bonding

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#### 7.04.01 Approval

The CPC may approve a Subdivision subject to the filing of a bond in accordance with the Waterbury Public Improvement Standards and Policies for all public improvements shown on the Subdivision plan to be owned by the City, including but not necessarily limited to construction of streets; installation of storm drains and sanitary sewer; construction of sidewalks and curbs; installation of landscaping; signs; and lighting. Such bond may also be required for the costs of winter maintenance, setting of monuments, compliance with erosion and sedimentation control plans; and any other stipulations required as conditions of



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approval. Such conditional approval shall lapse as provided by CGS Section 8-25, as may be amended, if the necessary bond is not filed within the required time.

**7.04.02 Bonding**

Improvements shall be bonded in accordance with the Waterbury Public Improvement Standards and Policies. No record Subdivision map may be filed with the City of Waterbury Town Clerk prior to the satisfaction of these bonding requirements.

**7.04.03 Completion of Improvements**

- (i) Street and other bonded improvements shall be completed by the applicant within five years unless the applicant applies for and is granted an extension as allowed by CGS Section 8-26c, or for a Subdivision involving four hundred or more dwelling units within ten years, or as otherwise provided by CGS 8-26c as may be amended. When the work is completed in accordance with the plans and specifications as certified by the City Engineer, the City Engineer shall send a letter to the CPC stating the improvements are completed.
- (ii) A maintenance and deficiencies bond as provided by **subsection 7.04.08** shall be posted with the City Planning Department before the City Engineer accepts the work as completed.

**7.04.04 Inspection of Improvements**

The City Engineer, or other persons designated by the City Engineer, shall inspect the required improvements during the construction in accordance with the inspection schedule below to ensure satisfactory completion and maintenance of such improvements, and the developer shall obtain a letter from such official stating that all required improvements have been constructed and maintained in accordance with the approved plans.

- (i) In the case of a new street(s) or a change in existing street(s), the work shall be inspected at the following stages of construction.
  - 1) Rough grading completed.
  - 2) Drainage and all underground facilities installed prior to backfilling.
  - 3) Upon completion of the base course compaction.
  - 4) Installation of binder course.
  - 5) Installation of curbs and sidewalks.
  - 6) Installation of landscaping, street signs, and lighting.



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- 7) Installation of finish surface course.
- (ii) The applicant shall not proceed to do work on any stage subsequent to the first stage until said work on the previous stage has been inspected and approved by the City Engineer. If a Subdivision is built in phases, final approval shall not be granted for a subsequent phase if the applicant has not obtained approval for the previous phase unless otherwise waived by the CPC.
- (iii) In order that the inspections shall be made in accordance with the foregoing schedule, the applicant or other authorized representative of the applicant shall notify the City Engineer at least (48) hours prior to the start and completion of any construction phase.

**7.04.05 Certification of Inspection**

A final certification by the City Engineer shall be made to the CPC upon completion of the final stage of inspections as required pursuant to **subsection 7.04.04** of these Regulations, certifying that work is complete in accordance with the approved plans and specifications.

**7.04.06 Clean Up**

- (i) The developer shall , at least every 90 days, clean up construction debris and to remove from the Subdivision site, or adjoining areas, all construction materials or equipment no longer needed for the work. Tree stumps, other vegetation debris, and any other material that are unstable or which may deteriorate or disintegrate may not be buried under any conditions.
- (ii) Any and all material falling on public highways from vehicles or construction equipment and in connection with the developer's operations shall be cleaned up at the end of each working day, or more frequently, depending upon the nature of the work and the nuisance created.

**7.04.07 Maintenance of Improvements**

The applicant shall be required to maintain all improvements and shall provide for snow removal on streets and on sidewalks until acceptance of said improvements by the City.

**7.04.08 Maintenance and Deficiencies Bond**

Upon completion and acceptance by the Board of Aldermen of all required public improvements, the performance bond shall be released subsequent to the submission of a



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maintenance and deficiencies bond as provided in the Waterbury Public Improvement Standards and Policies.

**7.04.09 Reduction of Surety**

As provided in the Waterbury Public Improvements Standards and Policies, where any construction secured by surety involves the construction of new street or streets, the CPC may authorize the reduction of any surety filed, subject to the following conditions.

- (i) The City Engineer has certified that the remaining surety is sufficient to complete all remaining public improvements plus a percentage not exceeding 25%, to cover inflationary costs, contingencies, and administrative costs to the City in case of default.
- (ii) The City Engineer or his delegated representative, has inspected the site and determined the bonded improvements subject to the partial release have been satisfactorily completed in accordance with the approved plan;
- (iii) The Developer's engineer has certified to the City Engineer through submission of detailed "as built" plans that the layout of the line and grade of all improvements is in accordance with the construction plans of the development as directed by the City Engineer. "As built" plans shall include the plan profile of the road and all public utilities.
- (iv) In no instance shall a partial release of surety reduce the amount of the surety below 15% of the original certified estimate of the total cost of all public improvements and any proposed plus a percentage not exceeding 25%, to cover inflationary costs, contingencies, and administrative costs to the City in case of default.



#### 7.04.10 Release or Forfeiture of Surety

Upon expiration of the time period within which the required improvements were to have been constructed, the provisions of the Waterbury Public Improvement Standards and Policies shall apply to the forfeiture or release of any surety provided. The CPC shall not authorize release of any surety until the following conditions have been met:

- (i) All public improvements and public service facilities have been accepted by the City Engineer in accordance with in the Waterbury Public Improvement Standards and Policies.
- (ii) The applicant’s engineer has certified to the City through the City Engineer and through submission of detailed “as built” plans that all improvements have been completed as shown on the approved Subdivision plans filed in accordance with **Section 3.02** of these Regulations, including any modifications or changes made, including those made during construction.
- (iii) All required monuments must have been set and a sworn affidavit filed by the Land Surveyor employed by the applicant stating required monuments have been accurately set as required by these Regulations.
- (iv) A maintenance and deficiencies bond shall have been filed as provided in **subsection 7.04.08** .
- (v) All other documents, transfers, or conditions required by the approval of the Subdivision shall have been provided (conditions performed) to the appropriate City official with copies of all documents provided to the Commission.

### Section 7.05 Approval and Recording of Approved Subdivision Plans

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#### 7.05.01 Approval

Subdivision approvals, including any associated Special Exception, shall be in accordance with the provisions of CGS Section 8-26 and the provisions of these Regulations. No record Subdivision map shall be filed with the City of Waterbury Town Clerk’s Office prior to endorsement in accordance with this Section.

#### 7.05.02 Record Subdivision Map

- (i) Upon approval of a Subdivision plan, and the posting of any required bond, endorsement by the chairperson **or secretary** of the CPC, and, if any bond is required, endorsement by the Corporation Counsel, the applicant shall file one original mylar copy and three (3) black and white prints of the approved Subdivision plans and the record



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Subdivision map with the City Planning Department. One original mylar copy of the approved record Subdivision map shall be filed and recorded in the Waterbury Town Clerk's office in accordance with the provisions of CGS Section 8-25, as may be amended.

- (ii) A Subdivision plan not recorded within 90 days of publication of the legal notice of approval shall be null and void, as provided by CGS Section 8-25(a) as may be amended, unless the CPC extends the time for such recording. The CPC may extend the time for such recording for two additional time periods of 90 days, based upon a written request from the applicant for such an extension.
- (iii) An approved Subdivision plan filed for recording shall include the text of any conditions of approval imposed by the CPC.

**Section 7.06 Revision of Approved Subdivision Plan**

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Requests for revisions of or alterations to approved Subdivision plans made be filed by the property owner or agent with the City Planner, who may conditionally approve the request if determined to be of no or minor consequence and report this action in writing to the CPC. Unless the CPC acts to modify the City Planner's conditional approval within 35 days of such written report, the conditional approval shall become final approval. If the City Planner determines any requested revisions or alteration to have a significant consequence, the request shall be submitted to the CPC for its consideration and action, which may include a public hearing if determined necessary by the CPC.

**Section 7.07 Subdivision Regulations Changes**

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**7.07.01 Purpose**

This Section provides procedures and requirements for the amendment, change, or repeal of the Waterbury Subdivision Regulations.

**7.07.02 Applicability**

These Regulations may be amended, changed, or repealed in accordance with the procedures of CGS Section [8-25](#) and 8-7d and the provisions of this Section, either on the initiative of the CPC or after receipt of a petition made by any person.



### 7.07.03 Petition Requirements

An original, ten copies, one electronic copy (compatible with Microsoft Word), and one copy in electronic portable document format of the following shall be required for any petition to amend, change, or repeal these regulations or any part thereof. Such filings shall not be required for changes initiated by the CPC.

- (i) A completed form, provided by the City Planning Department, signed by the petitioner and/or authorized agent.
- (ii) A copy of the proposed amendment, with appropriate supporting documentation describing how the proposed amendment conforms to the applicable Connecticut general Statutes, the needs of the City, the adopted Plan of Conservation and Development, and the intents and purposes of these Regulations.
- (iii) Such other information as may be requested by the CPC to facilitate its review of the proposed amendment.
- (iv) Payment of the fee established by the Board of Aldermen.

### 7.07.04 Procedures for Regulation Changes

- (i) The City Planner shall file a copy of any change proposed by the ZC or by petition with the Town Clerk and City Clerk at least ten (10) days before the hearing required by this Section.
- (ii) When any Subdivision Regulation change is proposed by the CPC, the City Planning Department shall provide notice as required by CGS 8-7d and shall provide notice to registrants on the public notice registry established by the City in accordance with CGS [Section 8-7d](#).
- (iii) The City Planning Department shall give written notice of a proposed amendment to these Regulations to the Central Naugatuck Valley Council of Governments (CNVCOG) or its successor agency. Such notice shall be made by certified mail, return receipt requested not later than thirty days before the public hearing to be held in relation thereto. The CNVCOG shall study such proposal and shall report its findings and recommendations thereon to the CPC at or before the hearing, and such report shall be made a part of the record of such hearing. If such report of the CNVCOG is not submitted at or before the hearing, it shall be presumed that the agency does not disapprove of the proposal. The CNVCOG may transmit such notice of the proposed amendment or change to the Secretary of the Office of



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Policy and Management or his designee for comment. The report of said planning agency shall be purely advisory.

- (iv) The CPC shall hold a public hearing on all proposed amendments and changes to these Regulations and shall publish a notice of said hearing in a newspaper of general circulation within the City. The hearing and notice of same shall be in accordance with **Section TBD** of these Regulations and CGS Sections 8-25 and 8-7d, as may be amended.