

Town of Bethany -- Subdivision Regulations

Section 11 - General Regulations

11.0 All land to be subdivided or resubdivided shall be of such a character that it can be used without danger to health and safety. Proper provision shall be made for drainage and sewage on building lots.

11.1 Proposed subdivisions or resubdivisions shall conform to both the adopted comprehensive Town Plan of Development, and to the Bethany Zoning Regulations, as amended from time to time.

11.2 The landscape shall be preserved in its natural state insofar as practicable by minimizing tree and soil removal. Grade changes shall be kept to a minimum and accomplished so as to be in harmony with the general appearance of neighboring areas. The subdivider shall make every reasonable effort, consistent with sound planning in accordance with these regulations, to provide for the preservation and enhancement of existing natural features, large trees, scenic points, historical and archaeological sites, wetlands, ledge outcroppings, streams, ponds, steep slopes, specimen trees, rare and unusual flora, and other natural assets. Suitable planting of trees may be required.

11.3 Road construction, extensions or improvements shall be subject to the provisions of Section 7 of the Zoning Regulations.

11.4 The Commission shall require that open space be set aside by a subdivider for the purpose of conserving natural or scenic resources; protecting natural streams, marshes, ponds and aquifers, and the ground water table upon which inhabitants of the Town and other municipalities depend for water supply; supplementing existing open space (including recreational) areas; meeting recreational needs of present and projected populations in the area; protecting historical and archaeological sites, wildlife sanctuaries, distinct habitat and outstanding forests; preserving ridges, ravines, ledge outcroppings, and other unusual physical features; and promoting orderly community development. The Commission may waive this requirement, in accordance with Section 9.1 of these regulations, if in its judgment the purposes of this section would not be served by an open space "set aside".

a. In determining the total open space to be required the Commission shall consider not only the tract or tracts to be subdivided or resubdivided immediately but also any other adjacent tract owned, controlled or under agreement to buy or optioned by the subdivider or by a corporation controlled or owned by the subdivider. The Commission shall not require the set aside as open space of more than ten percent (10%) of the total of all such tracts of land, but may, in its discretion, accept a greater set aside.

b. Open space shall be so located as to add to or to preserve the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. When open space is set aside for recreational purposes, it shall be located so as to be suitable for the designated recreational uses it is intended to serve. All open space and any proposed improvements thereon shall be shown on the subdivision or resubdivision plan.

c. In any case in which an existing trail system (including a rerouted trail system) crosses land to be subdivided or resubdivided, the subdivider is encouraged to preserve the system as it exists or reroute it to assure continued public access. The area covered by any legally valid easement for such a trail system, which adequately protects continued public access to the trail system shall be considered part of the total open space set aside.

d. The subdivider may employ one of the following mechanisms, as deemed proper by the Commission:

1. Dedication of land to the Town of Bethany.
2. Dedication of land to the State of Connecticut as State Park and forest land.
3. Dedication of land to private conservation trust.
4. Provision of a conservation easement with full, limited, or prohibited public access.
5. Provision of private open space, such as land held in common by an association of homeowners.
6. Any other mechanism considered to adequately protect the purposes to be served by setting aside open space land.

The Commission may establish such standards, limitations and conditions on use of any of the above mechanisms as it deems reasonably necessary to assure the proper maintenance, operation and preservation of open space, and, where appropriate, public access.

e. Any land to be set aside as open space shall be left in its existing natural state by the subdivider, and shall not be graded, cleared or improved, except as specifically approved by the Commission, and shall not be used at any time as a repository for stumps, brush, earth, building materials, or debris.

11.5 The Commission shall require that water supply sources be provided by a subdivider for the purpose of providing a water source for fire fighting, in order to protect health, welfare, and safety. The water supply for fire fighting purposes may be supplied from natural bodies of water or manmade sources of water.

a. The Commission may waive this requirement in accordance with Section 9.1(c) of these regulations if the subdivider provides a letter from the Bethany Volunteer Fire Department recommending the waiver because:

1. The protection of public health and safety would not be served by the requirement for water supply sources for fire fighting; or
2. The subdivision or resubdivision is for five or fewer lots.

b. Water sources in Residential Zones:

1. All building lots are to be within 2,000 road feet of a water source Fire Department connection.
2. Each water source shall be either a 250,000 gallon natural water source or a 20,000 gallon in-ground tank.

c. Water sources in other zones:

1. All building lots are to be within 1,000 road feet of a water source Fire Department connection.
2. Each water source shall be either a 250,000 gallon natural water source or a 40,000 gallon in-ground tank.

d. Water supply sources shall be provided as part of the subdivision or resubdivision installation of public improvements. Water sources shall be installed according to the guidelines provided in these regulations in Appendix "A".

e. The Commission may establish such standards, limitation, and conditions on use of any the following mechanisms as it deems reasonably necessary to assure the proper maintenance, operation, and preservation of water supply sources for fire fighting. The subdivider may employ one of the following mechanisms as deemed proper by the Commission:

1. Dedication of land and water rights to the Town of Bethany with proper access to the approved water source.
2. Provision of an easement of access and use granted to the water sources to the Town of Bethany.
3. Any other mechanism considered to adequately protect the availability of the water sources.