

4.1 PRELIMINARY DISCUSSION

The Commission recommends that subdivision applicants come to a Commission meeting for a preliminary discussion prior to submitting a formal application. Persons wishing to do so should notify the Commission seven (7) days prior to the meeting date. A preliminary discussion is not a substitute for a formal application, and neither an applicant nor the Commission is bound by the comments made during a preliminary discussion. The Commission can only make binding decisions after a formal application is submitted.

4.1.1 Optional Sketch Plan

- A. Purpose.** The Pre-application Sketch Plan is a general layout of a proposed subdivision submitted by the future subdivider for informal consideration by the Commission, prior to a formal submission of an application for approval. A Pre-application Sketch Plan shall not be required prior to submission of an application, but applicants are encouraged to use it as a means of ensuring that basic requirements can be met prior to incurring engineering, application, and legal fees involved with submission of the required application and plan. It should be clearly understood that the Pre-application Sketch Plan enjoys no official legal status and that consent with regard to feasibility of the Pre-application Sketch Plan on the part of the Commission in no way predicates approval of the required plan. A Pre-application Sketch Plan is encouraged in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but it is at the sole discretion of the applicant.
- B. Contents.** The Pre-application Sketch Plan may be drawn on tracing paper with pencil at a suitable scale, which will show sufficient information about the subdivision to present a clear picture of its scope and impact. To be effective, the Pre-application Sketch Plan should show:
1. the subdivision name, boundaries, true north point, date, and scale;
 2. the names and address of the record owner and the applicant;
 3. approximate locations of all major site features such as existing streams, water bodies, stonewalls, large trees, rock ridges, outcroppings, and regulated soil;
 4. the names and approximate location of existing adjacent roads and proposed roads;
 5. the total site area, the total number of proposed lots, the general configuration of the proposed lot boundary lines, and approximate area of each proposed lot;
 6. areas dedicated or reserved for purposes other than residential use; and
 7. subsurface soil conditions based on results of random soil pit tests distributed evenly over the proposed subdivision tract.

4.2 FORMAL APPLICATION SUBMISSION

Any person intending to subdivide land in the Town of North Stonington shall submit an application as prescribed herein to the Commission. Fifteen (15) copies of the plan shall be submitted, plus a copy of the list of property owners within one hundred (100) feet of the parcel being subdivided, including the names of all property owners, street address per the Assessor's

map, and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application along with the completed application form and required fee. Application forms are available from the Land Use Office. Applications and related documents shall be submitted by mail or by hand to the Commission at the Land Use Office in the Town Hall. Applications received less than seven (7) days before a regularly scheduled meeting will be considered received as set forth below, but the Commission will not be required to consider such s on the agenda of the upcoming meeting.

4.2.1 A complete application consists of a written application completed in full on forms provided by the Commission, and signed by the applicant or lawful agent. If the applicant is not the owner of the land, the owner shall sign also. The application form shall contain a list of all items submitted as part of the application, including a breakdown of the fee paid. The Commission shall make final determination of completeness of the application. An incomplete application may be grounds for denial. The application includes an agreement to be signed by the owner of the land, granting officials and agents of the Town and of the Commission permission to enter onto any part of the land that is the subject of the application, for the purposes of inspection and, in the event of the failure of the applicant to make required improvements, in order to make such improvements.

4.2.2 The applicant must submit all required fees and file a copy of the completed application and all necessary maps, and any revisions to the application or maps, showing all the information required by these Regulations, with the Town Clerk, for public inspection at the time of application to the Commission. Any additional information and/or revised plans must also be submitted to the Town Clerk at least five (5) working days before a scheduled public hearing or continued meeting if no public hearing is held. The fees paid via check or money order shall be made payable to the "Town of North Stonington" in accordance with the Schedule of Fees posted in the office of the Town Clerk.

4.3 **RECEIPT OF APPLICATIONS**

The official date of receipt of applications and requests shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission at the Land Use Office, or thirty-five (35) days after such submission whichever is sooner. The official date of receipt for applications and requests submitted at a regular or special meeting shall be the date of the next regularly scheduled meeting or thirty-five (35) days after such submission, whichever is sooner.

4.4 **NOTICE TO THE REGIONAL PLANNING AGENCY**

In accordance with Connecticut General Statute 8-26b, whenever a proposed subdivision abuts or includes land in another Connecticut municipality, the Commission shall notify the regional planning agency of the pendency of the subdivision application. Such notice shall be made by certified mail, return receipt requested not later than thirty (30) days before the public hearing to be held in relation thereto. A regional planning agency receiving such notice shall, at or before the hearing, report to each such planning commission and to the proponent of such subdivision 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 such report of a regional planning agency is not submitted, at or before the hearing, it shall be presumed that such agency does not disapprove of the proposed subdivision.

4.5 NOTICE TO ADJOINING TOWNS

In accordance with Connecticut General Statutes Section 8-7d(f), the Commission shall notify the clerk of an adjoining town of any application in which one or more of the following apply: (a) any portion of the property affected by a decision of such commission, board or agency is within five hundred (500) feet of the boundary of the adjoining municipality; (b) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (c) 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 the adjoining municipality; or (d) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

4.6 INLAND WETLANDS AND WATERCOURSES COMMISSION REFERRAL

If an application involves land regulated as an inland wetland or watercourse under the provisions of the Connecticut General Statutes, Chapter 440, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or re-subdivision. The Commission shall not render a decision until the inland wetlands agency has submitted a report with its final decision to such Commission. In making its decision the Commission shall give due consideration to the report of the inland wetlands agency.

4.6.1 If the proposed subdivision involves the relocation or alteration of any stream having a watershed of more than three (3) square miles or an average stream flow greater than five (5) cubic feet per second, the Commission shall notify adjacent communities within the watershed and the Water Resources Unit of the Connecticut Department of Environmental Protection, prior to approving any alteration or relocation of a watercourse, and submit copies of such notices to the Federal Insurance Administrator. (This provision is intended to satisfy requirements of the National Flood Insurance Program.)

4.7 TOWN HEALTH OFFICER REFERRAL

The applicant shall submit a copy of the application to the Health Officer or his or her designated agent for review at the time of application to the Commission and any additional information and/or revised plans at least five (5) working days before such scheduled public hearing or continued meeting if no hearing is held. The project developers' Engineer shall complete, in its entirety, sign and seal Form #2 "Investigation for Sewage Disposal System" as provided in the Technical Standards of the Public Health Code (as amended) for each proposed lot. System design should be based upon a four (4) bedroom house design. The Engineer should take into account the system spread necessary by the Minimum Leaching System Spread (MLSS) calculation. The conceptual layout on the subdivision plan shall show the footprint of a four (4) bedroom house, the septic tank, the leaching field and the one hundred (100) percent reserve area.

Any subdivision, which is revised and/or resubmitted with a reconfiguration of the lots and/or lot lines, will require resubmission of a complete set of Form #2s for the subdivision indicating on

the sheets which lots were changed and which did not change. A revised subdivision plan shall also be resubmitted with revisions to the conceptual plot layout for each lot.

The developer is required to inform the Health Officer, or his or her designated agent, of the testing schedule for the on-site investigations. Any lots with severe soil types, excessive slope, extensive wetland, or limited area should be identified in the schedule.

4.8 COPIES OF APPLICATIONS TO OTHER AGENCIES

The applicant must file a copy of the completed application and all necessary maps, showing all information required by these Regulations, with the Fire Marshall, Fire Chief, Board of Selectmen, Assessor, Inland Wetlands and Watercourses Commission, and the Zoning Enforcement Officer at the time of application to the Commission, and any additional information and/or revised plans at least five (5) working days before such scheduled public hearing or continued meeting if no hearing is held.

4.9 FORMAL CONSIDERATION

The Commission in its formal consideration of the application shall follow the following procedures.

4.9.1 The Commission shall determine whether the application submitted is complete and meets the requirements of the Regulations. If the application is not complete, the Commission may, in its discretion, deny the application or allow the applicant additional time to complete it.

4.9.2 The Commission may transmit copies of the maps and plans to other boards and Commissions, other public agencies and officials, and to consultants that, in the opinion of the Commission, may be advisable for their information, review and recommendations.

4.9.3 Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Commission to discuss the application before final action by the Commission.

4.9.4 If there are infrastructure improvements/work proposed or required as part of the subdivision, then the application shall not be approved by the Commission without the Town Engineer's review and recommendation(s) regarding the construction and grading plans. Prior to endorsement by the Commission, the Town Engineer shall sign the appropriate drawings as having been reviewed.

4.10 PUBLIC HEARING

The commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. Provided that no plan of re-subdivision shall be acted upon by the commission without a public hearing, such public hearing shall be held in accordance with the provisions of the Connecticut General Statutes, Chapter 124, Section 8-7d (the public hearing shall: commence within sixty-five (65) days after receipt of the application; be completed within thirty-five (35) days after such hearing commences; and decisions shall be rendered within sixty-five (65) days after completion of such hearing; however, the applicant may consent to one or more extensions of any period specified herein provided the combined extension(s) of all such periods shall not exceed sixty-five (65) days). If a public hearing is not

held the Commission shall render a decision with sixty-five (65) days of the receipt of the application.

If the land subject to the application, contains inland wetlands and the application was referred to the appropriate commission, the Commission shall wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision; and the time period for a decision by the Commission may be extended to thirty-five (35) days after the decision of the Inland Wetlands Commission.

4.11 ACTION BY THE COMMISSION

The Commission shall approve, modify and approve, or disapprove any subdivision or re-subdivision application or maps and plans submitted therewith, including existing subdivisions or re-subdivisions made in violation of this section, within the period of time permitted under Connecticut General Statutes, Chapter 124, Section 8-7d, as amended.

4.12 NOTICE OF DECISION

A copy of any decision shall be sent by certified mail to the person who submitted the application within fifteen (15) days after such decision is rendered. The commission shall publish notice of decision in a newspaper having a general circulation in the municipality within fifteen (15) days after such action or decision. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

4.13 PERFORMANCE SURETY REQUIREMENTS

4.13.1 Prior to endorsement of a subdivision, the Commission may require that the applicant post a performance surety with the Town, in an amount and form agreeable to the Commission. The type of surety shall be solely determined by the Commission. Such surety is intended to guarantee satisfactory completion of any required site improvements. Whenever the Commission has required such performance surety, no endorsement of the approved plans shall occur and no mylars shall be recorded with the Town Clerk until the applicant has delivered the required security to the Commission, or its delegated representative, in the required amount and form.

4.13.2 The applicant shall submit to the Commission, with any application for subdivision or re-subdivision, an estimate of the costs of any proposed site improvements. This estimate shall contain a separate inflation factor for the estimated improvement period. The Commission may refer such estimate to its own engineer for the estimate of costs, and the amount of the final cost estimate, as determined solely by the Commission, shall be the amount of the performance surety.

4.13.3 The surety, as posted, shall name as principal both the applicant and the record owner of the premises. The Commission may direct that the security be issued in the form of a savings passbook of an FDIC insured bank with an office in Connecticut, with the Town being named as the sole owner of the account; an irrevocable letter of credit issued by an FDIC insured bank with offices in Connecticut which provides for presentment in Connecticut; or a bond with surety by an insurance company authorized by the Connecticut Insurance Department to do business in Connecticut, and issue bonds in Connecticut. The Commission preferred types of security are as follows: first, cash; second, irrevocable letter of credit; and third, insurance bond.

- A. The Commission may provide for the reduction of the surety as site improvements are completed to the satisfaction of the Commission (report by Zoning Enforcement Officer required). The amount of any reduction shall be in the sole discretion of the Commission.
- B. The Commission may require a portion of the initial surety to be held as a maintenance surety for items including but not limited to landscaping, soil erosion and sediment control measures, and storm drainage infrastructure that may need monitoring beyond the granting of a certificate of zoning compliance. The commission shall stipulate the time period for the maintenance surety not to exceed one (1) year. Before release of the performance surety held by the Commission, a maintenance surety shall be submitted which shall be in an amount equal to ten (10) percent of the performance surety or \$2,500, whichever amount is greater, and which shall be retained by the Commission for one year. The purpose of the maintenance bond is to guarantee correction of any construction failures related to the subdivision.
- C. The surety shall be held by the Town Treasurer until its release is authorized by the Commission and not before the improvements have been completed and as-built plans (if required) are submitted to the Commission. Where new roads are involved, the surety shall not be released until such roads are certified as completed by the First Selectman. The Commission shall not release the entire surety until it receives certification from the Zoning Enforcement Officer that compliance with these Regulations has been met and that no maintenance surety is required.

4.14 RECORDING OF EASEMENT, PAYMENT OF FEES AND TRANSFER OF LAND

Prior to endorsement of the subdivision plan, the Commission shall accept from the applicant all easements, fees, and land (actual land transfer or executable deed with certificate of title) associated with the subdivision approval as required by these Regulations, including, but not limited to, easements for the construction on roads, drainage features, the installation of monuments and markers, the grading and improvement of recreation facilities, clean-up of the premises and measures to be taken to control soil erosion and sedimentation likely to occur from the proposed subdivision, the dedication of conservation easements, and/or the dedication of land for open space.

4.15 ENDORSEMENT OF THE PLAN

If the Commission votes to approve a plan or modify and approve a plan, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed and signed by the Chairman or Secretary of the Commission in the space provided for such purpose on each sheet of a mylar copy of the plan provided by the applicant. In addition to above, the applicant shall provide three (3) paper copies of the endorsed plan. Each paper copy shall contain same seals and live signatures that are required and appear on the mylar(s).

4.15.1 The Chairman or Secretary of the Commission shall, when endorsing the plan, indicate on the plan the date by which all improvements shown on the plan shall be completed in accordance with these Regulations.

4.16 RECORDING THE PLAN

The endorsed mylar copy of the plan shall be filed by the applicant in the office of the Town Clerk and any plan not so filed within ninety (90) days of the date such plan is delivered to the

applicant or within ninety (90) days of the date upon which such plan is taken as approved by reason of failure of the Commission to act, shall become null and void, except that upon request by the applicant, the Commission may extend the time for such filing for as long as two (2) additional periods of ninety (90) days, and the plan shall remain valid until the expiration of such extended time. No such plan shall be filed or recorded by the Town Clerk until the Chairman or Secretary of the Commission has endorsed its approval in writing on such plan.

4.16.1 One (1) print of the approved plan shall be filed with the Assessor.

4.16.2 Two (2) prints of the approved plan shall be filed with the Zoning Enforcement Officer.

4.16.3 The applicant shall provide a digital copy of the approved plans in a format acceptable to the Town's IT/GIS Coordinator or the applicant shall pay a \$1,500 fee for the creation of the required digital data.-

4.17 TIME LIMIT ON COMPLETION

Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision, which completion data shall be noted on the plan by the Chairman or Secretary of the Commission at the time of the approved plan.

4.17.1 Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such plan, provided the Commission shall file on the land records of the Town of North Stonington notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the Town Clerk, and no additional lots shall be conveyed in the subdivision by the subdivider or his/her successor in interest as such subdivider except with approval by the Commission of a new application for subdivision of the subject land.

If lots have been conveyed during such five (5) year period, the Commission shall call the bond or other surety on said subdivision to the extent necessary to complete work required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approval of the plan, other than the staking out of lots, and includes but is not limited to, the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electrical services, planting of trees or other landscaping, and installation of retaining wall or other structures.

