

SECTION **3**

ADMINISTRATION

3.1 **APPLICABILITY**

These Regulations shall be applied to subdivision and resubdivision of land within the Town of North Stonington.

3.2 **APPROVAL AND ENDORSEMENT REQUIRED**

3.2.1 No person or other entity shall make a subdivision of land, or sell or offer for sale lots from a subdivision, until a plan for such subdivision has been approved by the Commission and has been filed or recorded by the Town Clerk. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the chairperson of the Commission, and the filing or recording of a subdivision plan without such approval shall be void.

3.3 **EASEMENTS AND DEEDS**

3.3.1 Any open space, parks or playgrounds to be dedicated to the Town, and any easements for storm drainage, sanitary sewers, or rights of way to be dedicated to the Town, shall be confirmed by written conveyance and certificate of title describing the land involved and privileges of the Town in a form satisfactory to legal counsel as designated by the Commission. Open space, parks, playgrounds, easements and rights of way which are not to be dedicated to the Town shall also be confirmed by written conveyance (certificate of title), or other appropriate documentation suitable for filing in the Land Records, approved as to form by legal counsel as designated by the Commission, describing the land involved and the privileges of the owner of the open space, easement or right of way. **Suitable recordable documents shall be submitted to the Commission prior to endorsement of the subdivision plan.** The Commission shall accept from the applicant all easements, fees, and land associated with the subdivision approval as required by these Regulations, including, but not limited to, easements for the construction of 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.

3.4 **SURETY**

In lieu of the completion of proposed public work, the Commission may require a subdivider to file a surety, performance or maintenance guarantee with the Town. The amount of the surety must be sufficient to protect the Town from any expenses incurred, or necessary to complete the required work of the subdivision. The surety shall satisfy the following requirements.

3.4.1 The surety shall be cash or other form satisfactory to legal counsel as designated by the Commission.

3.4.2 The amount of the surety shall be set by the Commission in consultation with the Town Engineer and/or other qualified party. The amount shall be set twenty (20) percent higher than the estimated cost of construction of the work to allow for inflation and expenses incurred by the Town in overseeing any necessary construction.

3.4.3 The Commission shall state the improvements or group of improvements that the guarantee secures the completion of, and shall state the amount for each improvement or group of improvements.

3.4.4 The Commission shall not authorize the full release of the surety until it has determined that all improvements subject to the surety have been completed.

3.4.5 The Commission may, at its discretion, recommend reducing the amount of the surety as work progresses.

3.4.6 The Commission shall set the time period within which the work covered by the surety shall be completed.

3.5 **WAIVERS**

The Commission may waive a requirement of these Regulations as specified below, or as specifically stated within a subsequent section, by a 3/4 vote of all the members of the Commission, in cases where conditions exist that affect the subject land and that are not generally applicable to other land in the area, except that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. Waivers may be granted only when the Commission deems that strict compliance with these Regulations would not be in the best interests of the Town or the general public. Requests for waivers shall be submitted in writing, specifying each section of these Regulations to be waived and the reason for the waiver.

3.5.1 The Commission may waive specific provisions within Section 5 (Subdivision Plan Requirements).

3.6 **ENFORCEMENT OFFICER**

The Commission may designate the Chairperson, a member of the Commission, or any other person it deems appropriate as the enforcement officer of these Regulations.

3.7 **AMENDMENTS**

These Regulations may be amended, changed, or repealed in accordance with the Connecticut General Statutes. Amendments shall become effective at such time as is fixed by the Commission, provided a copy of such change shall be filed in the Town Clerk's office and notice of the decision shall have been published in a newspaper having substantial circulation in the Town before such effective date.

3.8 **EFFECT OF REGULATION CHANGES**

Subdivision Applications that are complete, and contain all information required by these Regulations when filed shall be protected from subsequent changes in the Subdivision Regulations to the extent provided in Connecticut General Statutes 8-28a and 8-28b.