

SECTION SEVEN – SUBDIVISION APPLICATION PROCESS¹

7-01 SUBMISSION

The applicant may at any time file with the Commission an application for the consideration of a final subdivision plan in compliance with the provisions of Section Five herein. The Commission will receive applications for subdivision plan approval at the next regularly scheduled meeting following the filing of plans in the Planning Department, or within 35 days of such filing whichever is sooner, and shall hold any public hearing required within 65 days of such time of official receipt. Such public hearings shall be completed within 35 days after such hearing commences. The time to commence and/or complete the public hearing may be extended with the consent of the applicant for a period not to exceed that outlined in the Connecticut General Statutes. Said application shall be made on forms provided by the Commission and shall be signed by the owner of the land to be subdivided or duly authorized agent.²

7-02 DISCRETIONARY PUBLIC HEARING³

The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. Notification of the public hearing shall be governed by Sec. 8-26 of the Connecticut General Statutes as amended.

7-03 CONSIDERATION OF FINAL SUBDIVISION PLAN

The Commission shall study the final subdivision plan and check that said plan, all accompanying plan-profiles, reports and other documents, and any additional information or changed conditions which necessitated alteration of the plan have been incorporated within the final plan per Section Five herein.

The Commission shall approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith within 65 days after the public hearing is closed or, if no public hearing is held, within 65 days after official receipt of application, except that the time to render such decisions may be extended with the consent of the applicant for a period not to exceed that provided in the Connecticut General Statutes.⁴

7-04 The failure of an applicant to comply with the requirements of Section 5 APPLICATION AND PLANS FOR SUBDIVISION APPROVAL shall be sufficient reason for denial. Plans that are deemed to be incomplete shall be denied without prejudice.⁵

7-05 STAGED DEVELOPMENT

For any subdivision of land involving phases of development and approval, the record owner or duly authorized agent shall submit to the Commission an overall plan of the proposed subdivision which plan shall include all specifications required per Sec. 3 herein unless waived

¹ revised, SA #19, effective 9/8/07

² revised, SA #19, effective 9/8/07

³ revised, SA #19, effective 9/8/07

⁴ new, SA #19, effective 9/8/07

⁵ new, SA #19, effective 9/8/07

by the Commission. Said plan shall be used as a general guide only for future land development and shall not constitute final approval of the entire tract of land.¹

7-06 PRE-APPLICATION REVIEW

A pre-application review of a proposed subdivision plan by the Commission may be requested by an applicant in order to ascertain if the street layout, or any other proposal, meets with the requirements of these regulations, or to ask for consideration of any variation of a requirement.

An applicant may confer with any member of the staff of the Town of Southington with regard to any requirement of these regulations before the preparation of subdivision plans.

The submission of pre-application plans to the Commission shall not constitute an application of subdivision approval, and review of pre-application plans by the Commission shall not constitute action on any subdivision application.²

7-07 INFORMATIONAL MEETING

After submission of the final subdivision plan to the Planning Department, the Town Planner shall place the application on the agenda of the Planning and Zoning Commission's next regularly scheduled meeting for informational purposes. The purpose of said meeting shall be to apprise the Commission of the proposed application, highlight the major concerns of local officials, and provide a general discussion of the proposal. The Commission shall notify the applicant or his authorized agent of the date, time, and place of all meetings held in connection therewith.

7-08 INLAND WETLANDS - REGULATED ACTIVITIES

Any application proposing a regulated activity in a regulated area, as defined in Sec. 2.1, respectively, of the Inland Wetlands and Watercourses Regulations of the Town of Southington, shall be referred to the Conservation Commission for review and shall be governed by the rules and regulations therein.

7-09 GENERAL REVIEW

The Commission, upon receiving an application, shall forward copies for circulation among other local departments or officials concerned and shall solicit input from any State or Federal Department as required or deemed appropriate by the Commission.

¹ revised, SA #19, effective 9/8/07

² new, SA #19, effective 9/8/07

7-10 FIELD REVIEW

The applicant or duly authorized agent shall stake the center line of any proposed streets and flag any inland wetlands or watercourses as shown on the official Inland Wetlands maps of the Town of Southington or as determined by a certified soil scientist prior to field inspection by local officials and/or administrative bodies, unless waived by the Commission. The applicant shall notify the Planning Office within 24 hours that said staking or flagging has been completed.¹

7-11 OFFERS OF CESSION

The subdivider shall tender offers of cession, in a form certified as satisfactory by the Town Attorney, of all drainage and utility easements, hold harmless agreements, slope rights, and land included in streets or open space.

7-11.1 In the case of an industrial subdivision of land only, the applicant, with the approval of the Planning and Zoning Commission, may choose to hold in fee the land included in the street, in which instance the Town shall be exempt from all maintenance, repair, or replacement responsibility and obligation. Such approval by the Commission shall be based upon future development of the area and sound land use consideration. (effective 6/20/75)

7-12 EFFECTIVE DATE

The date of the Final Action by the Commission shall become the effective date of the approved subdivision plan.

7-13 RESUBDIVISION

7-13.1 A duly advertised public hearing shall be held by the Commission for each resubdivision application in accordance with Section 8-26 of the Connecticut General Statutes and as amended.

7-13.2 After said public hearing, the Commission may grant approval or disapproval of said resubdivision application in spite of any former approval, in accordance with Section 859 of the General Statutes.

7-13.3 In all other respects, an application for resubdivision shall be subject to the same requirements and procedures as a new subdivision.

7-14 REVISION OF SUBDIVISION

A revision of subdivision, as defined in Section 2-17 of these regulations may be approved by the Commission in accordance with Section Five herein.

7-15 STREET ACCEPTANCE

¹ revised, SA #19, effective 9/8/07

Final approval by the Commission shall not constitute acceptance or the dedication of any street, highway, park or other public space by or to the Town.

7-16 LEGAL REQUIREMENTS - STATE STATUTE

The signature of approval, notification of the Commission's action, the alteration of final subdivision plans and the filing of an approved subdivision or resubdivision shall be as specified by State Statutes and as amended. The applicant shall pay any necessary filing fees.

SECTION EIGHT – BONDING REQUIREMENTS

8-00 BONDING REQUIREMENTS

8-01 No building permit for any construction in the subdivision shall be issued nor any lot within the subdivision conveyed until a bond has been posted in accordance with all of the requirements of Section 8.01. No bond or letter of credit described herein shall be required as long as no building permit for construction is applied for and no lots are conveyed prior to acceptance of the public improvements by the Town.¹

8-01.01 A bond estimate shall be prepared by the Town Engineer and approved by the Commission as sufficient to guarantee the completion of all public improvements specified by the Commission and in conformity with the provisions of these Regulations. In computing the estimated cost of all public improvements, the Town Engineer shall add a percentage not exceeding 20%, to cover inflationary costs, contingencies, and administrative or other costs to the Town in case of default. The Commission may accept assurance, in writing, from each of the utility companies whose facilities are proposed to be installed in the subdivision, in lieu of bond.²

The bond estimate shall be based on the actual cost of construction and installation of all streets, sidewalks, curbs, storm drainage facilities, public utilities, fire hydrants, parks, walkways and fencing, street lights, street name signs, traffic signs, pavement markings, telephone and electric service, planting of street trees and other required landscaping, retaining walls or other structures, easements, as built drawings and monumentation, which are proposed in the plan of subdivision or any phase of a plan of subdivision. Unit prices shall be as specified by the Town Engineer.³

No bond shall be accepted for a period of less than 5 years and 3 months from the date of the approval. In the event the subdivider shall fail to install all improvements within five (5) years from the date of approval, the term of the performance bond may be extended by the Commission upon request of the developer and subject to the receipt of an agreement of such extension by the bank that issued the passbook or irrevocable letter of credit. However, such extension shall not exceed a period of one (1) year.

8-01.01.a The estimated costs of measures, as determined by the Town Engineer, required to control soil erosion and sedimentation, as well as a lump sum figure for possible clean-up efforts for failure to comply, as specified in the plan, shall be covered in the form of a certified check payable to the Town of Southington, or savings passbook endorsed to the Town. Said surety shall be separate from and in addition to the bonding requirements for all other public improvements pursuant to Section 8 herein.

¹ revised, SA #19, effective 9/8/07

² revised, SA #19, effective 9/8/07

³ new, SA #19, effective 9/8/07

- 8-01.02 The performance bond filed by the applicant shall be in the form of a certified check made payable to the Town of Southington, a passbook assigned to the Town of Southington or an irrevocable letter of credit in favor of the Town of Southington in a form satisfactory to the Town Attorney and in an amount recommended by the Town Engineer.¹
- 8-01.03 There shall be filed with the bond, in a form acceptable to the Town Attorney and Town Engineer, and a temporary right of access and construction to the premises constituting the subdivision, in a form acceptable to the Town Attorney, including the area of all required off-site improvements, granting to the agencies of the Town of Southington in their sole discretion the right to enter the premises for purposes of inspections and effectuating emergency repairs and maintenance of facilities, including but not limited to, proposed public streets, water, sewer and storm drainage utilities and other facilities under construction but not yet dedicated to the Town.²
- 8-02 The Commission may reduce the bond amount as the work progresses if the Town Engineer or his designee approves the completed improvements, provided that it shall not be reduced to less than 10% of the total estimated cost of construction and completion.³
- 8-03 The developer shall have the option of constructing public improvements without posting a complete performance bond subject to the following conditions:
- 8-03.a The developer shall notify the Commission in writing of this option and all work shall be subject to the required inspection procedures.
 - 8-03.b The developer shall file a security agreement with the Planning and Zoning Commission in a form approved by the Town Attorney and duly recorded in the land records. Said agreement shall include, inter alia, that the developer cannot sell, assign nor dispose of any lots nor apply or receive any building or zoning permits until the public improvements are fully completed to the satisfaction of the Town Engineer or until a proper bond has been filed and accepted by the Commission in lieu thereof.
 - 8-03.c All deeds for open space and any easements for drainage and sanitary sewer, both within the subdivision and across other property must have been executed and delivered to the Town Clerk, with a copy for the Commission's files. The Town shall not accept the road deed until all improvements and easements connected therewith have been completed to the satisfaction of the Town Engineer or a performance bond is posted to complete any unfinished work.⁴
 - 8-03.d Partial release of bond - The applicant may apply for a partial release of the bond. Such partial release shall be executed by the Commission if, after inspection, it is found that the remaining security is adequate to

¹ new, SA #19, effective 9/8/07

² new, SA #19, effective 9/8/07

³ new, SA #19, effective 9/8/07

⁴ revised, SA #19, effective 9/8/07

cover the then estimated cost of completion of public improvements plus 10% of the original total established security.

- 8-03.e Upon completion and conditional acceptance by the Commission of all public improvements as required, the performance bond shall be released subsequent to the submission of a 20% maintenance bond to remain in effect for eighteen months from the date of submission to the Planning Department.
- 8-03.f The developer or owner of record of any vacant lot within an approved subdivision or any lot on an accepted town road shall be required to post a performance or cash bond, in an amount satisfactory to the Town Engineer, prior to the issuance of a building permit. The amount of said bond shall provide coverage to ensure against damage to pavement, curbing, sidewalk, storm drainage, utilities, and other public improvements and the installation and maintenance of required soil erosion and sedimentation controls. The Town Engineer shall inspect said lot and damage to any public improvements shall be repaired prior to issuance of a Certificate of Occupancy by the Building Inspector. Said bond shall not be released until all repairs have been completed.
- 8-03.g When a subdivision is built, and thus bonded, in sections, approval shall not be granted for subsequent sections if the time period on a bond for a previous section has elapsed without having had all required work completed to the satisfaction of the Town; unless otherwise waived by the Commission.
- 8-03.h If, after due notice, the improvements for which the bond has been posted have not been fully completed within the time limit established in the bond or there are any deficiencies in the quality of any portion of the work or the work fails in any way to be completely acceptable to the Commission as meeting the standards required by the Town specifications, the notices shall be sent to the developer and bonding company, after proper action has been taken by the Planning and Zoning Commission to formally vote the calling of the bond, advising the developer and bonding company of the default and forfeiture and that the Town will proceed by contract or such other means as is more suitable for the situation, with the completion of the bonded improvements.

8-04 The developer shall furnish to the Planning and Zoning Commission a certificate of insurance naming the Town as an additional insured and agreeing to hold the Town free and harmless from any and all suits or claims which may arise as a result of said subdivision work and construction. Such policy shall remain in effect until such time as the roads are accepted by the Town, or the performance bond is totally released, whichever is latest.¹

¹ revised, SA #19, effective 9/8/07

SECTION NINE – CERTIFICATE OF OCCUPANCY REQUIREMENTS¹

9.0 CERTIFICATE OF OCCUPANCY REQUIREMENTS

No Certificate of Occupancy for any construction in the subdivision shall be issued until the following requirements have been met:

- 9-01 Street name signs are installed at the developer's expense in accordance with Public Improvement Standards prior to the issuance of any Certificate of Occupancy.

Street names shall not duplicate or too closely resemble any existing street name within the Town. When streets are extended, the existing street name shall be used.

- 9.02.a.a In the event that a building is constructed prior to the completion of the adjoining street, such building shall not be used or occupied unless the Town Engineer or his authorized representative has approved a partially constructed street finished to a bituminous concrete binder course, and has approved the drainage therein and traffic control signs and pavement markings as required by the town's traffic authority have been installed. At the time the binder course of pavement is installed, all structures, including sanitary and storm sewer manholes and catch basins, must be set to the elevation of the binder course of pavement. Prior to installation of the wearing course of pavement, all structures shall be adjusted to the elevation of the final course of pavement.

- 9.03 Confirmation by the Town that all property line changes have been marked with an iron or steel rod as required.

¹ new, SA #19, effective 9/8/07

SECTION TEN – FINAL ACCEPTANCE PROCEDURE FOR PUBLIC IMPROVEMENTS¹

- 10.01² The developer shall request in writing that the Town accept the streets and other public improvements constructed in the subdivision. The Town Engineer shall recommend acceptance to the Commission only after confirmation of the submission of all of the following:
- (a) A field inspection to verify that all public improvements have been completed in accordance with the Public Improvement Standards and the approved subdivision plans.
 - (b) Warranty deeds for land constituting public rights-of-way and all other required conveyances to the Town.
 - (c) Utility easements in favor of the Town of Southington.
 - (d) Drainage rights in favor of the Town of Southington.
 - (e) A title policy or attorney's certificate evidencing clear title in the grantor(s) of all deeds and easements. All outstanding interests in third parties must be released or subordinated to the interest or estate which is to be conveyed to the Town. Releases or subordinations shall also be submitted.
 - (f) A set of "as built" plans on original or fixed line Mylar certified as to accuracy by a licensed land surveyor. An electronic copy of the as built plans shall also be submitted in conformance with the Public Improvement Standards.

These plans shall include a plot plan, a grading plan and an engineering profile plan, as described in Section 5. The grading plan shall show locations of all water main gates, corporations, curb stops, If sanitary sewers are constructed, the as-builts will show the invert elevations of all manholes, the as-built grades, the wyes, chimneys or laterals, ties to clean outs if installed and any other pertinent information required by the Town Engineer. The locations shall be fixed with a minimum of three dimensions to the nearest 0.1 feet.

For sewer laterals one dimension shall be from the nearest sanitary sewer manhole and for water corporations one measurement shall be from the water-main gate. Whenever possible range and offset distances from house foundations shall be shown.

- (g) Certification from the Water Department that all water facilities have been constructed in accordance with the applicable standards.
- (h) The final profile as constructed;
 - (i) The exact location of all drainage facilities with the elevations of existing inverts and top of frames;
 - (j) Location of all monuments as installed;

¹ new, SA #19, effective 9/8/07

² revised, SA #19, effective 9/8/07

- (k) A letter from the land surveyor certifying that all public improvements are within the appropriate right-of-ways and that all pins and monuments have been set as shown on the approved plans.
- (l) Reimbursement for energy costs for all street lights.

10.02¹ Upon acceptance of the streets and public improvements, the bond and or letter of credit set forth in section 8.00 shall be reduced to an amount necessary to secure to the Town protection against faulty construction for a one year period after the Town acceptance and such amount shall not be less than 10% of the original bond amount.

¹ new, SA #19, effective 9/8/07