

### SECTION 3 APPLICATION PROCEDURES AND APPROVAL PROCESS

- 3.1 Informal Preliminary Consideration: The Commission strongly recommends for re-subdivision and subdivision applications that, prior to the submission of a formal application for approval of a subdivision, the applicant present a preliminary plan for informal consideration by the Commission. The purpose of this review is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal fees associated with a formal application submission. Experience has indicated that alternatives or changes recommended by the Commission may be made before the developer incurs engineering, application and legal costs which may be involved in presenting a formal application. The preliminary plan should be submitted with a clear understanding that preliminary plans enjoy no official status and that consent with regard to feasibility of preliminary plans on the part of the Commission in no way implies approval of the formal application. The Commission may schedule a field visit to the site of the proposed development as part of its preliminary review. Preliminary plans have no official status. No fee or application form is required for submission and review of a preliminary subdivision plan.
- 3.1.1 Submission of Preliminary Plan: A potential applicant may submit a preliminary plan for consideration. At least thirteen (13) copies of the preliminary plan of the general layout shall be submitted to the Planning and Zoning Office by the closing date prior to a regular meeting of the Commission to allow for placement on the next meeting agenda. The applicant or an authorized representative of the applicant shall attend the meeting of the Commission to discuss the preliminary plan.
- 3.1.2 Contents of Preliminary Plan: A preliminary plan shall show sufficient information to enable the Commission to make a general review under the standards of these Regulations. The preliminary plan, presented at a scale no greater than 1" equals 100', shall generally show proposed lots, easements, roads, open spaces, drainage, contours at ten foot intervals, utilities, location map showing the subdivisions and open space within one mile at a scale of 1" equals 800', and other information pertinent to the subdivision. Concept sketches showing alternative layouts may also be submitted.
- 3.1.3 Identification of Cultural Resources: Upon receipt of a preliminary plan, the Commission may request the applicant refer a copy of the plan's location map to and obtain comments from the following agencies or individuals for comment concerning the location of cultural resources on or near the site of the proposed development: Connecticut Historical Commission; State Archaeologist; Clinton Historical Society; Town Historian; other recognized archaeological and historical authorities. Based on comments received,

the Commission may determine that a cultural resources assessment must be submitted as a part of a formal application.

- 3.2 Formal Submission of Applications: All applications for subdivision or resubdivision, together with maps, plans, documents and data required by these regulations, shall be submitted by mail or by hand to the Planning and Zoning Office in the Clinton Town Hall. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 4 of these Regulations have been received. In order to receive prompt consideration of an application, the complete application should be submitted no later than ten (10) days prior to the Regular meeting in order to allow sufficient time for staff review. The Commission shall determine that the information submitted is complete and in accordance with all requirements of these Regulations. Incomplete applications shall be officially received by the Commission, but failure to submit a complete application may be cause for disapproval of an application.
- 3.3 Establishing a Date of Receipt: In accordance with Connecticut General Statutes, the official date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Planning and Zoning Office, or 35 days after submission whichever is sooner.
- 3.4 Site Inspection as a Part of Application Review: The Commission or its duly authorized representative(s) may inspect the subdivision site to review the suitability of the site and the accuracy of all submissions. Submission of an application confers the right to the Commission or its designated agent(s) to visit the site.
- 3.5 Waiver of Requirements and/or Provisions: When the Commission finds that extraordinary hardships or practical difficulties may result from compliance with these Regulations, it may waive certain requirements under the regulations by a three-quarters (3/4) vote of all the members of the Commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that such waiver does not conflict with the intent and purposes of these Regulations. A request for a waiver should be presented in writing by the applicant at the time when the subdivision application is first submitted. The request should state how the proposed waiver meets the requirements stated above. Any waiver granted shall not be a precedent for any future waiver, and the Commission may attach any reasonable conditions to the granting of the waiver. The Commission shall state upon its records the reason for which a waiver is granted in each case.
- 3.5.1 Findings Required for Waiver: The Commission shall not approve a waiver unless it finds in each specific case that:

- (1) Such alternative standards are prepared by a professional engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut; and
- (2) The granting of a waiver will not have a significant adverse impact on adjacent property or on public health and safety; and
- (3) The request for a waiver is a result of unique or severe problems of topography or other existing site conditions which affect the subject land and are not generally applicable to other land in the area; and
- (4) The waiver will not create a conflict with the provisions of the Zoning Regulations, the Town Plan of Conservation and Development, Town Ordinances, Design and Construction Standards or Regulations of other Town Boards and Commissions.

### 3.6 Subdivisions Involving Inland Wetlands

3.6.1 Application for Inland Wetland Permit: When an application for a proposed subdivision or resubdivision involves land regulated as an inland wetland or watercourse under the provisions of the Connecticut General Statutes, the applicant shall file an application for an approval by the Clinton Inland Wetlands Commission no later than the day the application is officially received by the Planning and Zoning Commission for the subdivision. At the time of official receipt, evidence of submission to the Inland Wetlands Commission shall be provided by the applicant to the Planning and Zoning Commission.

3.6.2 Timing of Commission Decision: The Planning and Zoning Commission shall not render a decision on the subdivision application until the Inland Wetlands Commission has submitted a report with its final decision to the Planning and Zoning Commission. The Commission shall then render its decision within thirty-five days of the date of decision of the Inland Wetlands Commission or within the statutory time limits for a Planning and Zoning Commission, whichever is later. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands Commission. It is in the interest of these regulations to preserve wetlands and watercourses in their natural state to the greatest extent possible and to maintain purity and clarity of such wetlands and watercourses.

### 3.7 Referrals and Review by Others

3.7.1 Transmittal of Application Materials: The Commission, or the applicant when specifically directed by the Commission, shall transmit copies of maps, plans, and documents to other officials and agencies where

required and where appropriate, such as the following, for advisory reports and consultation and/or for approval as may be required by law. A copy of the transmittal letter shall be submitted to the Commission as a part of the application materials:

- (1) Town Engineer: Maps and plans for review in accordance with Design and Construction Standards, with particular regard to street design, storm drainage and other utility systems.
  - (2) Town or Commission Attorney: Bonds, easements, deeds, agreements and other legal documents.
  - (3) Sanitarian/Water Pollution Control Authority: Sanitary reports, maps and plans, with particular regard to on-site water supply and sewage disposal systems.
  - (4) Connecticut Department of Transportation: Maps and plans, with particular regard to street and utility connections with State Highways.
  - (5) Inland Wetland and Conservation Commission: Maps and plans, with particular regard to natural features of the site, including conservation elements, water resources and soils.
  - (6) Park and Recreation Commission and Qualified Potential Open Space Recipients: Maps, with particular regard to open spaces for parks and playgrounds, conservation, passive recreation, etc.
  - (7) Fire Department/Fire Marshal: Maps and plans with particular regard to elements of fire protection and fire fighting resources.
  - (8) Notice to Water Company: In accordance with Connecticut General Statutes 8-31, for any subdivision within the watershed of a water company, written notice of the application to the water company.
  - (9) Other persons or agencies as appropriate: Including the Tree Warden, Municipal Historian, Department of Public Works and emergency services personnel.
- 3.7.2 Referral to CRERPA and Mid-State RPA: Any plan for subdivision of land which abuts or includes land in one or more municipalities as well as Clinton shall be submitted to the Connecticut River Estuary Regional Planning Agency and the Mid-State Regional Planning Agency, in accordance with CGS 8-26b.

3.7.3 Notice to Adjoining Municipalities: Notice shall be given by the Planning and Zoning Commission to the Town Clerk of an adjoining municipality in accordance with CGS 8-26 for any project in which the following applies:

- (1) Any portion of the property affected by a decision of the Planning and Zoning Commission is within 500 feet of the boundary of the adjoining municipality;
- (2) A significant portion of the traffic to the completed project will use streets within the 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 the adjoining municipality; or
- (4) Water runoff from the developed site will impact streets or other municipal or private property within the adjoining municipality.

Referrals shall be made no later than seven days after the date of official receipt of the application. No hearing shall be conducted unless appropriate referrals have been made.

3.7.4 Notice to Connecticut Department of Environmental Protection, Office of Long Island Sound Programs: Any subdivision fully or partially within the Coastal Area Management boundary, as indicated on the Clinton Zoning Map, shall be forwarded to the DEP/OLISP for comment.

3.8 Public Hearing: A public hearing regarding an application for a subdivision may be held by the Commission if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on all applications for a resubdivision. Notice of any public hearing shall be given as required by law. In addition, at least fifteen days prior to the date of the public hearing and continuously thereafter until the close of the public hearing, the applicant shall post a notice of the hearing on the property for which the subdivision has been applied for. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and be clearly legible from the public street. Said sign shall be produced of weather resistant material, shall be professionally lettered with a maximum letter size of two inches (2"). The sign shall not be greater than twenty square feet (20 sq. ft.)

The sign shall contain the following text and the applicant shall fill-in the date and time of the hearing:

"Application pending on this property before the Planning and Zoning Commission for which a hearing is being held:

Time:

Date:

Place: Town Hall  
54 East Main Street  
Clinton, CT 06413

For information, call (860) 669-6133.”

The applicant must provide evidence of the date of erection of the sign, such as legible photographic evidence. 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. If a subdivision application requires action on a special exception application, such as for a rear lot, a simultaneous public hearing will automatically be held on the subdivision application as well.

3.8.1 Notification of Abutting Property Owners – Applicant’s Responsibility:

When a public hearing is scheduled, the applicant shall prepare a list of names and addresses of the owners of all property any portion of which is within 300 feet of the property to be subdivided, as shown on the Assessor’s records of the Town of Clinton on the date of receipt of the application by the Commission. The applicant shall mail notification of the scheduled public hearing, which may be in the form of the legal notice, to at least one owner of each property not more than twenty (20) and not less than ten (10) days prior to the date of the public hearing. Evidence of such mailing shall be submitted to the Planning and Zoning Commission not later than the commencement of the public hearing. Failure to comply with the required notification requirement shall be cause for denial of the subdivision application.

- 3.9 Planning Commission Action: Pursuant to Section 8-26(d) CGS, within 65 days after the close of the public hearing, or within 65 days after receipt of such application if no public hearing is held, the Commission, by majority vote of members present and voting, shall approve, modify and approve or disapprove the application for subdivision or resubdivision.

The applicant may consent to one or more extensions of any period required for commencing a public hearing, completing a public hearing or rendering a decision, provided that the total extension of any such period shall not be longer than the period specified under the Connecticut General Statutes.

Notwithstanding the above, the Planning and Zoning Commission shall not render a decision on the application until the Inland Wetlands and Watercourses

Commission has submitted a report with its final decision to the Planning and Zoning Commission.

3.9.1 Items Which Shall be Provided Prior to Approval: The following items shall be provided prior to approval of a subdivision or resubdivision application, as applicable:

- (1) Presentation of any proposed conveyance, easements and deeds, including proposed or existing legal documents, in accordance with the requirements of Section 4.6 at the time of submission;
- (2) Submission of a construction and inspection schedule, approved by the First Selectman or designated agent, including establishment of a date when construction of roads, drainage and other improvements may commence, to be submitted with the application;
- (3) Written evidence of application to the Connecticut Department of Transportation for any proposed street or storm drainage system which joins with a State Highway; the Commission may require written proof of Connecticut DOT intent to issue a permit for the proposed activity or confirmation from Connecticut DOT of the receipt of the application. This is to be submitted prior to the close of the public hearing or, if there is no public hearing held, prior to the next regularly scheduled meeting after the receipt of the application;
- (4) Written evidence of approval from the Clinton Inland Wetlands and Conservation Commission, as may be required under the regulations of such Commission, for conduct of any activity necessary to complete required streets, drainage and other subdivision improvements, which is to be submitted prior to the close of the public hearing or, if there is no public hearing held, prior to the next regularly scheduled meeting after the receipt of the application;
- (5) Written evidence of an application to the Commissioner of the Department of Environmental Protection for a permit, as may be required for regulated activity within a tidal wetlands area as defined in Section 22a-29 of the Connecticut General Statutes; the Commission may require written confirmation of DEP receipt of the application, which is to be submitted prior to the close of the public hearing or, if there is no public hearing held, prior to the next regularly scheduled meeting after the receipt of the application;

- (6) Written evidence of an application to the US Army Corps of Engineers for any activities within the Corps' jurisdiction; the Commission may require written proof of Army Corps intent to issue a permit for the proposed activity, which is to be submitted prior to the close of the public hearing or, if there is no public hearing held, prior to the next regularly scheduled meeting after the receipt of the application;
- (7) Where the subdivision involves construction of improvements or excavation, grading or depositing of materials in a Special Flood Hazard Area, presentation of evidence to the Zoning Enforcement Officer so that he can ensure that development activities comply with requirements of Section 4.6.6 and 5.3 of these Regulations, which is to be submitted at the time of the submission of the application;
- (8) Posting of a security acceptable to the Commission, guaranteeing completion of any required road, storm drainage, installation of property markers and monuments, or other subdivision improvements in accordance with the approved plan, as required in Section 3.11. The security is to be posted with the Town of Clinton prior to or simultaneously with the filing of the Record Subdivision Map(s) on the Clinton Land Records;
- (9) Installation and maintenance of soil erosion and sediment control measures in accordance with the certified Soil Erosion and Sediment Control Plan, as required by Section 4.5.7. The soil erosion and sediment control measures are to be installed prior to or simultaneously with the filing of the Detailed Layout Plan(s) on the Clinton Land Records.

3.9.2 Modifications: In approving the application, the Commission may require modifications of the maps and/or documents submitted as part of the application to preserve the purpose and intent and assure conformance with these Regulations. Such modifications shall be made by the applicant and submitted within thirty (30) days for Commission or ZEO review, as directed by the Commission's approval, prior to endorsement of the subdivision plans by the Commission.

3.9.3 Statement of Reasons for Decision: In approving, modifying and approving, or disapproving an application, the Commission shall state in its records the reasons for its action. The Commission shall give notice of its decision as required by law.

3.10 Approval: "Approval" of a subdivision shall not be complete until the following requirements have been fulfilled:



- (a) Within fifteen (15) days following official action or decision of the Commission on an application for subdivision, notice of such action or decision shall be published in a newspaper having a general circulation in the Town and sent by certified mail to the applicant. (Section 8-26, C.G.S.)
  - (b) A further period of fifteen (15) days following the date of publication of such action or decision shall be allowed, within which any person aggrieved by such action or decision of the Commission may appeal to the Superior Court of Middlesex County (Section 8-28 C.G.S.). The Commission shall not endorse the map(s) and legal documents until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal, upon termination of such appeal by dismissal, withdrawal or judgment.
  - (c) Upon completion of items (a) and (b) above, and in accordance with the provision of Section 3.12 of these Regulations, said map(s) and legal documents, endorsed by the Chairman or Secretary of the Commission as required by law, shall be made available for the applicant to file in the Office of the Town Clerk consistent with Section 3.13 of these Regulations.
- 3.11 Posting a Bond/Security: As part of the subdivision application, the applicant shall provide an estimate of the cost of all work to be performed on the subdivision, which the Commission may use to determine the amount of the required security. Within 90 days of the date of approval of the subdivision, or in the event of an appeal, within 90 days of the termination of such appeal by dismissal, withdrawal or judgment, and prior to endorsement of the approved plan, the applicant shall post a sufficient security, a performance bond, in an amount acceptable to the Commission and in a form acceptable to the Commission's attorney, to guarantee one of the following:
- (a) Satisfactory completion of all work shown on the plan, or
  - (b) Restoration of the development site to a safe and attractive condition in lieu of completion of work, provided that the applicant guarantees in writing that no lots will be sold or offered for sale, no building permits will be sought, and no individual lot development (as opposed to subdivision improvements) including tree clearing and grading will commence until an acceptable security for completion of remaining subdivision work is posted with the Town of Clinton. Violation of this provision shall be grounds for revocation of the subdivision approval.

When the option of posting security for restoration of the development site has been utilized (Option (b) above), the developer shall post sufficient security for satisfactory completion of all remaining work shown on the plan prior to

proceeding with installation of structural drainage, including installation of drainage pipes and/or catch basins, and prior to any road paving.

3.11.1 Bond/Security Requirements: When a performance bond(s) are to be posted, the applicant shall execute an agreement and then file the bond with the Commission in accordance with the following procedure. The Commission shall seek the advice and assistance from the Board of Selectman and the Town Engineer with regard to the bond agreement.

- (1) Amount: For the purposes of this section, security amount shall preferably be estimated prior to approval of the application, and no later than the end of the appeal period (Section 3.10(b)) and shall take into account no less than the following:
  - (a) The full cost of the required work as if let-to-bid by the Town of a current date for completion within two (2) years;
  - (b) No less than ten (10%) additional compounded for each of three (3) subsequent years to cover changing cost;
  - (c) Not less than 25% of the full cost to cover non-aggregated construction items in the event of default.
- (2) Form: Performance bonds and bond agreements shall be duly executed on forms provided by the Commission and with proper references to all plans showing work to be done.
- (3) Bonds: Such performance bonds shall be cash bonds in the form as prescribed by the Town of Clinton Finance Department and shall be accompanied by a tracking form from the Commission that has the name and address of the obligor, the title of the project and the date of Commission approval. A duplicate list of all such bonds shall be kept by the Commission and by the Finance Department, setting for the name and address of each obligor, the name of the project, the dates of approval and the disposition of the bond. Interest accruing to each such account shall belong to the obligor upon satisfactory completion of the project.
- (4) Term: The security must be set and continuously maintained for the duration of the five-year project (or other time for completion of the subdivision as designated by State Statute) unless release by vote of the Commission. The cost of the remaining work shall be reviewed at least at two (2) years, four (4) years and five (5) years following the approval of the subdivision and every one (1) year thereafter in the event of extension with the bond amount adjusted to reflect the current and projected construction and other costs.

- (5) Bonding in Phases: In order to avoid the need for very large subdivision bonds, and to avoid extensive disruption of the entire site at any one time, a subdivision may be constructed in phases, with approval of the Commission and consistent with the requirements of these Regulations. In phased subdivision, separate security may be posted for each phase. Upon completion of an earlier bonded phase, the developer may request and may receive approval from the Commission to transfer the security to a later phase.
- (6) Non-Completion of Secured Site Improvements: Should the developer fail to complete the secured site improvements in a manner satisfactory under Town requirements, the security or securities deposited with the Town may be used by the Town, upon notification of the obligor(s) to complete all or part of the required site improvements or, at the discretion of the Commission, to restore the property to a safe and attractive condition, provided that no individual lots have been sold or developed in the area where improvements are lacking.

3.11.2 Separate Soil Erosion and Sediment Control Bond: The Commission may require that measures and facilities specified on the Soil Erosion and Sediment Control Plan be guaranteed by a separate cash bond. In the event of failure of the developer to maintain proper soil erosion and sediment controls on the subdivision site, the security required under this Section may be used by the Town, after notification of obligor(s), to stabilize eroding areas, remove sedimentation, and otherwise correct sedimentation and erosion problems on site.

3.11.3 Failure to Post the Required Bond: In the event that the applicant fails to post the required bond within the time allotted, the Commission shall declare the approval null and void. At its discretion, and upon written request by the applicant, the Commission may extend the time for posting the bond.

3.12 Endorsement and Delivery of Plan: One complete fixed line photographic mylar set of plans, two (2) print copies of the construction plans, two (2) print copies of the subdivision map, and two (2) digital copies of a format that is compatible with the Town's GIS program shall be delivered to the Planning and Zoning Office within thirty (30) days of the date of a Commission vote to approve the subdivision application. Such plans shall contain all modifications or stipulations required by the Commission as part of its approval. All mylars shall contain the raised seal and original signature of the engineer and/or surveyor certifying the plan.

Endorsement of the plan by the Commission shall not be executed until the end of the appeal period as set forth in Section 3.10, and until all conditions of approval have been met, including posting of any required security and submission of the final corrected plans and executed legal documents. If the applicant fails to comply with these requirements, the Commission may declare the approval null and void.

3.12.1 Commission Endorsement of Plan: Upon receipt of final plans, including any required modifications, executed legal documents, and the posting of any security required as part of the approval, the Chairman or Secretary of the Commission shall endorse the final plans, the date of approval and the date of the five (5) year limitation on completion of improvements pursuant to Section 3-17 of these Regulations and Section 8-26(c) of the Connecticut General Statutes. The applicant will then be notified that the endorsed plans and legal documents are available for recording with the Office of the Town Clerk.

3.13 Filing and Recording Plan: The applicant shall file and record the approved and endorsed map(s) and legal documents, with the exception of deeds for Town roads, within ninety (90) days of the expiration of the appeal period, or in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant, except that the Commission may, by majority vote, extend the time for such filing and recording for two additional periods of ninety (90) days each (or as otherwise permitted by C.G.S.), and approved plans shall remain valid until the expiration of such extended time. Failure to file the approved and endorsed plans within the ninety (90) day period or any extensions thereof which are approved by the Commission shall render the subdivision approval null and void. Filing and recording fees shall be paid by the applicant.

3.14 Authorizing Commencement of Construction: Any "work" or "improvements" as defined in Section 2.6, including all construction and installation of roads, drainage and other improvements required by these Regulations, shall not be deemed authorized and shall not be commenced until:

- (1) the time for taking an appeal from the action of approval of the application by the Commission has elapsed, and in the event of an appeal, termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant; and,
- (2) the Commission or its designated agent has authorized such construction upon finding that the applicant has met all conditions of approval prior to such construction including the submission of required surety bonds consistent with Section 3.11; and,

- (3) The construction plans for streets, drainage and other improvements have been approved by the First Selectman or his authorized agent, as evidenced by the issuance of a road construction permit under the procedures established in the Town's Design and Construction Standards.

3.15 Inspection of Improvements: Each phase of the construction of any street, drainage facility or other improvement which is part of the approved subdivision shall be carried out subject to the supervision and inspection by the First Selectman, through his authorized inspector. The Commission recommends that it not be the Zoning Enforcement Officer by reasons of possible conflict. The inspector shall ensure that all specifications and requirements are met during construction, in accordance with the Town's Design and Construction Standards. Said inspector shall, after each stage of construction, notify in writing the First Selectman and the Commission when all required improvements have been constructed as required by the Commission consistent with Sections 3.19 and 3.20 of these Regulations.

3.15.1 Fee for Inspection of Improvements: The developer shall pay to the Town a fee for all reasonable costs incurred in the inspection and any re-inspection, if necessary, in accordance with a schedule of fees established by the First Selectman under the Design and Construction Standards.

3.15.2 Compliance with Plans: If the First Selectman's designated agent finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with plans and specifications submitted by the subdivider as part of the subdivision application, the inspector shall so report to the Commission. The Commission shall then notify the developer, and if necessary the company guaranteeing the bond or security, and shall take all necessary steps to preserve the Town's rights under the terms of the bond or security.

3.15.3 Schedule of Inspections: The Commission or its designated inspector shall have the right to enter upon the premises and to inspect, or cause to be inspected, construction work authorized by subdivision approval at any time, with or without notice, during, before or after regular business hours.

For subdivision road and drainage improvements, the work shall be inspected in accordance with the schedule set forth in the Town's Design and Construction Standards, with written reports to the Commission at each step of construction.

The developer shall not precede to work on any subsequent stage until the preceding stage has been inspected and approved by the designated inspector.

3.16 Changes During Construction

3.16.1 Modifications: If at any time during the construction of the required improvements, unforeseen field conditions make it necessary or preferable to modify the location or design of such improvements, the developer shall notify the Commission or the Zoning Enforcement Officer, who shall determine whether the change is minor in nature or whether the Commission itself must act on the proposed change. If the change is minor, the Zoning Enforcement Officer shall either approve or disapprove the developer's request, and shall notify the Commission at its next regular meeting, and the action shall be noted in the meeting minutes. If it is determined that the change is not minor, the developer shall submit an application for a modification of the subdivision approval. Such application shall meet all the informational requirements of Section 4, as applicable. Any change which affects any street layout or any area reserved for public use shall require a resubdivision, as required by State Statute.

3.16.2 Additional Work: If during the course of construction of any new street, or any other improvements required by the Commission in connection with the approval of a subdivision, it appears that additional work is required owing to unforeseen conditions such as, but not limited to springs, ancient drains, wet conditions, drainage from cuts, bedrock, or other conditions which were not apparent at the time of approval by the Commission, the Commission may require additional work to be done and may require additional security to be posted by the applicant. The Commission reserves the right to require the installation of additional sedimentation and erosion control measures as may be recommended by any of the Town's designated inspectors, and any additional bonding.

3.17 Completion of Work: Pursuant to Section 8-26(c) C.G.S., any person, firm or corporation making any subdivision of land shall complete all work as defined in Section 2.51 of these Regulations in connection with such subdivision within five (5) years after the date of the vote for approval of the plan for subdivision. The Commission endorsement of approval on the plan shall state the date on which such five year period expires.

The subdivider or his successor in interest may apply for and the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions shall not exceed ten (10) years from the date the subdivision was approved. If the Commission grants an extension of an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other security required under Section 3.11, securing to the municipality the actual completion of work.

Failure to complete all required work within the time period approved by the Commission may result in automatic expiration of subdivision approval provided

that the Commission shall have filed on the Land Records notice of such expiration and endorsed on the filed map(s) and legal documents a notation that the five (5) year period has expired without completion of the work. In such event, the Commission shall also file a notice on the Land Records that no additional lots shall be conveyed by the subdivider except with the approval by the Commission of a new application for subdivision or resubdivision of subject land. If lots have been conveyed during the five year or other approved period, the Town may call the performance bond or bonds of the subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots. The Commission's action shall be consistent with Section 8-26c(b) of the Connecticut General Statutes.

- 3.18 Maintenance of Improvements: The applicant shall be required to maintain all improvements in the subdivision and provide for snow removal, street cleaning, drainage and general maintenance on streets and sidewalks until acceptance of said improvements by the Town. In the event that the applicant fails to comply with this subsection, the Town is authorized, through the Board of Selectmen, to perform the necessary work, without incurring any liability, and charge such work to the applicant. The Commission may require that as part of the bond required for said subdivision, a portion of said bond be established at the developer's expense to pay for such maintenance and snow removal, from which the Town may draw funds, after notification to developer or obligor, to pay for the work if the applicant fails to comply with this subsection within five years or within such extensions as may be provided in accordance with Section 3.17 of these Regulations.
- 3.19 Certificate of Compliance/Release of Bonds: Prior to the release of any performance bonds required as a part of a subdivision approval and prior to the issuance of a Certificate of Compliance, the applicant shall demonstrate completion of improvements as follows:
- (a) Monuments: The applicant's surveyor, licensed to practice in the State of Connecticut, shall certify the installation and precise location of monuments by noting such monuments and their location on the mylar construction plans and by signing and sealing the plan. Permanent monuments shall be constructed and placed as follows:
- (1) Monuments shall be of reinforced concrete 30" in length and 4" square at the top and shall contain a cross or other measuring point in the top center. Monuments shall be set 28" in the ground after all project grading has been completed. If ledge is encountered, a brass plug 1/2" x 3" shall be set in the ledge and secured with a Portland Cement mortar. PIPE MARKERS ARE NOT ACCEPTABLE.

- (2) Monuments shall be set on street right-of-way lines at beginnings and ends of all curves and roundings and all changes in alignment. Additional monuments shall be installed in sufficient number so that at no point will the distance between monuments, on the same side of the road, exceed 500 feet.
  - (3) All lot corners shall be marked by monuments as described in (1) above. This is to be done after the final approval of the Record Subdivision Map by the Commission. Until the accurate placement and location of such lot monuments are certified by the developer's land surveyor and are visible on the site, no Zoning Permit, Building Permit or Certificate of Occupancy shall be issued. A lot corner that may occur in wetlands or where monument installation is not feasible shall be triangulated by such means as shall be determined by the land surveyor;
- (b) As-Built Plans: The applicant's land surveyor or engineer, licensed to practice in the State of Connecticut, shall submit updated mylar construction plans to show all improvements "as-built". Said "As-Built" plans shall bear the live signature and raised seal of such surveyor or engineer, certifying that all of the required improvements have been completed in the location and at the elevation shown thereon. Two (2) sets of prints and two (2) digital copies in a format compatible with the Town's GIS programs, to be provided to the Zoning Enforcement Officer.
  - (c) Maintenance Agreement and Security: The applicant shall execute an agreement and file a cash bond in an amount determined by the Town Engineer to cover unforeseen deficiencies in the required road, drainage and other subdivision improvements. The maintenance bond shall terminate no earlier than one year after the acceptance of the road by the Board of Selectmen.
  - (d) Request for Inspection: The applicant shall submit to the Planning and Zoning Commission a formal request for inspection of completed subdivision improvements and acceptance of any streets, drainage facilities, open space and other required improvements shown on detailed layout maps. Such request shall be accompanied by items (a), (b), and (c) above.

The Commission shall refer the request to the Town Engineer or Zoning Enforcement Officer for a report on the completeness of the required work. Upon receipt of such report, the Commission shall make its recommendation on the acceptance of subdivision improvements and forward such recommendation to the First Selectman, along with the report of the Town Engineer or the Zoning Enforcement Officer.



- (e) Partial Release of Bonds: The Commission shall not authorize partial release of the security, except that the security for one phase of a subdivision may be transferred to a subsequent phase with the approval of the Commission.
  
- 3.20 Acceptance by the Town: The approval by the Commission of a subdivision application shall not constitute evidence of any acceptance by the Town of any street, recreation area, right-of-way or easement shown on such plan. Acceptance of formal offers of streets, open space, rights-of-way, and easements shall rest with the Town. The developer shall be required to maintain all improvements and provide snow removal on streets and sidewalks until acceptance of said improvements at a Town Meeting.
  - 3.20.1 Procedure for Acceptance of Improvements: Upon completion of all improvements, the applicant shall submit a written request to the Commission for acceptance of the improvements and release of the performance bond. Such request shall be accompanied by executed deeds, as-built plans, maintenance bond and any other documents necessary to support the request. The Commission shall refer the request to the appropriate Town agencies for their review. Upon receipt of favorable reports from these agencies, the Commission shall recommend to the Board of Selectmen that the improvements be accepted and the performance bond release. After compliance with all requirements of the acceptance procedures, the Board of Selectmen shall present the improvements for acceptance to a Town Meeting in accordance with the Town's Charter.
  
- 3.21 Revisions to Lot Configuration: Any subsequent change in the geometric configuration of a lot or lots, including the relocation of lot boundary lines between adjacent lots, which differs from the approved subdivision map which has been filed and recorded with the Town Clerk, shall be submitted to the Commission for their review as to compliance with current zoning and subdivision regulations, and must be approved by the Commission. A map showing the revision as approved by the Commission must be signed by the Commission Chairperson or Secretary and filed by the applicant with the Clinton Town Clerk.