

SECTION 5

SUBMISSION PROCEDURES

5A. GENERAL. The Commission strongly recommends that the applicant discuss informally with the Commission, Town Engineer, Director of Health, and other interested parties, his plan of subdivision prior to submitting an application. This is recommended in order that the applicant may acquaint himself with any current plans for development of the Town. It is contemplated that such discussions will inform the applicant as to the desires of the Commission, Town Engineer, Director of Health, Selectman and other interested parties as regards street, public facility, and utility development in the Town. Informal discussion with the Commission itself, prior to filing an official application for a Final Subdivision Plan, can be obtained by submitting a letter to the Commission requesting a place on the agenda at least two weeks (14 days) prior to a regular public meeting. If the applicant elects to proceed informally as provided herein, he should prepare and submit a Preliminary Layout in accordance with the procedures and requirements specified herein together with any supplemental information requested by the Commission or other Town officials as the result of the informal discussions.

5B. OPTIONAL PRELIMINARY LAYOUT. Prior to the filing of an official application for approval of a Final Subdivision Plan, any subdivider may, at his option, file as application, signed by the owner of the proposed subdivision, to the Commission for consideration of a Preliminary Layout. If this option is exercised, then said filing shall comply with the following provisions:

5B.1. APPLICATION. The subdivider shall file, in duplicate, an application for the consideration of a Preliminary Layout, on forms provided by the Commission, accompanied by four paper prints of the Preliminary Layout.

5B.2. TECHNICAL REPORTS. The Commission may require a report prepared by a registered engineer as to the general feasibility of the proposed drainage plan and street layout, alignment and grades, and a report as to the general feasibility of sewage disposal in the area proposed to be subdivided.

5B.3. CERTIFICATION. At the time of the filing of an application for the consideration of a Preliminary Layout, the applicant or his agent shall certify that the information contained in the application and layout is true and correct and meets the zoning requirements for the district in which the land is located.

5B.4. APPLICANT TO ATTEND COMMISSION MEETINGS. The applicant, or his authorized representative should attend the meeting of the Commission for which his preliminary layout has been placed on the Commission's agenda. The Commission may defer consideration of any Preliminary Layout to the next regular public meeting if the applicant, or his representative, does not appear at such meeting.

5B.5. STUDY OF LAYOUT. The Commission shall study the practicability of the Preliminary Layout, taking into consideration the objectives stated in Section 2 of these regulations, the requirements of the community, and the best arrangement of the land being subdivided. Particular attention will be given to the pattern, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Town Development Plan.

5B.6. ACTION BY THE COMMISSION. The Commission will then act to conditionally approve, with or without modifications, or disapprove the layout as a basis for preparation of the Final Subdivision Plan. Any conditional approval of a Preliminary Layout by the Commission shall not constitute or require an approval of the Final Subdivision Plan, nor shall disapproval of the Preliminary Layout bar submission of the Final Subdivision Plan for approval.

5B.7. NOTIFICATION OF ACTION. The Secretary shall notify the applicant, in writing, of the action taken by the Commission. Such notice may be by mailing or other appropriate means of delivery.

5C. REQUIRED FINAL SUBDIVISION PLAN. Whenever any subdivision of land (as defined in these regulations and including "resubdivision") is proposed to be made, and before any lots are sold and before any building permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedures:

5C.1. APPLICATION. The subdivider shall file, in duplicate, an application for the consideration of a Final Subdivision Plan on forms prescribed by the Commission accompanied by a fee of fifty dollars (\$50.00) or twenty-five dollars (\$25.00) per lot for each lot shown on the Final Subdivision Plan, whichever fee is greater.

5C.2. SUBMISSION OF MAPS. The applicant shall cause the proposed subdivision to be accurately surveyed, and shall submit one reproducible and four paper prints of each of the maps required under Section 6B herein. The Final Subdivision

Plan including Construction Plans and the Plan Profiles shall in all respects, be in conformity with Section 6 of these regulations entitled, "Specifications for Final Subdivision Plans and As-Built Plans." Additional paper prints may be required by other Commissions.

5C.3. TECHNICAL APPROVALS. The Commission may require a report prepared by a registered engineer of the proposed street layout, alignment, and grades and drainage design, together with a recommendation for the amount of bond. A technical report of the proposed design for sewage disposal facilities may also be required by the Director of Health. In the event the Town Engineer or the Director of Health refuses to approve the applicant's proposal, then the applicant shall be notified.

5C.4. APPLICANT TO ATTEND COMMISSION MEETING. The applicant or his authorized representative should attend the meeting of the Commission for which his Final Subdivision Plan has been placed on the Commission's agenda.

5C.5. STUDY OF PLAN. The Commission shall study the practicability of the Final Subdivision Plan taking into consideration the objectives stated in Section 2 of these regulations, the requirements of the community and the best arrangement of the land being subdivided. Particular attention will be given to the pattern, location, and width of streets. their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, the requirements of the Town Development Plan, and conformity with the conditionally approved Preliminary Layout, new information or changed conditions which might require alteration of the Plan and necessary improvements, if applicable.

5C.6. PUBLIC HEARING. A public hearing regarding a subdivision application may be held by the Commission, if, in its judgement the circumstances require such action. The Commission shall hold a public hearing on any application for a resubdivision. Notice of any public hearing shall be given in accordance with State Statutes. 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.

5C.6(1) Notice of Public Hearing by Applicant

All applicants seeking approval of a subdivision for which a public hearing has been scheduled by the Commission shall be required to post a minimum of one (1) sign notifying the public of the hearing relating to the application.

All sign(s) shall be the responsibility of the applicant and shall be posted on the property in question in accordance with the following:

1. Sign(s) shall be posted at least seven (7) days prior to the date of the public hearing (eight days if the seventh day is a holiday). Sign(s) shall be firmly secured to the ground to prevent vandalism. Parcels having frontage on more than one (1) street shall be required to provide one (1) sign on each street having frontage. The location of the sign(s) shall be shown on the site development plan and approved by the Planning and Zoning Commission.
2. Sign(s) shall be constructed of durable material (wood or metal), 36" X 36" in size. All signs shall be painted white and shall have black lettering having a minimum height of two (2) inches with a letter stroke of one quarter (1/4) inch.
3. The sign(s) shall advertise the date, time and place of the of the public hearing for the special exception.
4. The format for the sign shall be obtained at the Planning and Zoning Office.
5. The Zoning Enforcement Officer shall file a report with the Commission that the sign was observed in place seven (7) days prior to the Public Hearing and was constructed in accordance with the above requirements.
6. An applicant who fails to display the sign(s) shall be required to file a new application.
7. The sign(s) shall be taken down within one (1) week after the public hearing is closed.

5C.7. ACTION BY COMMISSION. within 65 days after the public hearing thereon or if no public hearing was held, within 65 days after the date of receipt of the Final Subdivision Plan, (as defined in these regulations), the Commission shall approve, modify and approve, or disapprove the application. Failure of the Commission to act thereon within the prescribed time limits, shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand.

5C.8. NOTIFICATION OF ACTION. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality. The Secretary or Clerk of the Commission shall notify the applicant by certified mail in a written, printed, typewritten, or stamped

form, within fifteen (15) days after such decision has been rendered.

5C.9. ENDORSEMENT OF PLAN. The Chairman of the Commission and the Secretary shall endorse the Final Subdivision Plan on behalf of the Commission when all the conditions of approval have been complied with. The Commission may endorse the Record Final Subdivision Plan after placing of a notation on the Plan conditioning that no part of the property shown on the map may be conveyed, and/or no building permit may be issued for any lot shown thereon until a cash bond has been filed with and approved by the Commission or all conditions have been complied with. The removal of conditions shall be made only upon certification by the Commission that all the required improvements or conditions have been completed to its satisfaction.

5C.10. VOID IF ALTERED. If the Final Subdivision Plan is altered, changed, erased, or revised between the time the Commission's approval is endorsed on the Plan and the time the Plan is filed with the Town Clerk, the approval shall be null and void unless the alteration has been approved by the Commission and so indicated on said Plan.

5C.11 Endorsement of Plans, Filing with Town Clerk

5C.11(1) Approved Plans (No Conditions Imposed)

Any subdivision plan approved by the Planning and Zoning Commission, or any plan approved by reason of failure of the Commission to act, shall be submitted by the applicant to the Commission for the endorsement of such plan by the Chairman or Secretary within 15 days of the publication of the legal notice of approval. Once returned to the applicant by the Planning and Zoning Commission, such plan shall be filed in the Office of the Town Clerk, in accordance with the provisions of Section 5C.11(3) below, or such plan shall become null and void.

5C.11(2) Plans Approved Subject to Completion of Conditions

In the case of an application that has been approved subject to modification of the plans or the fulfillment of conditions by the applicant, said modifications and/or conditions shall be completed and the plans submitted to the Commission by the applicant for endorsement by the Commission's Chairman or Secretary within 180 days following the conditional approval of the application by the Commission or said approval shall become null and void. If the applicant is unable to fulfill the conditions or complete the modifications within said 180 day period, an extension of an additional 180 days, or any part thereof, may be requested.

NOTE: The fulfillment of conditions by the applicant shall include the posting of road and erosion control bonds, the payment of a 3% public improvement fee, etc.

5C.11(3) Filing of Endorsed Plans

All plans shall be filed and recorded by the applicant in the Office of the Town Clerk only if the approval of the Commission has been endorsed thereon.

Prior to the endorsement of the maps by the Commission, the Commission shall, at a regular or special meeting, review the final maps and any related documents to determine whether the requirements and/or conditions of approval, as specified by the Commission, have been completed. If the Commission determines that such maps are in compliance with the requirements or conditions of approval, the Commission shall vote to authorize the Chairman to sign such maps for filing.

Said filing of the plans by the applicant shall be within 90 days of the date such plan is delivered to the applicant. The approval of any plan not so filed shall expire 90 days from the date of such action.

Any plans filed in the Office of the Town Clerk without the appropriate endorsements by the Chairman of the Commission shall be null and void and of no legal standing.

5C.11(4) Modification of Endorsed Plans

Changes, erasures, modifications or revisions shall not be made on any subdivision plan after the Commission has approved and endorsed the plan. In the event that a plan contains any changes when recorded, the plan shall be null and void and of no legal standing. The applicant may then file a corrected plan, as approved, noting the reason for such filing. Any erasures made on a plan prior to its signing shall be initialed and dated by the Chairman of the Commission, or other authorized person, at the time of signing.

5C.11(5) Commission Approval Signature Box

A signature box shall be included on all plans containing the following words:

Approved by the Middlefield Planning and Zoning Commission

Chairman/Secretary

Date

Expiration Date

5D. IMPROVEMENTS.

5D.1 PERFORMANCE BOND (option #1) - The Commission Chairman, Vice-Chairman or Secretary may endorse the Final Subdivision Plan after the applicant has posted a cash bond (surety bonds are not acceptable) in an amount specified and in a form approved by the Commission, to cover the cost of improvements shown on the approved Final Subdivision Plan Map. Such bond shall include an amount to cover the escalation of construction and other costs for a two-year period. Every two years, the cost of the remaining work shall be reviewed and the bond amount adjusted to reflect current and projected construction and other costs.

Prior to the release of the total amount of the bond, the applicant shall submit "as built" plans and documents to the Commission covering streets, and storm drainage and other improvements constructed in accordance with Specifications for Road and Street Construction, Town of Middlefield, as amended. Such plans shall meet A-2 accuracy survey standards and be signed and sealed by a Registered Land Surveyor or Professional Engineer, as appropriate. All plans and maps shall be prepared on mylar with waterproof ink. All easements, road rights-of-way or open space to be deeded to the Town shall have a written description prepared based on survey data. The bond shall be released only upon certification by the Commission that all the required improvements have been completed to its satisfaction.

Conditional Approval (option #2) - The Commission Chairman, Vice-Chairman, or Secretary may endorse the Final Subdivision Plan after placing of a notation on the Final Subdivision Plan Map conditioning that no part of the property shown on the Map may be conveyed, and no building permit may be issued for any lot shown thereon until a cash bond has been filed with and approved by the Commission in accordance with option #1 above, or all subdivision improvements have been completed in accordance with the approved Final Subdivision Plan and noted on the Plan and approved by the Commission.

Prior to the removal of conditions prohibiting the transfer of any of the property shown on the Final Subdivision Plan and the issuance of a building permit for any lot on the Map, the applicant shall submit "as built" plans and documents to the Commission covering streets, storm drainage and other improvements constructed in accordance with "Specifications for Road and Street Construction, Town of Middlefield, as amended. Such plans shall meet A-2 accuracy survey standards and be signed and sealed by a Registered Land Surveyor or Professional Engineer, as appropriate. All plans and maps shall be prepared on mylar with waterproof ink. All easements, road rights-of-way or open space to be deeded to

the Town shall have a written description prepared based on survey data. The removal of conditions shall be made only upon certification by the Commission that all the required improvements have been completed to its satisfaction.

A cash bond shall be required to cover the cost of erosion and sedimentation control measures.

Completion of Improvements (option #3) - If the applicant does not intend to post a cash bond or wish to receive conditional approval to assure the construction of improvements shown on the approved Final Subdivision Plan, the applicant may choose to construct the improvements within the statutory time frame for filing of the Final Subdivision Plan Map. The Commission Chairman, Vice-Chairman, or Secretary may endorse the Final Subdivision Plan Map only after the applicant has submitted "as built" plans and documents to the Commission covering streets, and storm drainage, and other improvements constructed in accordance with Specifications for Road and Street Construction, Town of Middlefield, as amended. Such plans shall meet A-2 accuracy survey standards and be signed and sealed by a Registered Land Surveyor or Professional Engineer, as appropriate. All plans and maps shall be prepared on mylar with waterproof ink. All easements, road rights-of-way or open space to be deeded to the Town shall have a written description prepared based on survey data. All required improvements shall be completed to the Commission's satisfaction prior to endorsement.

A cash bond shall be required to cover the cost of erosion and sedimentation control measures.

5D.2 (RESERVED)

5D.3. INSPECTION OF IMPROVEMENTS. The Town Engineer or other person designated by the Commission shall be informed by the developer in advance of all relevant construction by the developer and may inspect required improvements during construction to assure their satisfactory completion. In the case of a new street(s) or change(s) in existing street(s), the work shall be inspected in accordance with the Town Ordinance governing road construction. If the person designated by the Commission finds upon inspection that any of the required improvements have not been constructed and maintained in accordance with the approved plans, he shall notify the applicant and the Commission in writing and the applicant shall be responsible for completing or repairing said improvements according to specifications.

5D.4. IMPROVEMENTS REQUIRED BY UNFORESEEN CONDITIONS. If it shall appear, during the course of construction of any new street, or any other improvements required by the Commission

in connection with the approval of the plans, profiles, and specifications, therefor, that additional work is required owing to unforeseen conditions such as but not limited to, springs, ancient drains, swampy conditions, sidehill drainage from cuts, bedrock, or other conditions, which were not apparent at the time of the approval by the Commission the Commission may require such additional work to be done or may require additional surety.

5D.5. CERTIFICATES OF OCCUPANCY DURING CONSTRUCTION OF IMPROVEMENTS. No Certificate of Occupancy shall be issued by the Building Inspector of the Town of Middlefield, for the occupancy of any home in the subdivision where the road, upon which the lot is located, has not been accepted by the Town. Until a determination is made by the Commission and/or the Town Engineer that the unaccepted road has been sufficiently developed and is sufficiently accessible to permit the provision of snow removal and other municipal services, and until the subdivider presents the surety or cash performance bond, in an amount sufficient to satisfy the Commission to guarantee provision for snow removal and other municipal services in the same degree as is normally provided by the Town to residents living on Town Accepted streets.

5D.6. DEFAULT UNDER PERFORMANCE BOND. If, upon expiration of the period of time as provided by statute within which the required improvements were to have been constructed, where construction was secured by a performance bond (and adequate surety), the Commission shall, in the absence of "as built" plans having been submitted declare the surety for performance forfeited in such amount as the Engineer, specified by the Commission, estimates will be required to complete the improvements. The Commission shall so notify in writing the First Selectman, the Engineer, Town and Commission's attorneys and recommend that the improvements be completed as soon as is practicable. A copy of this letter shall be sent to the applicant. Further action shall be at the discretion of the First Selectman or as otherwise directed by ordinance.

5D.7. DEFAULT UNDER MAINTENANCE BOND. If during the period of time within which such performance bond or bonds are in effect, the Commission determines that the maintenance work is required of the subdivider, the Commission shall so notify the subdivider in writing, specifying such matters to be corrected or maintained. If such maintenance work is not performed, the Commission may declare the surety for maintenance forfeited in such amount as the Engineer, specified by Commission, estimates will be required to complete the corrections or maintenance. The Commission shall so notify in writing the First Selectman, the Engineer, Town and Commission Attorneys, and recommend that the corrections or maintenance be completed as soon as is practicable. A copy

of this letter shall be sent to the applicant. Further action shall be at the discretion of the First Selectman and/or the Commission.