

## ***Town of Bethany -- Subdivision Regulations***

### **Section 4 - Subdivision Applications, Submissions and Review Procedures**

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#### **RECOMMENDATION**

The applicant should familiarize himself in advance with all state and town regulations relative to health, buildings, roads and other pertinent data so that he is thoroughly aware of the obligations and standards expected. He should thoroughly study these regulations and requirements contained therein.

After becoming familiar with the regulations it is recommended that in the interest of expediting each proposed subdivision or resubdivision that the applicant consult with the Commission prior to the presentation of the application to the Commission. It is further recommended that a preliminary sketch be submitted at this time for review. No application fee will be charged until a formal application is filed for submittal to the Commission. Applicants are encouraged to submit plans for proposed road construction and improvements including public utilities and services, to the Board of Selectmen of the Town of Bethany for preliminary review prior to making application to the Commission.

4.1 Application Submission. All applications for approval of a subdivision or resubdivision shall be submitted on forms provided by the Commission and shall include such maps and other information as may be required for a complete review of the application. All such required information shall be provided by the applicant. All applications shall be submitted at the Town Clerk's Office no later than twentyfour hours prior to a regular Commission meeting.

#### 4.2 Application Deemed Complete.

1. A completed application form including all pertinent information and the signature of the applicant and also the signature of the owner of the property if different from the applicant. The agent or attorney for the applicant, if any, shall also sign the application.

2. Twelve sets of white prints containing the mapping information set forth in Section 5 titled "Map and Plan Requirements".

3. A written approval and copy of the site development map approved by the Town Health Officer or his agent stating that each lot intended for subdivision or resubdivision has been properly tested and meets applicable requirements of State laws and regulations for wells and septic systems. Pertinent data for each lot in the subdivision as required by Section 3 of the Bethany Zoning Regulations shall be submitted with the application.

4. If access onto a State Highway is involved, a written approval from the State Department of Transportation shall also be required.

5. If the subdivision or resubdivision is contained within the boundaries of the West Rock Ridge Conservation Area and therefore is subject to Special Act No. 7580 as amended, the applicant shall submit proof that the State has waived its rights to acquire the land involved.

6. Drainage or other easements.

7. Payment of the applicable application fee, based on the most recently adopted fee schedule, shall be submitted simultaneously with the application.

8. In cases where all basic information is shown on the plans when submitted but minor additional detail is required for clarification or for review by the Commission the application may be accepted conditional upon all such additional information being delivered to the Commission at their next regularly scheduled meeting.

9. If an application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 440, the applicant shall submit an application to the agency responsible for administration of the Inland Wetland Regulations no later than the day the application is filed for the subdivision or resubdivision per Connecticut General Statutes Section 826.

10. Twelve copies of the Sedimentation and Erosion Control Plan if applicable (per Section 13 of the Regulations and Connecticut General Statutes Section 22a329.)

#### 4.3 Procedures for Submission and Acceptance of Applications, Review of the Same and Final Action By the Commission.

1. When a new application for subdivision, resubdivision or an amendment to a pending application is included in the agenda for the monthly meeting of the Commission, the applicant or his agent is encouraged to appear at the meeting to submit and give a brief overview of the application. The application will then be referred to the Planning Committee of the Commission for a more detailed review.

2. Referrals to Regional Planning Agencies when required by Connecticut General Statutes Section 826b.

Whenever a subdivision or resubdivision of land is planned, the area of which will abut or include land in two or more municipalities, one or both of which are within a region or regions having a regional planning agency or agencies, the Commission shall before approving the plan submit it to the regional planning agency or services of the region in which it or the other municipality is located (refer to Connecticut General Statutes Section 826b).

3. All plans for road construction and improvements shall be submitted to the Board of Selectmen for their review and advice to the Commission regarding said plans and the amount of any bond and appropriate surety. Where a proposed subdivision or resubdivision abuts, contains or obtains access from an existing Town road or portion of road, the Commission may refer the subdivision or resubdivision plans to the Board of Selectmen for their advice as to whether or not the Town road or portion of the Town road can adequately serve the proposed subdivision or resubdivision. Nonreceipt of comments from the Board of Selectmen within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.

4. The Commission may refer the subdivision or resubdivision plans to the Fire Marshall for comments. Nonreceipt of comments from the Fire Marshall within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.

5. The application and a copy of the submitted plans shall be referred to the Bethany Conservation Commission for comment. Nonreceipt of comments from the Conservation Commission within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.

6. The Commission may also consider comments on any applications from any regional organizations or agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations, state, municipal or private, which may undertake additional studies or investigations. Nonreceipt of comments from the organizations or agencies described above within the prescribed period of time for the Commission to act shall neither delay nor prejudice the decision of the Commission.

7. Field Trip. Upon acceptance of the application the Commission may set a date for a "field trip" at which time Commission members and/or staff will inspect the site of the subdivision or resubdivision. The applicant or his representative are encouraged to be present.

8. A copy of the application and a copy of the submitted plans shall be referred to the Bethany Volunteer Fire Department by the Commission for comment. Nonreceipt of comments from the Bethany Volunteer Fire Department within the prescribed period of time for the Commission to act shall neither delay or prejudice any decision of the Commission.

#### 4.4 Final Action.

1. In all matters wherein a formal application is submitted to the Commission and a hearing is held on such application, such hearing shall commence within 65 days after receipt of the application and shall be completed within 30 days after such hearing commences. All decisions on such matters shall be rendered within 65 days after completion of such hearings. The applicant may consent to one or more extensions of any period specified provided the total extension of any such period shall not be longer than the original period of 65 days or he may withdraw the application.

2. A decision on an application for subdivision approval on which no hearing is held, shall be rendered within 65 days after the receipt of such application. The applicant may consent to one or more extensions of such period, provided that the total period of any such extension or extensions shall not exceed 65 days. (Connecticut General Statutes Section 826d).

3. If an application involves a regulated inland wetland or water course and the time for decision by the Commission established pursuant to Connecticut General Statutes Section 826b would elapse prior to the 35 days after a decision by the Inland Wetland Commission, the time period for a decision shall be extended to 35 days after the decision of the Inland Wetlands Commission pursuant to Connecticut General Statutes Section 826b.

4. Preconstruction Meeting: Inspection Schedule. It shall be the responsibility of the subdivider to notify the Commission, through its clerk, seven (7) days prior to commencement of work on the site under the approved subdivision or resubdivision plan. An agent of the Commission shall meet with the contractor prior to commencement of site work and define an inspection schedule. This schedule will include initial site inspection prior to any work on the site and inspection at regular intervals of improvements to be made and all work to be performed as required on the subdivision or resubdivision plan. The Commission may request that representatives from private or public utilities servicing the subdivision or resubdivision plan attend the preconstruction meeting. Nothing herein shall prohibit inspection by the Commission or its agent at any time it deems necessary.

5. The Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the Commission or (2) the provision of a bond as provided by these regulations. Upon the occurrence of either (1) or (2), the Commission shall cause a final approval to be endorsed thereon in the manner provided by the Connecticut General Statute 825, as amended. Such conditional approval shall lapse five years from the date it is granted, provided the applicant may apply for and the Commission may, in its discretion, grant a renewal of such conditional approval for an additional period not to exceed five years at the end of the fiveyear period. Any person, firm or corporation who, prior to such final approval, sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined not more than five hundred dollars for each lot sold or offered for sale.

6. If as one of its conditions, of approval the Commission requires a bond, said bond must be filed within 45 days of the date of the Commission's approval. Failure of the applicant to file the bond within that time period shall render the approval automatically null and void without further action by the Commission. The Commission will not sign the record subdivision or resubdivision plan until the bond is filed.

