

SECTION 3

APPLICATION PROCEDURES

No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without approval of the Commission shall be fined not more than \$500.00 for each lot sold or offered for sale or so subdivided (Section 8-25(a), September 1997 Connecticut Planning and Zoning General Statutes).

3.1 INFORMAL PRELIMINARY CONSIDERATION –

The New Milford Planning Commission recommends that, before to submission of an official application for approval of a subdivision or re-subdivision, the applicant prepare and present to the Commission at a meeting a preliminary plan of the subdivision or re-subdivision for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate general consideration of factors and problems affecting development of the land to be subdivided or re-subdivided before the applicant proceeds with the official application and the preparations of final maps, plans and documents required for formal consideration by the Commission. If the subdivision plan is presented in preliminary rather than in final form, any alterations or changes recommended by the Commission may be made more readily and economically by the applicant. Neither the preliminary plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivisions or re-subdivisions of land as contemplated under the provisions of the General Statutes of the State of Connecticut.

In particular, neither the preliminary plan nor the informal consideration by the Commission shall be deemed to constitute part of the official procedure described in Chapter 126, of the 1958 Revision of the General Statutes of the State of Connecticut as amended nor should it be binding on either the Commission or the applicant.

3.1.1 The applicant(s) should avail himself of the assistance of the Commission before preparation of applications or plans to save unnecessary time and expense due to a lack of understanding of the Regulations.

3.1.2 The applicant(s) should familiarize himself in advance with 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 study these subdivision regulations and the requirements contained herein thoroughly.

3.1.3 He should consult with parties potentially interested with him (such as lending and mortgage institutions) and with the ultimate users of the development with a view to reaching firm conclusions regarding what part of the market demand should be served, the suitability of the location of the proposed subdivision, and the most advantageous subdivision plan and other features of the proposed development.

3.2 FORMAL APPLICATION –

The applicant to the New Milford Planning Commission shall submit an official “Application For Approval” including the required forms, reports, maps, data and exhibits as set forth below.

3.2.1 The submission for a formal application shall include the following:

- a) Written application, the Commission’s form, including names of partners or members or shareholders with 10% or more interest
- b) Application fee
- c) Transmittal Letter (see Section 4.2)
- d) Map, including:
 - 1-Existing conditions (see Section 4.3)
 - 2-Feasibility plan (see section 4.7)
 - 3-Site land use development, grading and landscaping plan (see section 4.8)
- e) Site photographs (see Section 4.4)
- f) Reserved for future use.
- g) Record subdivision map (see Section 4.5)
- h) Construction plans and engineering reports (see Section 4.6)
- i) Site land use development, grading and landscaping plan (see Section 4.8)
- j) Erosion and sedimentation control plan (see Section 4.8)
- k) Copy of restrictive covenants
- l) Copy of deed demonstrating title as of application date
- m) Affidavit of transfers since September 20, 1958
- n) A release granting the Commission members or its agents permission to enter the property during the application process or while the Commission holds a bond.
- o) Names and addresses of adjacent property owners.
- p) A table showing the percentage of steep slopes and wetlands for each lot.

For all subdivisions of more than four lots, the applicant shall post a sign at least 3' x 4' with 4" letters on the property visible from each street which presents public notice of the proposed subdivision activity.

In the case of a proposed “affordable housing development”, the formal application shall include the above items plus:

- q) Copy of deed covenants to maintain affordability.

3.2.2 Day of Receipt –

The receipt of an application request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such application, request or appeal; or thirty-five days after such submission, whichever is sooner.

3.2.3 Completeness of Submission –

The Commissions shall review the submission and make a finding as to whether it is complete or incomplete. When an application is found to be incomplete, the Commission may allow the applicant until the next regularly scheduled meeting to make the application whole. If an application remains incomplete at the next regular meeting following its submission, it shall be denied without prejudice except that, if an applicant is present when such finding is made, he may be given the opportunity to withdraw the application.

3.2.4 Public Hearing –

The Commission may schedule a public hearing on a subdivision application if in its judgment the circumstances require such action. The Commission shall hold a public hearing on any application for a re-subdivision, cluster housing development, planned residential development or affordable housing development. Notice of time and place of such hearing shall be published in a newspaper having a general circulation within the Town of New Milford in accordance with the provisions of the General Statutes of the State of Connecticut, as amended, and by sending a copy thereof by certified mail to the applicant. The applicant shall post a 3' by 4' sign with 4" letters on the property visible from the street which presents public notice of the proposed subdivision activity and the date, time and place of the scheduled hearing. The applicant shall notify abutting owners in writing at least 15 days before the Public Hearing by certified mail return receipt regarding the proposed subdivision activity and the date, time and place of the scheduled hearing and the proof of notice shall be made part of the hearing record. When a public hearing is scheduled, it shall commence within sixty-five days after receipt of the application and shall be completed within thirty days of commencement.

3.3 REVIEW AND REFERRAL -

The Commission shall formally consider the proposed subdivision or re-subdivision after the complete application has been submitted. The application for approval of a proposed subdivision or re-subdivision shall be considered complete when the Commission, at the Regular Meeting, has made a determination that all the application requirements of these Regulations have been fulfilled by the applicant. In reviewing the application, the Commission shall consider the proposed subdivision or re-subdivision and shall determine whether the maps, plans and accompanying certificates and documents conform to the requirements of these Regulations. The Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable review of the proposed subdivision in accordance with the requirements of these Regulations.

3.3.1 Every applicant shall be afforded the opportunity to appear before the Commission. If no public hearing is conducted, notice shall be given to the applicant by mail not less than seven days before the date of the Commission meeting at which the applicant will be afforded the opportunity to appear before the Commission; and such notice shall advise the applicant of the date, time and place of the Commission meeting.

3.3.2 The Commission may refer the application to other agencies, commissions or consultants to review and comment on the proposed application within their areas of concern and expertise.

3.3.3 When the land proposed for subdivision or re-subdivision abuts or includes land in a neighboring community, the Commission shall refer the application for advisory comment to the Housatonic Valley Council of Elected Officials and, if such community is Kent, Washington or Roxbury, also to the Northwestern Connecticut Regional Planning Agency.

3.3.4 When any portion of land proposed to be subdivided or re-subdivided is a) within five hundred feet of an adjoining town, b) will generate significant traffic over the streets of that town, c) will significantly affect the drainage or sewerage system of that town or d) will create water runoff affecting facilities or property in the adjoining town, then the Commission shall notify the clerk of that adjoining municipality of the pendency of the application and no hearing may be conducted on such application unless the adjoining town has received such notice.

3.3.5 When any portion of land proposed to be subdivided or re-subdivided is within the watershed of a water company as defined in C.G.S. 16-1, and which company has filed a map of its watershed boundaries on the land records of New Milford, the applicant shall provide written notice of the application to the water company and submit evidence of such notice to the Commission at the time of application.

3.4 DECISION –

On any application, request or appeal for which a public hearing is scheduled, the Commission shall render its decision within sixty-five (65) days after the hearing is closed. In case on which no public hearing is held, the Commission shall make its decision on the application within 65 days after the Regular Meeting at which the application is received. The applicant may consent in writing to one or more extensions of the (65) day period provided any such extension or extensions shall not exceed a further period of (65) days. If an application involves a wetlands activities and the time for a decision by the Planning Commission would elapse before the 35th day after a decision by the Inlands Wetlands Commission, the time period for a decision shall be extended to 35 days after such agency's decision. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant.

3.5 APPROVAL -

The Commission, after the public hearing, if any, or after meeting, shall approve the subdivision application if it finds the subdivision map and plans and accompanying certificates, documents, and data conform to the requirements of these Regulations. Such approval shall include and be conditioned upon the following:

3.5.1 Completion of all required subdivision improvements, or the posting of a bond guaranteeing such completion;

3.5.2 Reserved for future use.

3.5.3 Presentation of a copy of a permit from the ConnDOT for any proposed road or storm drainage system which joins with a State Highway, which permit shall include all potential drainage flow from the subdivision and all land in the watershed draining through the subdivision;

3.5.4 Presentation of evidence that final arrangements have been made for provision of any proposed sewage disposal system and/or water supply system; and

3.5.5 Presentation of a copy of a report from the Inland Wetlands Commission concerning any proposed modification of wetlands and watercourses and/or other matters within the jurisdiction of said Commission proposed in connection with construction of required subdivision improvements. The Planning Commission shall not render a decision until the Inland Wetlands Commission has made its final decision.

If an application involves a wetlands activity and the time for a decision by the Planning Commission would elapse before the 35th day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to 35 days after such agency's decision. The provision of this subsection shall not be construed to apply to any extension consented to by an applicant.

3.5.6 In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents to preserve the purpose and intent of these Regulations. If the Commission does not approve the subdivision application and all the accompanying maps, plans, certificates, and documents, it may modify and approve, or disapprove the application. In approving, modifying, or disapproving an application, the Commission shall state in its records any conditions of approval and modifications required, and the grounds for its action.

3.5.7 Notice of the Commission's decision shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant, by the Commission staff, in any written, printed, typewritten, or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that such application has been approved, modified and approved, or disapproved, together with the date of such action but the applicant shall also receive from the Commission, under the same cover with the

statement, copy of the notice of its decision, any conditions of approval, any modifications required, and the grounds for the Commission's action.

3.6 CONDITIONAL APPROVAL –

In lieu of the completion of the work or the provision of a 100% bond as provided herein, the Commission may authorize the filing of a plan with a conditional approval endorsed thereon. The conditional approval is intended to allow construction of infrastructure improvements to begin in accordance with plans, but not to authorize the sale of lots or construction of homes. Any request for conditional approval must be accompanied by a cash bond in the amount of 10% of the estimated cost of the infrastructure improvements required by the Commission. Any conditional approval shall be specifically conditioned upon the actual construction, maintenance and installation of utilities and improvements require by the Commission, or the provision of a bond to guarantee performance of such items. A final approval will be endorsed on the plan upon the occurrence of either completion of the improvements or posting of such bond. Any conditional approval shall lapse three years from the date it is granted; the developer may apply for and the Commission may grant a renewal of such conditional approval for an additional two years. Any person, firm, or corporation, prior to such final approval, who sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined not more than \$500.00 for every lot sold or offered for sale.

3.7 BOND –

The applicant shall execute an agreement and file a subdivision bond with the Planning Commission Office to guarantee infrastructure completion within an initial time period of 5 years or less with additional time periods subject to Commission approval of extensions. The bond shall be acceptable to the Commission.

3.8 PLANNED RESIDENTIAL DEVELOPMENTS -

3.8.1 General

In accordance with the procedures and requirements herinafter specified and of the Zoning Regulations, the Commission may approve an application for a Planned Residential Development (PRD). An approval under this section with or without conditions, authorizes application for a Zoning permit.

3.8.2 Informal Preliminary Consideration

The Commission would recommend that, before submission of an official application for approval of a PRD, the applicant prepare and present a preliminary plan of the proposed planned development for informal study and consideration by the Commission. The preparation of a preliminary plan of development is recommended to facilitate general consideration of factors and problems that affect or may affect the development of land being submitted for a PRD before proceeding with the preparation of the fully detailed maps, plans, documents and presentation required for formal consideration by the Commission.

Presentation of the PRD for consideration in a preliminary rather than in a final form allows for changes or alterations, recommended or required by the Commission, to be more readily and economically made. Neither the preliminary presentation nor its informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for, and approval of, a PRD as contemplated herein, or, under the provisions of the General Statutes of the State of Connecticut.

The preliminary submission should contain the following information:

- A. A general description of the project and how the project design will provide significant benefit to the proposed community and/or the Town and that the neighborhood properties will not be substantially or permanently injured.
- B. A statement regarding the nature of all proposed open spaces and the means by which they will be maintained and their continuity guaranteed.
- C. A statement regarding the proposed types of dwelling units, methods of ownership occupancy and general design concepts.
- D. A proposed schedule for development of the PRD including provision for any phasing of construction of dwellings, utilities, recreational facilities and other services. The Commission may allow bonding to reflect the phasing of construction.
- E. A statement regarding the types and uses of all non-residential structures proposed.
- F. A statement regarding the type of water supply and sewage disposal facilities proposed, the method of establishment of such facilities and the intended ownership, financing and management arrangements.
- G. Computation and data showing compliance with the Zoning regulations.
- H. Such other information that the applicant deems will be of assistance in the consideration of the PRD application.

3.8.3 Preliminary Maps and Plans of the PRD Tract

Seven (7) clear, legible prints, each drawn to a scale of not less than 1" = 40' as follows (these maps may be combined, provided they clearly show all the information required):

- A. Existing Condition Evaluation Map showing the entire tract with the following:
 - 1. Boundaries of the tract and approximate dimensions and the names of all owners.
 - 2. Existing contours at intervals not exceeding two feet in building areas and sewage disposal areas and ten feet elsewhere.

3. Significant topographic features, such as all wetlands and water courses, rock outcroppings, wooded and other vegetation areas by type and other natural features.
 4. General soil types by Soil Conservation Service classification.
 5. The location of any existing structures, trailways, fences and walls.
- B. Sketch Subdivision Plan showing how the tract could reasonably be divided into individual building lots conforming to the Zoning and Subdivision Regulations and served by roads that could conform to the Road Ordinance.
- C. Site Use Plan showing the following:
1. The location of proposed vehicular access into the tract and the principle system of circulation, driveways or streets within the tract.
 2. Areas, with boundaries delineated, for dwelling construction and accessory services, and with data on the acreage of such areas and the number and type of dwelling units proposed for each.
 3. Areas or sites proposed for recreational facilities and any nonresidential structures.
 4. Areas proposed for on site sewage disposal leaching systems.
 5. Proposed connection to a public water supply or proposed site for water supply wells and if appropriate water storage facilities.
 6. Areas, with boundaries delineated, for reservation as open space land.
 7. Any existing or proposed restricted areas such as setbacks from the boundary tract, channel encroachment lines and zone boundaries including flood plains.
- D. Sanitation and Water Supply Study Report in five (5) copies presenting: a) Estimates of water supply and sewage disposal requirements; b) Results of soil investigations, including borings, seepage tests and test pits for areas proposed for sewage disposal; c) a description and schematic layout of proposed sewage disposal facilities and; d) a description of the proposed water supply system.

Additional percolation and test pits may be required by the Commission.

The Commission may require that test wells be drilled and the results furnished to the Commission prior to final approval.

All of the above shall be prepared and certified by a Professional Civil Engineer.

E. Schematic Architectural Drawing in four (4) legible sets of prints illustrating the type of dwelling proposed in the PRD, provided however that such drawings are not required for single family detached dwellings proposed to be individually constructed and owned on separate lots.

3.8.4 Formal Application

Following Preliminary Consideration, the applicant for a PRD shall submit the following for final approval:

A. A PRD Application Form: as prescribed by the Commission completed and signed by the applicant and also signed by the owner of the land in the PRD if different from the applicant.

B. Final Plan: This map shall cover the entire PRD tract proposed for final approval.

C. Site Improvement Plans: These plans shall cover all proposed streets, driveways, utilities including drainage, water supply and distribution system and sewage disposal system, provisions for erosion and sedimentation control and other improvements for the area covered by the Final Plan. Roadway Plans shall conform to Section 4.6 and be of a scale of 1" = 40' minimum. Areas requiring extensive grading shall be on a scale of 1" = 20'.

D. Grading and Landscape Plans: These plans shall cover all areas included in and at the same scale as the Final Plan and shall show at least the following information:

1. Areas to be graded with the existing and final contours at 2' intervals.
2. Layout of proposed areas to be seeded and landscaped.
3. Proposed type of planting by common name and general location.
4. Type of trees to be planted and existing trees to remain in construction areas.

E. Design Development Architectural Drawings: Architectural drawings of all typical buildings other than single family detached dwellings to be individually constructed and owned on separate lots, as proposed for construction, prepared by a registered architect, shall be submitted for design review to determine whether they meet the standards of PRD. These shall include, but not be limited to:

1. Basement plans (if any).
2. First, second and third floor plans as proposed.
3. Front, side and rear elevations of all dwelling, supporting, recreational and non-recreational structures.
4. Overall perspectives of typical grouping, courtyards or other views of proposed structures.
5. Outline specifications showing types of construction proposed and adequate to obtain a building permit under Building Code of the Town of New Milford.

F. Sanitation and Water Supply Report: Five (5) copies of: a) computations for water supply and sewage disposal systems; b) the results of test well pumping if public water supply is not to be provided; c) the design plan for sewage disposal and water supply.

G. A check payable to the Town of New Milford in the amount equal to \$20.00 for each bedroom in the proposed PRD.

3.8.5 Public Hearing

Before granting final approval of a PRD, the Commission will conduct a public hearing in accordance with the General Statutes of the State of Connecticut.

3.8.6 Final Review

The Commission shall review the submission for completeness and may request the submission of additional information deemed necessary to clarify or complete the application.

3.8.7 Final Approval

The Commission shall act on the application in accordance with Section 3.4.

3.8.8 Performance Bond

The Commission shall require a cash performance bond guaranteeing completion of all public improvements in accordance with Section 3.7. An additional site performance bond may be required to guarantee completion of all utilities and other site improvements before a Certificate of Occupancy is issued.

3.8.9 Filing

The Final Plan shall be filed or recorded by the applicant in the office of the Town Clerk in accordance with Section 3.11.

3.8.10 Changes In Approved PRD

If during the development of construction of the PRD, any changes are proposed or required which affect the approved Final Plan and supporting plans, or are not in accordance with the stipulations of approval, the appropriate maps, plans and documents showing such changes shall be submitted to the Commission before effecting or implementing such changes. If the changes do not affect the approved density of bedrooms or reduce the amount of open space, or alter conditions imposed by the Commission, the Commission may approve the changes by resolution and notice of such action shall be sent to the applicant within 10 days and thereafter such approved changes may be effected or implemented. If the changes do affect the approved density of bedrooms or reduce the amount of open space or alter conditions imposed by the Commission, such changes may be made only after a new submission of a PRD application, which shall be considered by the Commission in accordance with the General Statutes of the State of Connecticut. The Application Fee for such revisions shall be determined by the Commission.

3.9 Reserved for future use.

3.10 MAP ENDORSEMENT –

The Commission shall endorse the record subdivision map to permit filing with the Town Clerk, but such endorsement shall not be executed until all conditions of approval have been met or provided for, all required conveyances have been presented and/or an appropriate performance bond has been posted to guarantee completion of required improvements.

3.11 FILING AND RECORDING -

The final approved and endorsed subdivision map shall constitute the record subdivision map. The date of approval of the record subdivision map shall be noted on said map by the Commission Chairman or Secretary. Within 90 days after the endorsement of the record subdivision or re-subdivision map, the applicant shall file and record in the office of the Town Clerk the record subdivision map and any easements; except that the Commission may by resolution extend the time for such filing and recording for two additional periods of 90 days and the map shall remain valid until the expiration of such extended time. Filing or recording fees shall be paid by the applicant. The Town will file deeds for any open space and for streets when it accepts them, and any filing or recording fees shall be paid by the applicant.

3.12 CERTIFICATE OF COMPLIANCE –

Before release of any subdivision or re-subdivision bond, or before the Commission endorses any subdivision or re-subdivision map to permit filing with the Town Clerk, the Commission may require the applicant to present a statement, signed and sealed by a land surveyor or engineer, fully licensed in the State of Connecticut, certifying such surveyor or engineer has inspected the required construction work and that all of the required improvements have been completed in accordance with plans and Town specifications as approved, such certification to be reviewed by the Town Engineer. The Commission may require a Performance Bond to remain in effect during a maintenance period of two years commencing with the date the Commission accepts the subdivision improvements and recommends acceptance of same by the Town Council as Town Public Highways. The amount of such maintenance bond shall be ten percent (10%) of the original bonded amount.

3.13 COMPLETION –

All work in connection with a subdivision or re-subdivision shall be completed within an initial time period of five years or less, with additional time periods subject to Commission approval of extensions in accordance with General Statutes Section 8-26c. The expiration date shall be shown on the record subdivision map.

3.13.1 The applicant may apply for, and the Commission may grant, one or more extensions of the time to complete the work in connection with such subdivision, if the time for all extensions under this subsection shall not exceed 10 years from the date the subdivision was approved. If the Commission extends an approval, the Commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety furnished under this Section, securing the Town the actual completion of the work.

3.13.2 Before the issuance of any certificate of occupancy, all roads shall be completed to include the first course of asphalt.