



House of Representatives

General Assembly

File No. 53

January Session, 2001

Substitute House Bill No. 6609

House of Representatives, March 26, 2001

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE TIME FOR THE FILING OF SUBDIVISION PLANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 8-25 of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 (a) No subdivision of land shall be made until a plan for such
4 subdivision has been approved by the commission. Any person, firm
5 or corporation making any subdivision of land without the approval of
6 the commission shall be fined not more than five hundred dollars for
7 each lot sold or offered for sale or so subdivided. Any plan for
8 subdivision shall, upon approval, or when taken as approved by
9 reason of the failure of the commission to act, be filed or recorded by
10 the applicant in the office of the town clerk within ninety days of the
11 expiration of the appeal period under section 8-8, or in the case of an
12 appeal, within ninety days of the termination of such appeal by

13 dismissal, withdrawal or judgment in favor of the applicant but, if it is
14 a plan for subdivision wholly or partially within a district, it shall be
15 filed in the offices of both the district clerk and the town clerk, and any
16 plan not so filed or recorded within the prescribed time shall become
17 null and void, except that the commission may extend the time for
18 such filing for two additional periods of ninety days and the plan shall
19 remain valid until the expiration of such extended time. All such plans
20 shall be delivered to the applicant for filing or recording not [less]
21 more than thirty days after the time for taking an appeal from the
22 action of the commission has elapsed, and in the event of an appeal,
23 not [less] more than thirty days after the termination of such appeal by
24 dismissal, withdrawal or judgment in favor of the applicant. No such
25 plan shall be recorded or filed by the town clerk or district clerk or
26 other officer authorized to record or file plans until its approval has
27 been endorsed thereon by the chairman or secretary of the
28 commission, and the filing or recording of a subdivision plan without
29 such approval shall be void. Before exercising the powers granted in
30 this section, the commission shall adopt regulations covering the
31 subdivision of land. No such regulations shall become effective until
32 after a public hearing, notice of the time, place and purpose of which
33 shall be given by publication in a newspaper of general circulation in
34 the municipality at least twice, at intervals of not less than two days,
35 the first not more than fifteen days nor less than ten days, and the last
36 not less than two days prior to the date of such hearing. Such
37 regulations shall provide that the land to be subdivided shall be of
38 such character that it can be used for building purposes without
39 danger to health or the public safety, that proper provision shall be
40 made for water, sewerage and drainage, including the upgrading of
41 any downstream ditch, culvert or other drainage structure which,
42 through the introduction of additional drainage due to such
43 subdivision, becomes undersized and creates the potential for flooding
44 on a state highway, and, in areas contiguous to brooks, rivers or other
45 bodies of water subject to flooding, including tidal flooding, that

46 proper provision shall be made for protective flood control measures
47 and that the proposed streets are in harmony with existing or
48 proposed principal thoroughfares shown in the plan of conservation
49 and development as described in section 8-23, especially in regard to
50 safe intersections with such thoroughfares, and so arranged and of
51 such width, as to provide an adequate and convenient system for
52 present and prospective traffic needs. Such regulations shall also
53 provide that the commission may require the provision of open spaces,
54 parks and playgrounds when, and in places, deemed proper by the
55 planning commission, which open spaces, parks and playgrounds
56 shall be shown on the subdivision plan. Such regulations may, with
57 the approval of the commission, authorize the applicant to pay a fee to
58 the municipality or pay a fee to the municipality and transfer land to
59 the municipality in lieu of any requirement to provide open spaces.
60 Such payment or combination of payment and the fair market value of
61 land transferred shall be equal to not more than ten per cent of the fair
62 market value of the land to be subdivided prior to the approval of the
63 subdivision. The fair market value shall be determined by an appraiser
64 jointly selected by the commission and the applicant. A fraction of
65 such payment the numerator of which is one and the denominator of
66 which is the number of approved parcels in the subdivision shall be
67 made at the time of the sale of each approved parcel of land in the
68 subdivision and placed in a fund in accordance with the provisions of
69 section 8-25b. The open space requirements of this section shall not
70 apply if the transfer of all land in a subdivision of less than five parcels
71 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
72 uncle or first cousin for no consideration, or if the subdivision is to
73 contain affordable housing, as defined in section 8-39a, equal to twenty
74 per cent or more of the total housing to be constructed in such
75 subdivision. Such regulations, on and after July 1, 1985, shall provide
76 that proper provision be made for soil erosion and sediment control
77 pursuant to section 22a-329. Such regulations shall not impose
78 conditions and requirements on manufactured homes having as their

79 narrowest dimension twenty-two feet or more and built in accordance
80 with federal manufactured home construction and safety standards or
81 on lots containing such manufactured homes which are substantially
82 different from conditions and requirements imposed on single-family
83 dwellings and lots containing single-family dwellings. Such
84 regulations shall not impose conditions and requirements on
85 developments to be occupied by manufactured homes having as their
86 narrowest dimension twenty-two feet or more and built in accordance
87 with federal manufactured home construction and safety standards
88 which are substantially different from conditions and requirements
89 imposed on multifamily dwellings, lots containing multifamily
90 dwellings, cluster developments or planned unit developments. The
91 commission may also prescribe the extent to which and the manner in
92 which streets shall be graded and improved and public utilities and
93 services provided and, in lieu of the completion of such work and
94 installations previous to the final approval of a plan, the commission
95 may accept a bond in an amount and with surety and conditions
96 satisfactory to it securing to the municipality the actual construction,
97 maintenance and installation of such improvements and utilities
98 within a period specified in the bond. Such regulations may provide,
99 in lieu of the completion of the work and installations above referred
100 to, previous to the final approval of a plan, for an assessment or other
101 method whereby the municipality is put in an assured position to do
102 such work and make such installations at the expense of the owners of
103 the property within the subdivision. Such regulations may provide
104 that in lieu of either the completion of the work or the furnishing of a
105 bond as provided in this section, the commission may authorize the
106 filing of a plan with a conditional approval endorsed thereon. Such
107 approval shall be conditioned on (1) the actual construction,
108 maintenance and installation of any improvements or utilities
109 prescribed by the commission, or (2) the provision of a bond as
110 provided in this section. Upon the occurrence of either of such events,
111 the commission shall cause a final approval to be endorsed thereon in

112 the manner provided by this section. Any such conditional approval
113 shall lapse five years from the date it is granted, provided the
114 applicant may apply for and the commission may, in its discretion,
115 grant a renewal of such conditional approval for an additional period
116 of five years at the end of any five-year period, except that the
117 commission may, by regulation, provide for a shorter period of
118 conditional approval or renewal of such approval. Any person, firm or
119 corporation who, prior to such final approval, sells or offers for sale
120 any lot subdivided pursuant to a conditional approval shall be fined
121 not more than five hundred dollars for each lot sold or offered for sale.

122 (b) The regulations adopted under subsection (a) of this section shall
123 also encourage energy-efficient patterns of development and land use,
124 the use of solar and other renewable forms of energy, and energy
125 conservation. The regulations shall require any person submitting a
126 plan for a subdivision to the commission under subsection (a) of this
127 section to demonstrate to the commission that [he] such person has
128 considered, in developing the plan, using passive solar energy
129 techniques which would not significantly increase the cost of the
130 housing to the buyer, after tax credits, subsidies and exemptions. As
131 used in this subsection and section 8-2, passive solar energy techniques
132 mean site design techniques which maximize solar heat gain, minimize
133 heat loss and provide thermal storage within a building during the
134 heating season and minimize heat gain and provide for natural
135 ventilation during the cooling season. The site design techniques shall
136 include, but not be limited to: (1) House orientation; (2) street and lot
137 layout; (3) vegetation; (4) natural and man-made topographical
138 features; and (5) protection of solar access within the development.

139 (c) The regulations adopted under subsection (a) of this section,
140 may, to the extent consistent with soil types, terrain, infrastructure
141 capacity and the plan of development for the community, provide for
142 cluster development, and may provide for incentives for cluster
143 development such as density bonuses, or may require cluster

144 development.

Statement of Legislative Commissioners:

In subsection (b) a change was made for gender neutrality.

PD *JOINT FAVORABLE SUBST.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: None

Municipal Impact: None

OLR Bill Analysis

sHB 6609

**AN ACT CONCERNING THE TIME FOR THE FILING OF
SUBDIVISION PLANS.**

SUMMARY:

This bill imposes a 30-day deadline, instead of a 30-day waiting period, on planning commissions to deliver an approved subdivision plan to an applicant. Under the bill, commissions have up to 30 days to deliver the approved plan to an applicant after: (1) the deadline for appealing the decision, or (2) an appeal ends in favor of the applicant. Current law requires the planning commission to wait at least 30 days after either event to deliver the approved plan.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Report

Yea 17 Nay 0