



General Assembly

**Substitute Bill No. 6609**

*January Session, 2001*

**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1 Section 8-25 of the general statutes is repealed and the following is  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**