



General Assembly

January Session, 2001

**Amendment**

LCO No. 5620

Offered by:

SEN. CRISCO, 17<sup>th</sup> Dist.

SEN. DAILY, 33<sup>rd</sup> Dist.

To: Subst. House Bill No. 6609

File No. 53

Cal. No. 241

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

1 Strike out lines 1 to 121, inclusive, and insert the following in lieu  
2 thereof:

3 "Section 8-25 of the general statutes is repealed and the following is  
4 substituted in lieu thereof:

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

15 dismissal, withdrawal or judgment in favor of the applicant but, if it is  
16 a plan for subdivision wholly or partially within a district, it shall be  
17 filed in the offices of both the district clerk and the town clerk, and any  
18 plan not so filed or recorded within the prescribed time shall become  
19 null and void, except that the commission may extend the time for  
20 such filing for two additional periods of ninety days and the plan shall  
21 remain valid until the expiration of such extended time. All such plans  
22 shall be delivered to the applicant for filing or recording not [less]  
23 more than thirty days after the time for taking an appeal from the  
24 action of the commission has elapsed or not more than thirty days after  
25 the date that plans modified in accordance with the commission's  
26 approval and that comply with section 7-31 are delivered to the  
27 commission, whichever is later, and in the event of an appeal, not [less]  
28 more than thirty days after the termination of such appeal by  
29 dismissal, withdrawal or judgment in favor of the applicant or not  
30 more than thirty days after the date that plans modified in accordance  
31 with the commission's approval and that comply with section 7-31 are  
32 delivered to the commission, whichever is later. No such plan shall be  
33 recorded or filed by the town clerk or district clerk or other officer  
34 authorized to record or file plans until its approval has been endorsed  
35 thereon by the chairman or secretary of the commission, and the filing  
36 or recording of a subdivision plan without such approval shall be void.  
37 Before exercising the powers granted in this section, the commission  
38 shall adopt regulations covering the subdivision of land. No such  
39 regulations shall become effective until after a public hearing, notice of  
40 the time, place and purpose of which shall be given by publication in a  
41 newspaper of general circulation in the municipality at least twice, at  
42 intervals of not less than two days, the first not more than fifteen days  
43 nor less than ten days, and the last not less than two days prior to the  
44 date of such hearing. Such regulations shall provide that the land to be  
45 subdivided shall be of such character that it can be used for building  
46 purposes without danger to health or the public safety, that proper  
47 provision shall be made for water, sewerage and drainage, including  
48 the upgrading of any downstream ditch, culvert or other drainage  
49 structure which, through the introduction of additional drainage due

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

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

120 shall lapse five years from the date it is granted, provided the  
121 applicant may apply for and the commission may, in its discretion,  
122 grant a renewal of such conditional approval for an additional period  
123 of five years at the end of any five-year period, except that the  
124 commission may, by regulation, provide for a shorter period of  
125 conditional approval or renewal of such approval. Any person, firm or  
126 corporation who, prior to such final approval, sells or offers for sale  
127 any lot subdivided pursuant to a conditional approval shall be fined  
128 not more than five hundred dollars for each lot sold or offered for  
129 sale."