



# House of Representatives

General Assembly

**File No. 349**

February Session, 2012

Substitute House Bill No. 5320

*House of Representatives, April 11, 2012*

The Committee on Planning and Development reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS.**

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

1 Section 1. Subsection (g) of section 8-3 of the 2012 supplement to the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage and applicable to all approvals or extensions*  
4 *granted on or after said date*):

5 (g) (1) The zoning regulations may require that a site plan be filed  
6 with the commission or other municipal agency or official to aid in  
7 determining the conformity of a proposed building, use or structure  
8 with specific provisions of such regulations. If a site plan application  
9 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
10 inclusive, the applicant shall submit an application for a permit to the  
11 agency responsible for administration of the inland wetlands  
12 regulations not later than the day such application is filed with the  
13 zoning commission. The commission shall, within the period of time

14 established in section 8-7d, accept the filing of and shall process,  
15 pursuant to section 8-7d, any site plan application involving land  
16 regulated as an inland wetland or watercourse under chapter 440. The  
17 decision of the zoning commission shall not be rendered on the site  
18 plan application until the inland wetlands agency has submitted a  
19 report with its final decision. In making its decision, the commission  
20 shall give due consideration to the report of the inland wetlands  
21 agency and if the commission establishes terms and conditions for  
22 approval that are not consistent with the final decision of the inland  
23 wetlands agency, the commission shall state on the record the reason  
24 for such terms and conditions. A site plan may be modified or denied  
25 only if it fails to comply with requirements already set forth in the  
26 zoning or inland wetlands regulations. Approval of a site plan shall be  
27 presumed unless a decision to deny or modify it is rendered within the  
28 period specified in section 8-7d. A certificate of approval of any plan  
29 for which the period for approval has expired and on which no action  
30 has been taken shall be sent to the applicant within fifteen days of the  
31 date on which the period for approval has expired. A decision to deny  
32 or modify a site plan shall set forth the reasons for such denial or  
33 modification. A copy of any decision shall be sent by certified mail to  
34 the person who submitted such plan within fifteen days after such  
35 decision is rendered. The zoning commission may, as a condition of  
36 approval of [any] a site plan or modified site plan, require a [bond in  
37 an amount not to exceed the cost to perform any modifications  
38 required by such modified site plan plus an additional amount of up to  
39 ten per cent of the amount of the bond and with surety and conditions  
40 satisfactory to it, securing that any modifications of such site plan are  
41 made or may grant an extension of the time to complete work in  
42 connection with such modified site plan] financial guarantee in the  
43 form of a bond, a bond with surety or similar instrument to ensure (A)  
44 the timely and adequate completion of any site improvements that will  
45 be conveyed to or controlled by the municipality, and (B) the  
46 implementation of any erosion and sediment controls required during  
47 construction activities. The amount of such financial guarantee shall be  
48 calculated so as not to exceed the anticipated actual costs for the

49 completion of such site improvements or the implementation of such  
50 erosion and sediment controls plus a contingency amount not to  
51 exceed ten per cent of such costs. At any time, the commission may  
52 grant an extension of time to complete any site improvements. The  
53 commission shall publish notice of the approval or denial of site plans  
54 in a newspaper having a general circulation in the municipality. In any  
55 case in which such notice is not published within the fifteen-day  
56 period after a decision has been rendered, the person who submitted  
57 such plan may provide for the publication of such notice within ten  
58 days thereafter. The provisions of this subsection shall apply to all  
59 zoning commissions or other final zoning authority of each  
60 municipality whether or not such municipality has adopted the  
61 provisions of this chapter or the charter of such municipality or special  
62 act establishing zoning in the municipality contains similar provisions.

63 (2) To satisfy any [bond or surety] financial guarantee requirement,  
64 the commission [shall] may accept surety bonds [,] and shall accept  
65 cash bonds, passbook or statement savings accounts and other [surety]  
66 financial guarantees other than surety bonds including, but not limited  
67 to, letters of credit, provided such [bond or surety] other financial  
68 guarantee is in a form acceptable to the commission and the financial  
69 institution or other entity issuing any letter of credit is acceptable to  
70 the commission. Such [bond or surety] financial guarantee may, at the  
71 discretion of the person posting such [bond or surety] financial  
72 guarantee, be posted at any time before all [modifications of the site  
73 plan] approved site improvements are [complete] completed, except  
74 that the commission may require a [bond or surety] financial guarantee  
75 for erosion [control] and sediment controls prior to the commencement  
76 of any such [modifications] site improvements. No certificate of  
77 occupancy shall be issued before a required [bond or surety] financial  
78 guarantee is posted or the approved site improvements are completed  
79 to the reasonable satisfaction of the commission or its agent. For any  
80 site plan that is approved for development in phases, the [surety]  
81 financial guarantee provisions of this section shall apply as if each  
82 phase was approved as a separate site plan. Notwithstanding the  
83 provisions of any special act, municipal charter or ordinance, no

84 commission shall (A) require a [bond or other surety to securitize]  
85 financial guarantee or payment to finance the maintenance of roads,  
86 streets, retention or detention basins or other improvements  
87 [associated] approved with such site plan for [maintenance occurring  
88 after] more than one year after the date on which such improvements  
89 have been completed to the reasonable satisfaction of the commission  
90 or its agent or accepted by the municipality, or (B) require the  
91 establishment of a homeowners association or the placement of a deed  
92 restriction, easement or similar burden on property for the  
93 maintenance of approved site improvements, except that the  
94 prohibition of this subparagraph shall not apply to the placement of a  
95 deed restriction, easement or similar burden necessary to grant a  
96 municipality access to such approved site improvements.

97 (3) If the person posting a [bond or surety] financial guarantee  
98 under this section requests a release of all or a portion of such [bond or  
99 surety] financial guarantee, the commission or its agent shall, not later  
100 than sixty-five days after receiving such request, (A) release or  
101 authorize the release of any such [bond or surety] financial guarantee  
102 or portion thereof, provided the commission or its agent is reasonably  
103 satisfied that the [modifications] site improvements for which such  
104 [bond or surety] financial guarantee or portion thereof was posted  
105 have been completed, or (B) provide the person posting such [bond or  
106 surety] financial guarantee with a written explanation as to the  
107 additional [modifications] site improvements that must be completed  
108 before such [bond or surety] financial guarantee or portion thereof  
109 may be released.

110 Sec. 2. Section 8-25 of the 2012 supplement to the general statutes is  
111 repealed and the following is substituted in lieu thereof (*Effective from*  
112 *passage and applicable to all approvals or extensions granted after said date*):

113 (a) No subdivision of land shall be made until a plan for such  
114 subdivision has been approved by the commission. Any person, firm  
115 or corporation making any subdivision of land without the approval of  
116 the commission shall be fined not more than five hundred dollars for

117 each lot sold or offered for sale or so subdivided. Any plan for  
118 subdivision shall, upon approval, or when taken as approved by  
119 reason of the failure of the commission to act, be filed or recorded by  
120 the applicant in the office of the town clerk not later than ninety days  
121 after the expiration of the appeal period under section 8-8, or in the  
122 case of an appeal, not later than ninety days after the termination of  
123 such appeal by dismissal, withdrawal or judgment in favor of the  
124 applicant but, if it is a plan for subdivision wholly or partially within a  
125 district, it shall be filed in the offices of both the district clerk and the  
126 town clerk, and any plan not so filed or recorded within the prescribed  
127 time shall become null and void, except that the commission may  
128 extend the time for such filing for two additional periods of ninety  
129 days and the plan shall remain valid until the expiration of such  
130 extended time. All such plans shall be delivered to the applicant for  
131 filing or recording not more than thirty days after the time for taking  
132 an appeal from the action of the commission has elapsed or not more  
133 than thirty days after the date that plans modified in accordance with  
134 the commission's approval and that comply with section 7-31 are  
135 delivered to the commission, whichever is later, and in the event of an  
136 appeal, not more than thirty days after the termination of such appeal  
137 by dismissal, withdrawal or judgment in favor of the applicant or not  
138 more than thirty days after the date that plans modified in accordance  
139 with the commission's approval and that comply with section 7-31 are  
140 delivered to the commission, whichever is later. No such plan shall be  
141 recorded or filed by the town clerk or district clerk or other officer  
142 authorized to record or file plans until its approval has been endorsed  
143 thereon by the chairman or secretary of the commission, and the filing  
144 or recording of a subdivision plan without such approval shall be void.  
145 Before exercising the powers granted in this section, the commission  
146 shall adopt regulations covering the subdivision of land. No such  
147 regulations shall become effective until after a public hearing held in  
148 accordance with the provisions of section 8-7d. Such regulations shall  
149 provide that the land to be subdivided shall be of such character that it  
150 can be used for building purposes without danger to health or the  
151 public safety, that proper provision shall be made for water, sewerage

152 and drainage, including the upgrading of any downstream ditch,  
153 culvert or other drainage structure which, through the introduction of  
154 additional drainage due to such subdivision, becomes undersized and  
155 creates the potential for flooding on a state highway, and, in areas  
156 contiguous to brooks, rivers or other bodies of water subject to  
157 flooding, including tidal flooding, that proper provision shall be made  
158 for protective flood control measures and that the proposed streets are  
159 in harmony with existing or proposed principal thoroughfares shown  
160 in the plan of conservation and development as described in section  
161 8-23, especially in regard to safe intersections with such thoroughfares,  
162 and so arranged and of such width, as to provide an adequate and  
163 convenient system for present and prospective traffic needs. Such  
164 regulations shall also provide that the commission may require the  
165 provision of open spaces, parks and playgrounds when, and in places,  
166 deemed proper by the planning commission, which open spaces, parks  
167 and playgrounds shall be shown on the subdivision plan. Such  
168 regulations may, with the approval of the commission, authorize the  
169 applicant to pay a fee to the municipality or pay a fee to the  
170 municipality and transfer land to the municipality in lieu of any  
171 requirement to provide open spaces. Such payment or combination of  
172 payment and the fair market value of land transferred shall be equal to  
173 not more than ten per cent of the fair market value of the land to be  
174 subdivided prior to the approval of the subdivision. The fair market  
175 value shall be determined by an appraiser jointly selected by the  
176 commission and the applicant. A fraction of such payment the  
177 numerator of which is one and the denominator of which is the  
178 number of approved parcels in the subdivision shall be made at the  
179 time of the sale of each approved parcel of land in the subdivision and  
180 placed in a fund in accordance with the provisions of section 8-25b.  
181 The open space requirements of this section shall not apply if the  
182 transfer of all land in a subdivision of less than five parcels is to a  
183 parent, child, brother, sister, grandparent, grandchild, aunt, uncle or  
184 first cousin for no consideration, or if the subdivision is to contain  
185 affordable housing, as defined in section 8-39a, equal to twenty per  
186 cent or more of the total housing to be constructed in such subdivision.

187 Such regulations, on and after July 1, 1985, shall provide that proper  
188 provision be made for soil erosion and sediment control pursuant to  
189 section 22a-329. Such regulations shall not impose conditions and  
190 requirements on manufactured homes having as their narrowest  
191 dimension twenty-two feet or more and built in accordance with  
192 federal manufactured home construction and safety standards or on  
193 lots containing such manufactured homes which are substantially  
194 different from conditions and requirements imposed on single-family  
195 dwellings and lots containing single-family dwellings. Such  
196 regulations shall not impose conditions and requirements on  
197 developments to be occupied by manufactured homes having as their  
198 narrowest dimension twenty-two feet or more and built in accordance  
199 with federal manufactured home construction and safety standards  
200 which are substantially different from conditions and requirements  
201 imposed on multifamily dwellings, lots containing multifamily  
202 dwellings, cluster developments or planned unit developments. The  
203 commission may also prescribe the extent to which and the manner in  
204 which streets shall be graded and improved and public utilities and  
205 services provided and, in lieu of the completion of such work and  
206 installations previous to the final approval of a plan, the commission  
207 may accept a [bond] financial guarantee of such work and installations  
208 in an amount and with surety and conditions satisfactory to it securing  
209 to the municipality the actual construction, maintenance and  
210 installation of such public improvements and utilities within a period  
211 specified in the [bond] financial guarantee. Such regulations may  
212 provide, in lieu of the completion of the work and installations above  
213 referred to, previous to the final approval of a plan, for an assessment  
214 or other method whereby the municipality is put in an assured  
215 position to do such work and make such installations at the expense of  
216 the owners of the property within the subdivision. Such regulations  
217 may provide that in lieu of either the completion of the work or the  
218 furnishing of a [bond or other surety] financial guarantee as provided  
219 in this section, the commission may authorize the filing of a plan with  
220 a conditional approval endorsed thereon. Such approval shall be  
221 conditioned on (1) the actual construction, maintenance and

222 installation of any improvements or utilities prescribed by the  
223 commission, or (2) the provision of a [bond or other surety] financial  
224 guarantee as provided in this section. Upon the occurrence of either of  
225 such events, the commission shall cause a final approval to be  
226 endorsed thereon in the manner provided by this section. Any such  
227 conditional approval shall lapse five years from the date it is granted,  
228 provided the applicant may apply for and the commission may, in its  
229 discretion, grant a renewal of such conditional approval for an  
230 additional period of five years at the end of any five-year period,  
231 except that the commission may, by regulation, provide for a shorter  
232 period of conditional approval or renewal of such approval. Any  
233 person who enters into a contract for the purchase of any lot  
234 subdivided pursuant to a conditional approval may rescind such  
235 contract by delivering a written notice of rescission to the seller not  
236 later than three days after receipt of written notice of final approval if  
237 such final approval has additional amendments or any conditions that  
238 were not included in the conditional approval and are unacceptable to  
239 the buyer. Any person, firm or corporation who, prior to such final  
240 approval, transfers title to any lot subdivided pursuant to a conditional  
241 approval shall be fined not more than one thousand dollars for each lot  
242 transferred. Nothing in this subsection shall be construed to authorize  
243 the marketing of any lot prior to the granting of conditional approval  
244 or renewal of such conditional approval.

245 (b) The regulations adopted under subsection (a) of this section shall  
246 also encourage energy-efficient patterns of development and land use,  
247 the use of solar and other renewable forms of energy, and energy  
248 conservation. The regulations shall require any person submitting a  
249 plan for a subdivision to the commission under subsection (a) of this  
250 section to demonstrate to the commission that such person has  
251 considered, in developing the plan, using passive solar energy  
252 techniques which would not significantly increase the cost of the  
253 housing to the buyer, after tax credits, subsidies and exemptions. As  
254 used in this subsection and section 8-2, "passive solar energy  
255 techniques" means site design techniques which maximize solar heat  
256 gain, minimize heat loss and provide thermal storage within a building

257 during the heating season and minimize heat gain and provide for  
258 natural ventilation during the cooling season. The site design  
259 techniques shall include, but not be limited to: (1) House orientation;  
260 (2) street and lot layout; (3) vegetation; (4) natural and man-made  
261 topographical features; and (5) protection of solar access within the  
262 development.

263 (c) The regulations adopted under subsection (a) of this section,  
264 may, to the extent consistent with soil types, terrain, infrastructure  
265 capacity and the plan of development for the community, provide for  
266 cluster development, and may provide for incentives for cluster  
267 development such as density bonuses, or may require cluster  
268 development.

269 (d) (1) To satisfy any [bond or surety] financial guarantee  
270 requirement in this section, the commission [shall] may accept surety  
271 bonds [,] and shall accept cash bonds, passbook or statement savings  
272 accounts and other [surety] financial guarantees other than surety  
273 bonds including, but not limited to, letters of credit, provided such  
274 [bond or surety] financial guarantee is in a form acceptable to the  
275 commission and the financial institution or other entity issuing any  
276 letter of credit is acceptable to the commission. Such [bond or surety]  
277 financial guarantee may, at the discretion of the person posting such  
278 [bond or surety] financial guarantee, be posted at any time before all  
279 approved public improvements and utilities are [constructed and  
280 installed] completed, except that the commission may require a [bond  
281 or surety] financial guarantee for erosion [control] and sediment  
282 controls prior to the commencement of any [such construction or  
283 installation] improvements. No lot shall be transferred to a buyer  
284 before any required [bond or surety] financial guarantee is posted or  
285 before the approved public improvements and utilities are completed  
286 to the reasonable satisfaction of the commission or its agent. For any  
287 subdivision that is approved for development in phases, the [surety]  
288 financial guarantee provisions of this section shall apply as if each  
289 phase was approved as a separate subdivision. Notwithstanding the  
290 provisions of any special act, municipal charter or ordinance, no

291 commission shall (A) require a [bond or surety to securitize] financial  
292 guarantee or payment to finance the maintenance of roads, streets,  
293 retention or detention basins or other improvements [associated]  
294 approved with such subdivision for [maintenance occurring after]  
295 more than one year after the date on which such improvements have  
296 been completed to the reasonable satisfaction of the commission or its  
297 agent or accepted by the municipality, or (B) require the establishment  
298 of a homeowners association or the placement of a deed restriction,  
299 easement or similar burden on property for the maintenance of  
300 approved site improvements, except that the prohibition of this  
301 subparagraph shall not apply to the placement of a deed restriction,  
302 easement or similar burden necessary to grant a municipality access to  
303 such approved site improvements.

304 (2) If the person posting a [bond or surety] financial guarantee  
305 under this section requests a release of all or a portion of such [bond or  
306 surety] financial guarantee, the commission or its agent shall, not later  
307 than sixty-five days after receiving such request, (A) release or  
308 authorize the release of any such [bond or surety] financial guarantee  
309 or portion thereof, provided the commission or its agent is reasonably  
310 satisfied that the [modifications] improvements for which such [bond  
311 or surety] financial guarantee or portion thereof was posted have been  
312 completed, or (B) provide the person posting such [bond or surety]  
313 financial guarantee with a written explanation as to the additional  
314 [modifications] improvements that must be completed before such  
315 [bond or surety] financial guarantee or portion thereof may be  
316 released.

317 Sec. 3. Section 8-27 of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective from passage*):

319 Any municipality having a planning commission may, by  
320 ordinance, prohibit or regulate the issuance of building permits for the  
321 erection of buildings or structures on lots abutting unaccepted  
322 highways or streets. No such ordinance shall prevent the issuance of a  
323 building permit for the construction of (1) farm or accessory buildings

324 which are not in violation of any lawful zoning or building regulations  
 325 of the municipality, or (2) any building or structure on a site plan  
 326 approved pursuant to subsection (g) of section 8-3, as amended by this  
 327 act, or in a subdivision approved pursuant to section 8-25, as amended  
 328 by this act, provided the approval for such site plan or subdivision has  
 329 not expired. Any building erected in violation of any such ordinance  
 330 shall be deemed an unlawful structure, and the municipality through  
 331 the appropriate officer may bring action to enjoin the erection of such  
 332 structure or cause it to be vacated or removed. Any person, firm or  
 333 corporation erecting a building or structure in violation of any such  
 334 ordinance may be fined not more than two hundred dollars for each  
 335 building or structure so erected in addition to the relief herein  
 336 otherwise granted to the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to all approvals or extensions granted on or after said date</i>	8-3(g)
Sec. 2	<i>from passage and applicable to all approvals or extensions granted after said date</i>	8-25
Sec. 3	<i>from passage</i>	8-27

**Statement of Legislative Commissioners:**

The exception in sections 1(g)(2)(B) and 2(d)(1)(B) was rephrased for clarity.

**PD**            *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 13 \$</b>	<b>FY 14 \$</b>
All Municipalities	Potential Savings	See Below	See Below

**Explanation**

The bill gives zoning commissions more control in determining the type of financial guarantee they will accept from developers engaged in certain activities. This will reduce the likelihood that municipalities will not have access to sufficient funds to complete or remediate public improvements in cases of default or inadequate work by the developer.

The other changes made in the bill clarify provisions in PA 11-79 that have no fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5320*****AN ACT CONCERNING BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS.*****SUMMARY:**

The law allows municipal land use commissions to require developers to post a bond to guarantee that site plan and subdivision improvements are completed. PA 11-79 made various changes to these laws, including (1) expanding the types of financial instruments that a person could use to fulfill a bond requirement, (2) prohibiting commissions from requiring bonds to secure the maintenance of certain improvements, and (3) giving the person posting the bond the discretion to post it any time before completing the improvements.

This bill amends these requirements in various ways. Among other things, the bill:

1. eliminates references to bonds or surety, referring instead to these instruments as “financial guarantees;”
2. limits the types of site improvements and activities for which a zoning commission can require a bond;
3. eases the restriction on commissions requiring financial guarantees to secure the maintenance of certain improvements;
4. allows, rather than requires, municipal planning and zoning commissions to accept surety bonds;
5. creates an exception to the requirement that a developer post a bond before a certificate of occupancy is issued or lots are transferred; and

6. prohibits commissions from requiring developers to establish a homeowners association or placing a deed restriction on the property to maintain approved site improvements.

Current law allows municipalities to enact ordinances prohibiting or regulating building permits for structures on lots that abut unaccepted streets, except for farm or accessory buildings that conform to the municipality's zoning or building regulations. The bill bars such ordinances from prohibiting buildings or structures on approved site plans and subdivisions as long as the approvals have not expired.

The bill also makes technical and conforming changes.

**EFFECTIVE DATE:** Upon passage; the provisions concerning financial guarantees for site plan and subdivision approvals are applicable to approvals or extensions granted on or after that date.

#### **FORM OF THE FINANCIAL GUARANTEE**

PA 11-79 expanded the types of financial instruments that a person could use to fulfill a bond requirement for site plan and subdivision approvals. Specifically, it required municipal planning and zoning commissions to accept (1) surety bonds; (2) cash bonds; (3) passbook or statement savings accounts; and (4) other surety, including letters of credit, provided the commission finds the instrument and the financial institution or entity issuing it acceptable. The bill allows, rather than requires, the commissions to accept surety bonds. It continues to require the commissions to accept the other types of financial guarantees, including letters of credit, as long as they find the instrument and the financial institution or entity that issued it acceptable.

#### **POSTING THE BOND**

PA 11-79 gave the person required to post the bond the discretion to post it any time before completing the site plan improvements or subdivision public improvements and utilities, as long as the bond was posted before the (1) town issued a certificate of occupancy for the site plan or (2) developer transferred lots to buyers in the subdivision. The

bill creates an exception to this requirement if the commission or its agent is reasonably satisfied that the approved site improvements or public improvements and utilities are complete.

Under PA 11-79, the commission can require a developer to post a bond for erosion control before work can start. The bill allows the commission to also require a bond for sediment controls before work starts.

### **MAINTENANCE BONDS**

PA 11-79 prohibited a commission from requiring a bond to secure the maintenance of roads, streets, or other improvements associated with a site plan or subdivision for maintenance occurring after a municipality has accepted the improvements. The bill allows the commission to require financial guarantees for maintenance purposes for up to one year after the improvements are completed to the reasonable satisfaction of the commission or its agent or accepted by the municipality. It also allows commissions to require bonds for the maintenance of retention and detention basins for up to one year after completion.

The bill bars commissions from requiring payments, rather than financial guarantees, to secure the maintenance. It also prohibits commissions from (1) requiring developers to establish a homeowners association or (2) placing a deed restriction or easement on the property to maintain approved site improvements. It specifies that this prohibition does not apply to any deed restriction or easement that gives the municipality access to the improvements.

### **SITE PLAN IMPROVEMENTS SECURED BY BONDS**

By law, a zoning commission can approve, deny, or modify a site plan. The law allows zoning commissions, as a condition of approving modified site plans, to require developers to post a bond to guarantee that site plan modifications (i.e., site improvements) are completed. The bill allows zoning commissions to require financial guarantees for any site plan, not just modified site plans, which conforms to current

practice.

The bill also restricts the types of improvements or activities for which a zoning commission can require a bond for site plan approval to (1) site improvements that will be conveyed to or controlled by the town and (2) erosion and sediment controls required during the construction. Under current law, the commission can require a bond to secure any site improvements.

**BOND AMOUNT FOR SITE PLAN APPROVAL**

PA 11-79 capped the bond amount a commission could require as a condition of approving a site plan at no more than the cost of performing the modifications plus an additional 10%. The bill instead limits the bond to the anticipated actual costs for completing the site improvements or erosion and sediment controls described above plus a contingency amount of up to 10% of such costs.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 2 (03/23/2012)