

§53 APPROVAL AND COMPLIANCE *Revised 10-14-03*

53-1 *Completeness, Date of Submission and Date of Receipt*

An application shall be deemed to be complete if it is in proper form and accompanied by all the application material required by §52-4. The Planning Staff note on the application the date by which all such requirements have been met and such date shall be the date of submission to the Commission. If the Planning Staff fails to so notify the Commission within 30 days of the date of filing such application in the Planning and Zoning Office, the application shall be deemed to be submitted on the 31st day after the date of filing.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission of a complete application or thirty-five (35) days after such submission, whichever is sooner.

53-2 *Regional Referral*

Any proposed Subdivision which abuts or crosses the Town Line shall be referred to the Regional Planning Agency and adjoining municipality in accordance with §8-26b and P.A. 87-307 of the Connecticut General Statutes, respectively.

53-3 *Public Hearing*

Within sixty-five (65) days after the date of receipt of a complete application, the Commission shall hold a public hearing on said application. Notice of a public hearing shall be published in accordance with §8-26 of the Connecticut General Statutes.

53-4 *Commission Review*

53-4.1 In reviewing a Subdivision application, the Commission shall take into consideration the public health, safety and general welfare.

53-4.2 The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

53-4.3 If an application involves land regulated by the Conservation Commission, the Planning and Zoning Commission shall not render its decision until the Conservation Commission or Conservation Director has submitted a report with its final decision. In making its decision the Planning and Zoning Commission shall give due consideration to such report.

53-5 *Commission Action*

53-5.1 *Approvals*

Subject to §53-5.2, within 65 days after completion of the public hearing, the Commission shall approve, modify and approve or disapprove any subdivision map or any accompanying plan or document. The Commission shall give approval to the proposed subdivision if it shall find that the subdivision map and plans and accompanying certificates, documents and data conform to the conditions and requirements of these regulations. In granting approval the Commission may attach such conditions it deems necessary to modify the subdivision map, plans or documents and to preserve the purpose and intent of proper regulations. The grounds for its action shall be stated in the records of the Commission.

53-5.2 Conservation Decision

f in the case of an application involving an activity regulated by the Conservation Commission, the time for decision by the Planning and Zoning Commission pursuant to §53-5.1 would elapse prior to the thirty-fifth day after a decision by the Conservation Commission or Conservation Director, the time period for a decision by the Planning and Zoning Commission shall be extended to thirty-five days after the Conservation decision.

53-5.3 Conditional Approvals

When the Commission approves a subdivision or re-subdivision with conditions each and all of said conditions shall be a integral part of the Commission's decision. Should any of the conditions of appeal from such decision, be found to be void or of no legal effect, then the conditional approval is likewise void. The applicant may refile another application for review.

53-6 Extension of Time

The applicant may consent in writing to an extension of the time periods in accordance with §8-26d of the Connecticut General Statutes.

53-7 Notice of Decision

Notice of decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of Westport and shall be sent by certified mail to the applicant within 15 days after the decision.

53-8 Map Endorsement

The Chairman or Secretary of the Commission shall not endorse the subdivision map to permit filing with the Town Clerk until applicable conditions of final approval have been met, until the map has been signed by the Head of the Water Pollution Control Authority or the Director of Health, whichever is applicable, and until all required subdivision improvements have been completed in accordance with §53-10 herein.

53-9 Bonding

Prior to endorsement of the subdivision map, the applicant shall post a bond with surety with the Commission. Such bond shall be in a form acceptable to the Town Attorney and in such amount as the Commission shall deem sufficient to ensure the satisfactory completion of all required improvements in accordance with the approved subdivision plans. An itemized estimate of the cost of the specific improvements, including water, electric and telephone lines, shall be prepared by applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Town Engineer and the Planning Director for approval. The bond may be in the form of cash, a certified check payable to the Town of Westport, a savings passbook with a bank letter and a signed withdrawal slip for a joint account in the name of the Town and applicant, an irrevocable letter of credit from a bank or an insurance company performance bond written by an insurance or surety company authorized to write bonds in the State of Connecticut. Said bond shall be posted with the Town, in accordance with the approved Subdivision. The bond cannot expire in less than five (5) years. The Commission may extend the period for completion of improvements up to a maximum of ten (10) years from the date of approval upon receipt of evidence of need of such extension and upon receipt of assurance from the applicant, bank or company that the bond obligation as determined pursuant to §53-11 will cover the extension period. Such bond must be posted with the Commission prior to the endorsement of the subdivision map by the Commission.

53-10 Delivery and Filing

Any plan for subdivision, including easements and deeds shall be filed by the applicant in the office of the Town Clerk within ninety (90) days of the expiration of the appeal period under §8-8 of the General Statutes of the State of Connecticut, or in the case of an appeal, within ninety days of the termination of such appeal by dismissal, withdrawal, or judgement in favor of the applicant. All such plans and documents shall be delivered to the applicant for filing not less than thirty days after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, not less than thirty (30) days after the termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant. No such plan shall be filed with the Town Clerk until its approval has been endorsed thereon by the Commission.

53-11 Completion of Work

All work in connection with any subdivision shall be completed within the following times from the date of approval of such subdivision:

- Subdivision approved on or before October 1, 1989 - 7 years
- Subdivision approved after October 1, 1989 - 5 years

The Commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the total time shall not exceed ten years from the date the subdivision was approved. The Commission may condition the approval of an extension on a determination of the adequacy of the amount of the bond or other surety furnished under §53-9. The Commission's endorsement of approval of a plan shall state the date on which such approval expires. Failure to complete all work within the period of approval (including extensions, if any) shall result in expiration of the approval in accordance with §8-26 c (b) of the CGS.

53-12 Release of Bond

Before release of any subdivision bond, (or before the Commission endorses any subdivision map to permit filing with the Town Clerk when no subdivision bond has been posted) the applicant shall submit three (3) copies of "As-Built" construction plans, signed and sealed by a land surveyor or engineer licensed to practice in the State of Connecticut, certifying that the streets, curb cuts, storm drains, sanitary sewers, catch basins, manholes, ditches, headwalls, sidewalks, curbs, gutters, bridges, culverts, underground utilities, street trees and all other required improvements pertaining to streets, drainage and sewers have been installed in the location and at the elevation or grade shown on the approved construction plans. The Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Town Engineer and the Tree Warden to determine if all of the conditions of approval have been met and if all required improvements have been satisfactory completed in accordance with the approved plans. Based on the findings only, the Commission may authorize the reduction or release of said bond and the subsequent release of conditions.

53-13 Zoning Certificate of Compliance

No Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer for a principal building on an approved subdivision lot unless and until the subgrade and base course for the new subdivision road and any required drainage facilities located downstream or downhill from said lot have been installed, inspected and approved by the Town Engineer.