

## **SECTION 4.0 APPLICATION PROCEDURES**

### **4.1 STAFF REVIEW PRIOR TO APPLICATION**

All prospective applicants for subdivision or re-subdivision are encouraged to meet with the Town's Director of Planning and Development prior to submission of a formal application. The Director of Planning and Development shall coordinate the review of all the materials submitted by the prospective applicant with other Town staff, officials and consultants, and may set up informal meetings among the prospective applicant and others, including the Commission. The Commission shall not informally discuss any proposal with any prospective applicant unless the proposal has first been submitted to the Director of Planning and Development for such review as he or she may deem appropriate. The purpose of any and all pre-application reviews, meetings and comments shall be advisory only, and no comments made by any Town staff or Commission member or other Town official or consultant shall be deemed to be binding in any way on the Commission if and when a formal application for approval is submitted.

To assist in such review, Town staff may require the approximate location of the proposed road centerline and drainage facilities to be flagged in the field.

### **4.2 RECEIPT OF APPLICATION FOR SUBDIVISION AND RESUBDIVISION**

In compliance with Title B, Chapter 126, Section 8-26D, Subsection (c) of the General Statutes of the State of Connecticut, the receipt of an application for subdivision shall be the day of the next regularly scheduled meeting of the Planning and Zoning Commission, immediately following the day of submission to the Commission and its agent, or thirty-five days, whichever is sooner.

### **4.3 RESUBDIVISION APPLICATION**

An application for resubdivision shall be accepted by the Commission in the same manner as an application for subdivision except that, in accordance with Title B, Chapter 126, Section 8-26, a public hearing shall be required.

### **4.4 SUBDIVISION APPLICATION**

When a formal application for subdivision is submitted to the Hebron Planning and Zoning Commission and a hearing is to be held on such application, such hearing shall commence within sixty-five days after receipt of such application. The hearing shall be completed within thirty-five days after such hearing commences. The Hebron Planning and Zoning Commission shall render a decision on all applications for subdivisions for which hearings have been held within sixty-five days after completion of such hearings. When the Planning and Zoning Commission is presented with an application for subdivision and requires no hearing, a decision shall be rendered within sixty-five days after receipt of such application. The applicant may authorize and the Commission may

approve an extension of any of the aforementioned periods; however, the extension may not be any longer than the original time period being extended.

#### **4.5 FEES FOR APPLICATION**

The Commission will charge a fee for all subdivisions, in accordance with Section 8-26 of the General Statutes of the State of Connecticut and applicable Town Ordinances.

#### **4.6 NOTICE OF PUBLIC HEARING**

Notice of public hearing shall be given by publication in a newspaper of general circulation in the Town of Hebron at least twice, at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, the last not less than two days prior to the date of such hearing, and by sending a copy thereof by certified mail to the applicant.

**A.** Where an application is set for public hearing, all applicants or their agents shall be responsible for notifying owners of property located within 100 feet of the subject property, and when pertinent, the Land Trust, that open space or easements will be offered. With the submission of any such application to the Commission, the applicant shall provide:

- 1) A list of the names and addresses of owners of property located within 100 feet of (including directly across any street(s), watercourse or waterbody from) the subject property. The latest records of the Hebron Tax Assessor shall be utilized to determine the owner of each property.
- 2) A sketch showing the subject property and the surrounding properties within 500 feet of the subject property.
- 3) All affected properties which are subject to the proposed notification as described above shall be designated with a tax map and tax lot number as determined by the Hebron Tax Assessor's records.
- 4) If pertinent to the application, the name of the Land Trust that would be offered any open space easements.

**B.** If the application shall be scheduled for a Public Hearing, the applicant shall notify each surrounding property owner, and when pertinent, the Land Trust, that open space or easements will be offered, of the time, place, date and purpose of the hearing by sending a copy of the legal notice to each abutting property owner not less than ten days prior to the scheduled hearing. Notice shall be sent as per Section 4.6D.

- C. If the application shall not be subject to a Public Hearing, the applicant shall notify each surrounding property owner of the pending application by sending them a letter informing them of the application, the time and place of the Commission's meeting, and describing the proposed activity (construction, new use, etc.). Such notification shall be sent per Section 4.6D and not less than ten days prior to the date of the first Commission meeting at which the item is on its agenda.
- D. Notices from the applicant to the surrounding property owners, and when pertinent, the Land Trust that open space or easements will be offered, shall be sent via Certified U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificate of Mailing. Notices sent "Return Receipt Requested" are not advisable.
- E. Prior to the date of the Commission's Public Hearing (or discussion if there is no hearing) regarding the application, the applicant shall submit:
  - 1) The Certificates of Mailing.
  - 2) A list of the property owners to whom the notices were sent.
  - 3) A copy of the letter and any enclosures sent to the surrounding property owners.
  - 4) The name of the Land Trust to whom the notice was sent.

#### **4.7 APPROVAL-DISAPPROVAL NOTICE**

The Hebron Planning and Zoning Commission shall, within the permitted time, approve, modify and approve, or disapprove any subdivision or resubdivision application or maps and plans submitted therewith. Notice of such decision of the Commission shall be published in a newspaper having substantial circulation in Hebron and addressed by certified mail to the applicant by the Secretary, Clerk or staff of the Hebron Planning and Zoning Commission.

#### **4.8 DELIVERY OF APPROVED FINAL PLAN**

Failure to record the plan for subdivision or resubdivision with the Town Clerk pursuant to Section 8-25 of the General Statutes, shall make the plan for subdivision null and void. The Commission may extend the time for such filing for two additional periods of 90 days and the plan shall remain valid until the expiration of such extended time.

All plans shall be delivered to the applicant for filing or recording promptly after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, promptly upon the termination of such appeal by dismissal withdrawal or judgement in favor of the applicant. No plan may be recorded or filed by the Town Clerk

or other officer authorized to record or file plans unless the approval of the Commission has been endorsed thereon by the Chairman or Secretary of the Commission and any filing or recording without such approval is void.

#### **4.9 COMPLETION OF APPROVED SUBDIVISION**

Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five years after the approval of such subdivision. The Hebron Planning and Zoning Commission's endorsement of approval on the plan shall state the date on which such five-year period shall expire.

"Work" for the purpose of this section means all physical improvements required by the approved plan, and includes but is not limited to the construction of roads, storm drainage facilities, monuments, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and the installation of retaining walls and/or other structures.

#### **4.10 BUILDING ON UNACCEPTED STREETS**

The Building Official shall not issue a building permit for building or structures on lots with access to only unaccepted highways or streets. The only building or structures exempt from this Regulation are farm or accessory buildings which are not in violation of existing Hebron Zoning Regulations.

A building permit may be issued on an unaccepted street if a performance bond as described in Section 7 is filed with the Town in an amount specified by the Hebron Planning and Zoning Commission at the time of subdivision approval.

#### **4.11 APPEALS**

Any person aggrieved by an official action or decision, including a decision to take no action, of the Hebron Planning and Zoning Commission may appeal therefrom within fifteen days from the date when notice of such action or decision was so published to the Superior Court for the Judicial District of Tolland County. In those situations where the approval of the Planning and Zoning Commission must be inferred because of the failure of the Commission to act on an application, any person aggrieved by such approval may appeal therefrom within fifteen days after the expiration of the period prescribed in Section 4.7 of these Regulations, for action by the Commission to the Superior Court for the Judicial District of Tolland County at Vernon, Connecticut.

#### **4.12 CHANGE IN ZONING REGULATIONS, ZONING DISTRICTS, AND SUBDIVISION REGULATIONS**

Notwithstanding the provisions of any general or special act or Town of Hebron Ordinance, when an application, petition or request of approval of subdivision plan for residential property has been filed with, or submitted, or made to the Hebron Planning

and Zoning Commission, accompanied by a subdivision plan and such other documents as may be required by Hebron Zoning and Subdivision Regulations and is in conformance with such regulations as of the time of filing of such application, neither such original application, petition or request nor such subsequent modifications shall be required to comply with any change in the zoning regulations, the boundaries of zoning districts, or changes in subdivision regulations of a period of five years from the date of approval by the Hebron Planning and Zoning Commission.

**4.13 REQUIREMENT FOR CERTIFICATES OF TITLE OR TITLE INSURANCE**

Any developer whose subdivision application has been approved with conditions that require conveyance to the Town of any improvements, roadways, open space, conservation easements or any other interest in real estate shall make such conveyance by an instrument containing warranties of title accompanied by certificates of title or title insurance attesting to the sufficiency of the grantor's title to make such conveyances and further attesting to the fact that the interest being conveyed is free from any senior encumbrances, recorded or inchoate, by which the interest might be extinguished or which might impede or interfere with its use for the purposes the conveyance is made.