



TOWN OF PRESTON
Planning and Zoning Commission
Subdivision/Re-subdivision

Subdivision Application _____	Date _____	Amount Paid _____	Check _____
-------------------------------	------------	-------------------	-------------

- ___ 1. Fee – See fee schedule below
- ___ 2. Eight (8) copies of the re/subdivision plan, including anticipated future development of remaining land.
- ___ 3. Letter from the Department of Transportation, if applicable.
- ___ 4. Zoning Board of Appeals approval, if applicable.
- ___ 5. Other miscellaneous agency approvals (such as utilities).
- ___ 6. Copies of unexecuted deeds or easements for any easement or road row.
- ___ 7. Two copies of a bond estimate prepared by a Professional Engineer.
- ___ 8. Two copies of drainage calculations.
- ___ 9. Soil test information for each lot (this may be provided on the plan).
- ___ 10. List of names and addresses of all abutting property owners.
- ___ 11. Copy of property deed on file in the Town Clerk’s Office.
- ___ 12. Fee in accordance with Section 3.2 of the Subdivision Regulations.
- ___ 13. Letter indicating if requesting a waiver.

- 1. Is the application a subdivision or re-subdivision? _____
- 2. Applicant’s name _____ Phone () _____
- 3. Applicant’s address _____ Email _____
- 4. Owner’s name _____ Phone () _____
- 5. Owner’s address _____ Email _____

6. Name of subdivision _____

7. Acreage of parcel _____ Zone _____

8. Number of lots being created _____ Is there remaining land? _

9. Address and Location of parcel _____

10. Are public water or sewer systems proposed? _

11. Does the property contain a Flood Hazard Area? _

12. Is any portion of the property within Coastal Area? _

13. According to the Connecticut General Statues, if the subdivisions is adjacent to another municipality, or meets any of the criteria listed below, the Planning and Zoning Commission must notify the adjoining town of a pending application. If improper notice is given on the application, it will cause unnecessary delays in processing the application.

a) Is the site within 500 feet of the town boundary? _____ Town _____

- b) Will a significant portion of the traffic to the completed project use streets within the adjoining municipality to enter or exit the site? Town _____
- c) Will a significant portion of the sewer or water drainage for the project flow through or significantly impact drainage or sewage system within the adjoining municipality?
Town _____
14. Will the run-off from the improved street impact streets or other municipal or private property within the adjoining municipality? _____ Town _____
15. In the event the site directly abuts another municipality, the regional planning agency must be notified by the town. Does the property directly abut another municipality? _____
Town _____
16. Date of submission to and/or approval by the Inland Wetland Commission, if applicable (simultaneous applications may be submitted).
17. **Date of Submission** _____ **Date of Approval** _____

FEE SCHEDULE
November 15, 2021
SUBDIVISIONS and
RESUBDIVISIONS

- i. *Per lot Fee.* \$100 per lot, or two hundred dollars (\$200), whichever is greater.
- ii. *Engineering and other consultant fees.* This fee shall be based on a cost estimate provided by the town engineer and/or consultant. The applicant shall pay 150% of the estimate, which shall include all reviews, site inspections and inspections for bond releases. All unused funds will be returned to the applicant forty-five (45) days after the project is completed as determined by the Commission. *(This fee is different than the public improvement fee which covers the cost of new roads, drainage and all public improvements related to the construction of a new road – outlined under 3.2 b) v.)*
- iii. *State fee.* The state fee shall be paid in accordance with Section 22a-27j of the CGS.
- iv. *Legal notice reimbursement fee.* This fee will be paid after the commission takes action on the application and is to cover the cost of the legal notices posted in the newspaper.
- Public Improvements fee, for new roads.* An additional fee shall be paid to the town for subdivision containing public improvements prior to the endorsement of the plan and its filing with the town clerk's office. This fee shall be equal to six percent (6%) of the estimated cost of public improvements. The cost estimate shall be prepared by the applicant's engineer and approved by the town engineer. Construction cost estimates are based on the unit prices the Town would have pay to complete the improvements in the event the applicant defaults on the project and includes, but is not limited to the construction of new roads, storm drainage, water, sewer and other utility lines, planting of trees or other landscaping, the installation of retaining walls or other structures and erosion and sediment controls. After completion and approval by the Commission of all improvements, any balance remaining of this fee will be returned to the applicant within forty-five (45) days. This fee is to cover the cost of professional services, such as the town engineer, for the continued technical review of the plans and inspection of public improvements.

Any fee remaining at the end of the project will be returned to you.

FOR TOWN USE:

Date of receipt _____ Date Commission Received _____
Time period(s) 1. _____ 2. _____ Request for extension _____
Public Hearing date _____ Date of Commission action _____ Date filed _____
Referral date _____ Sanitarian _____ 1st Selectman _____ IWC _____
Fire _____ Bldg. _____ PW _____ ZEO _____ Engineer _____ Con. Comm. _____
Required Statutory Reviews: SCOG _____ DEP _____ Towns (list) _____



**Application signatures
and
Permission to access the site**

All owners of the property must sign the application, unless the property is owned by a corporation, in which case a corporate resolution authorizing the **signatory to execute any documents required** to be submitted with the application shall be attached to the application.

By signing this application permission is hereby granted by all owners of the property to file the attached application and authorizes Town of Preston representatives to enter onto the property at any time during the application process or during construction of the project for inspections, and, if applicable, for other appropriate purposes, as outlined in the bond agreement.

Applicant _____ Date _____

(Please print name)

Owner _____ Date _____

(Please print name)

Subdivisions Procedure:

A subdivision is the division of land into three or more parts after the adoption of the Subdivision Regulations in May 1962. Any subdivision of a land must be submitted to the Planning and Zoning Commission for review and approval.

- a. Pre-application.** A pre-application meeting with the Town Planner is recommended to be held for those subdivisions that require public improvements or as requested by the applicant.
- b. Applications.** *Subdivision applications* are due 12 working days prior to the regularly scheduled Planning and Zoning Commission meeting. If the site contains land designated as wetland soil by a soil scientist, an application must be submitted to the Inland Wetland and Watercourses Commission (IWWC). According to the Connecticut General Statutes this application must be submitted before or on the same day as submitted to the PZC. IWWC action is required prior to PZC taking action. Please be sure to provide all required documentation with your application as follows:
 - i. 10 copies of the application signed by the applicant and the land owner(s).
 - ii. Copy of current deed.
 - iii. The fee for the subdivision with is \$25.00 per lot or a minimum of \$50.00 plus the engineering fee. This fee is \$200.00 per lot for subdivisions that do not have public improvements. The fee is three percent of the cost for the public improvements for subdivision that include public improvements. This is based on cost estimate prepared by the applicant's engineer and approved by the Town Engineer.
 - iv. 10 copies of the plans prepared by a Connecticut licensed land surveyor and, as applicable, professional engineer.
 - v. 2 copies of the cost estimate for public improvements.
 - vi. 2 copies of the drainage calculations.
 - vii. Letters from any agency having jurisdiction over the property and any portion thereof.
 - viii. Copies of permits issued by other agencies such as the Zoning Board of Appeals or the Inland Wetland Water Courses Commission (if the application has been acted upon by the IWWC at the time of submission).
 - ix. Soil test for each lot. This should be provided on the plan.
 - x. List of names of all abutting property owners.
 - xi. If requesting any waivers to the Subdivision Regulations, a list of waivers.
 - xii. If giving land to relatives, a letter indicating such for purposes of open space exemption. See attached open space policy.
- c. Town and SCCOG Referral.** If the parcel is within 500 feet of an abutting town the plans will be forwarded to the abutting town for comments. If the site is adjoins to an abutting town, the plans are referred to the Southeastern Connecticut Council of Governments for review and comment.
- d. Staff Referrals and review.** The plans will be forwarded to the various town staff members by the town planner. Once comments are received, they will be forwarded to the applicant's land surveyor and/or engineer. The plans must be revised accordingly and submitted to the town planner at the review meeting between the planner and the applicant's land surveyor or engineer, scheduled by the town planner. This meeting will be held prior to the Planning and Zoning Commission meeting (*see page 7 for Planner's checklist*).

- e. **Agenda.** The application will be placed on the next regularly scheduled meeting of the Commission. If the application requires approval from the Inland Wetland Water Courses Commission, their approval must be made prior to the PZC acting on the application. The Commission has 65 days to review the application and/or schedule a public hearing. If a public hearing is not scheduled, the applicant must notify the abutting land owners (including across the street) at least 10 days prior to the meeting by certified mail. The ten days does not include the day of the meeting and the day the notice is sent out.
- f. **Open Space Policy.** Unless exempt, all applicants are required to either pay an open space provide an open space dedication (*see page 13 for the Open Space Policy*).
- g. **Notices to Abutters.** For those subdivisions that do not require a hearing, the applicant must notify the abutting land owners 10 days prior to the hearing. The ten days does not include the day of the meeting and the day the notice is sent out (*see page 14 for Notice to Abutters letter*).
- h. **Public Hearings Notices.** Public hearings are required for 5 lots or more and for re-subdivision. The Commission may schedule a hearing on any other application, if they so desire. The applicant must notify the abutting land owners 10 days prior to the hearing. The ten days does not include the day of the meeting and the day the notice is sent out.
- i. **Public Hearings.** At the hearing, the Chairman will allow the applicant to speak first; they are allowed time to thoroughly explain the application to the Commission. At the completion of the applicant's presentation, the town planner provides the Commission with an overview of the departmental reviews. The public will then be permitted to speak. Rebuttals are permitted. The Chairman has the right to limit comment time, depending upon the number of people at the meeting. After all comments are received and everything is added into the record, the Chairman will close the hearing. The Commission must close the public hearing within 35 days unless an extension is agreed upon. The Commission has sixty-five days to finalize their review of the hearing record and act on the application.
- i. **Action.** The Commission must approve, modify and approve or deny the application. The Commission may also *Conditionally Approve* the subdivision. Pursuant to Section 3.12 of the Subdivision Regulations, *Conditional Approval* allows the Commission to approve the application with the condition that the public improvements are completed without posting a bond, except for erosion and sediment control bond. Lots are not allowed to be sold until all the public improvements are completed. A letter informing the applicant of the Commission action (approval, denial or conditional approval) will be sent within 15 days of the meeting.
- j. **Bond.** A bond in an amount approved by the town engineer and in a format approved by the town attorney must be posted for all public improvements, unless the plan is conditionally approved in accordance with Section 3.12 of the Subdivision Regulation. The bond must be filed prior to the Chairman endorsing the approved and modified plan. In cases when a plan is conditionally approved, an erosion and sediment control bond will be required.
- k. **Filing Plans.** The 5 paper copies of the modified plans, 1 mylar set and one digital AUTOCADD CD of the plans must be provided to the Commission within 35 days of the Commission's action. The Chairman will endorse the plans. The plans must be filed within 90 days from the date the endorsed plans are delivered to the applicant.

- l. Public Improvements.** After the plans are filed, a meeting will be scheduled with the town planner to coordinate the schedule for public improvement. If a road is to be constructed, the town will hire an inspector to inspect the improvements. If the improvements are minor, the inspections will generally be conducted by the town planner and the road foreman.
- m. Bond release/ reductions.** If the work is completed to the satisfaction of the town engineer, road foreman and the town planner, the Commission will reduce or release the bond. The applicant must request the bond release 2 weeks before the PZC meeting for the release to be considered. The Commission will retain a maintenance bond for a one- y e a r period in the amount of 10 percent of the bond filed or cost estimate in the case of “Conditional Approval” pursuant to Section 3.12 of the Subdivision Regulations. All public improvements must be completed within 5 years of the approval date of the subdivision.
- n. As-built Plan.** After the road is completed, an as-built plan and one digital AUTOCADD CD must be submitted to the Commission.
- o. Road/easement acceptance.** Deeds are provided to the PZC office. The Commission will recommend to the Board of Selectman that the easements and road may be accepted. After acceptance, the town planner will file the deeds in the land records.

SUBDIVISION/RESUBDIVISION CHECKLIST

Noted below is a check list of items that are reviewed by the town planner for every subdivision application. This review will be forwarded to the applicant's engineer.

1. Name of subdivider and landowner.
2. Scale, date and revision dates, north arrow, legend.
3. Key map showing all surrounding zoning districts, streets, town boundaries and tracts or parcels within 2,000 feet of the subdivision.
4. Summary map showing at a scale of 1" – 200' showing the subdivision and the existing and proposed streets and lot lines.
5. Names of all property owners and location of all lot lines for properties within 100' of the subdivision.
6. Proposed lot layout, lot numbers, square footage and dimensions of all lots.
7. Existing and proposed rights of ways, easements and encroachments.
8. Location of all watercourses and bodies, wetlands, and areas subject to 100-year flood as defined by the Flood Insurance rate map. A soil scientist must map all wetland areas – provide name of soil scientist with original signature.
9. All soil test results (and locations). Plan should indicate which lots will be required to have septic systems designed by a professional engineer. Additional soil testing may be required.
10. Location of existing natural and historic resources and landmarks including ledge outcroppings, stone walls, wooded areas, trees over 2' in diameter, etc.
11. Proposed/feasible location of septic systems, wells, houses and driveways.
12. Zoning setback lines.
13. Open space areas (dimensions and locations).
14. Topographic information, referenced to U.S. Geological Survey data.
15. Location and type of monuments in accordance with Section 7.1 of the Subdivision Regulations.

16. A copy of the signed approved plan must be provided to the Planning and Zoning Commission. Any alterations to this plan, within regulated areas MUST be forwarded back to the IWWC.
17. Engineer's estimate of cost of public improvements.
18. Connecticut Department of Transportation approval and/or Public Works Director's approval.
19. Environmental impact statement in the form of a narrative indicating what the impact on downstream properties will be as a result of the subdivision.
20. Submission to Regional Planning Agency (if applicable).
21. Existing roads, buildings, utilities and other structures.
22. Boundary survey to A-2 standards. Seal and signature of land surveyor registered in the State of Connecticut. Original signature of such land surveyor must be provided.
23. Erosion and sediment control plan.
24. Seal and original signature of Professional Engineer (if applicable).
25. Drainage calculations including design of any required storm water facilities, sealed and signed by a professional engineer.
26. Grading plan – existing and proposed topography (if applicable).
27. Street layout, width, street names, plans and profiles, sidewalks.
28. Public improvement plan.
29. Utility plan (water, sewer, storm drainage, telephone, electric, etc.). Letter from private utility company.
30. All construction details.
31. Note on plan regarding public improvements - completion in five years.
32. Street R.O.W. width.
33. Foundation drain outlet. Drains must not outlet into road or onto abutting property unless approved by the Town Engineer and into a drainage system.

34. Driveways over 8% in grade must be paved. No drainage from driveways shall outlet into the road creating potential icing conditions.
35. Total acreage of parcel.
36. Note on plan individual E & S control plans to be provided with the development of each lot.
37. Other applicable Commissions and/or Department approvals.
38. Unexecuted copies of deeds for expansion of existing road right-of-ways, proposed new right-of-way, easements, proposed public land (open space), if applicable).
39. Intentions for use of remaining land. Layout for future development of land, if proposed.
40. Where possible, lot lines shall follow existing stone walls.
41. Certify whether blasting is required. Note on the plan. A pre-blast survey shall be conducted prior to blasting.
42. List of waivers being requested.
43. Adequate sight distance for driveways.
44. Other comments as noted below.
45. Provide digital CAD file of the subdivision for GIS purposes.

SUBDIVISION/RESUBDIVISION PLAN BOND

BOND given by _____, as Obligor, to the TOWN OF PRESTON, as Obligee, on _____ 20.

The Obligor is bound unto the Obligee, its legal representatives and assigns, in the penal sum of \$ _____ for the payment of which the Obligor, its/his/her heirs, legal representatives, successors, and assigns, firmly binds itself/himself/herself.

The condition of the obligation is such that if the Obligor, in connection with **Subdivision Plan**

_____ as approved by the Preston Planning and Zoning Commission on _____, shall satisfactorily complete, in conformity with the provisions of the Preston Subdivision Regulations all drainage work and erosion and sediment control plan, as shown on said subdivision plan entitled “ _____ ”

. If all improvements are completed to the satisfaction to the Planning and Zoning Commission, and after a release or reduction is approved by the Commission, this obligation shall be null and void; however, should the Obligor fail to perform the condition of this bond within five (5) years after execution hereof, or any approved extension, or if there is a problem at any time during the construction period with the installation of the erosion and sediment control, any of the drainage work, road work or any other required improvements completed by the Obligor, then the Obligor authorizes the Obligee to apply any collateral posted with the Obligee to secure the performance hereof for the purpose of completing or repairing the work guaranteed hereby, and further grants to the Obligee a license to enter upon premises covered by this bond for the purpose of completing or repairing the work guaranteed hereby. Said bond shall not expire until the approved subdivision work is completed to the satisfaction of the Planning and Zoning Commission. If any portion of the bond is released without authorization by the Planning and Zoning Commission, it will be considered a violation of the subdivision regulations and of this agreement and the subdivision plan approval will become invalid.

IN WITNESS WHEREOF, the Obligor has executed this Bond under seal.

Witness

Date _____

Obligor

Corporate Seal

Dated: _____

Insurance bond form

KNOW ALL PEOPLE BY THESE PRESENTS

THAT WE, _____, as principal and _____, a corporation existing under the laws of the State of Connecticut and duly authorized by law to become surety on bonds in the State of Connecticut, as surety, are held and firmly bound to the TOWN OF PRESTON, CONNECTICUT, in the sum of _____, to be paid to said Town of Preston Connecticut, its successors and assigns, for which payment will truly be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, firmly by these presents.

WHEREAS, the Principal has submitted to the Planning and Zoning Commission of the Town of Preston, Connecticut, for its approval Subdivision

Plan# _____

WHEREAS, the Planning and Zoning Commission of the Town of Preston, Connecticut has approved **Subdivision Plan** _____ on condition that said Principal file with the Town of Preston, Connecticut, a bond in the amount of _____ with sureties and in form approved by the Town and with conditions satisfactory to the Planning and Zoning Commission securing to the Town that Subdivision Plan # _____ (description) _____

_____ is completed in accordance with the work approved by the Planning and Zoning Commission as more fully appears on the application, maps, plans and profiles filed by the Principal.

WHEREAS, if there is a problem with any improvements or work completed by the Principal during the construction of the project; or should the Principal fail to complete the required subdivision improvements within five (5) years, or after any approved extensions, then this bond shall be used for completing or repairing the work guaranteed hereby. The Principal, further, hereby grants to the Town of Preston a license to enter upon the premises covered by this bond for the purposes of completing the work.

NOW, THEREFORE, if said Principal completes all work in accordance with the approved subdivision plan and the Town of Preston's Subdivision and Zoning Regulations to the satisfaction of the Planning and Zoning Commission, the Commission, by vote, may release said bond, otherwise it shall remain in full force and effect;

IN WITNESS WHEREOF I, the principal, have hereunto set my hand and seal, and the surety has caused this instrument to be signed by _____, its attorney in fact, duly authorized in its behalf by power of attorney, a copy of which is hereto annexed, and its corporate seal to be hereunto affixed, at _____, Connecticut, this _____ day of _____ 20 _____.

Witness

By _____

Company

By _____
Approved:

Town Counsel

(This is an insurance bond form)

OPEN SPACE POLICY FOR SUBDIVISIONS

The requirement for the dedication of open space or fee in lieu of open space to the town is noted in Section 6.8 of the Subdivision Regulations. This policy was developed by the Commission to aid the developer in addressing the open space requirements of the regulations.

Intent: It is the intent of the Commission and the regulations to provide usable open space for the enjoyment of the future residents of the subdivision or to aid in the preservation of significant natural or archaeological resources for public education purposes.

It is the intent to create a policy that can be flexible, responsible, and serves the needs of the town. In order to ensure an understanding of the intent of the policy, it is strongly recommended that a meeting with the Town Planner be scheduled prior to designing your subdivision. If there are any questions or issues with the dedication of open space or fee in lieu of such, the Planner may refer this matter to the Commission for further review.

Criteria for the Dedication of Open Space or the Payment of the Fee in lieu of Open Space

- a) **Land dedication for all Subdivisions:** The Commission desires to receive not less than 80,000 square feet of land area if land is to be offered. The dedicated land shall contain slopes with less than a 5 percent grade or land that is not defined as wetland areas. Active recreational equipment may be required to serve the families within the subdivision, such as swing sets, slides and playscapes.
- b) **Subdivisions containing significant natural or archaeological resources as identified in the *Preston Plan of Conservation and Development*, by the Preston Conservation Commission, or the State of Connecticut Department of Environmental Protection:** The Commission may require the dedication of such resources for open space. In addition to said dedication, the Commission may require that an educational program be developed for the general public that may include installation of interpretive signs and walking or hiking trails.
- c) **Subdivisions on ridgelines or containing scenic vistas or agricultural resources:** The Commission may require the dedication of open space for the protection of scenic vistas or agricultural resources.
- d) **All other subdivisions:** A fee in lieu of open space should be paid to the town when the subdivision does not meet any of the above criteria.

Process of determining fee in lieu of open space: A list of three appraisers shall be submitted to the Commission with the subdivision or re-subdivision application. The Commission will select an appraiser from the list (or approve the applicant to select any of the appraisers on the list). The applicant will be responsible for obtaining the appraisal by the selected appraiser from which the fee in lieu of open space will be determined. The fee will be ten percent of the value of the property before it is subdivided, (if the land is valued at \$100,000.00, the fee would be \$10,000.00) The fee is divided by the number of lots within the subdivision and that fee would be paid as each of the lots are sold (10 lots divided into \$10,000.00 would be \$2,000.00 fee paid per lot).

Public hearing not being held on this application

NOTICE OF INTENT TO SUBDIVIDE LAND
IN THE TOWN OF PRESTON

CERTIFIED MAIL

Date: _____

Dear Neighbor:

In accordance with the requirements of The Town of Preston Subdivision Regulations – Section 3.1.3, I hereby notify you, as an abutting property owner, of intent to subdivide property located at _____ on Map _____, of the Preston Assessor's Maps. The owner of record of the parcel is

_____.

The Commission will consider this application at a meeting to be held on _____ at 7:30 p.m. at the Preston Town Hall, 389 Route 2.

Copies of this application are available for review at the Preston Town Hall between 9:00 a.m. and 4:30 p.m. Tuesday through Friday in the Planning and Zoning Office, 389 Route 2, Preston, CT 06365.

Sincerely,

Public hearing being held on this application

NOTICE OF INTENT TO RESUBDIVIDE LAND
IN THE TOWN OF PRESTON

CERTIFIED MAIL

Date: _____

Dear Neighbor:

In accordance with the requirements of The Town of Preston Subdivision Regulations – Section 3.1.3, I hereby notify you, as an abutting property owner, of intent to subdivide property located at _____ on Map _____, of the Preston Assessor's Maps. The owner of record of the parcel is

_____.

The Commission will consider this application at a **Public Hearing** to be held on _____ at 7:30 p.m. at the Preston Town Hall, 389 Route 2.

You may appear at the Public Hearing and be heard, and written communications may be forwarded to the Planning and Zoning Commission.

Copies of this application are available for review at the Preston Town Hall between 9:00 a.m. and 4:30 p.m. Tuesday through Friday in the Planning and Zoning Office, 389 Route 2, Preston, CT 06365.

Sincerely,

Subdivision Application—Flow Chart

