

6.00 PROCEDURAL REQUIREMENTS

6.01 GENERAL

1. All applications, maps, plans, documents and data required by these Regulations shall be submitted to the office of the Roxbury Planning Commission. The date of receipt of such applications shall be determined in accordance with CGS 8-26d.
2. The Commission retains the right to have any information submitted with regard to an application reviewed by Town staff or officials, and to consult with any other qualified agency or person as, in the opinion of the Commission, may be advisable, for their information, review and recommendations. In accordance with CGS Section 8-1c and the Roxbury Municipal Land Use Fee Ordinance, the applicant may be required to compensate the Town for any review fees.
3. Submission of a subdivision application shall be deemed permission for the Commission and the Town or their agents or representatives to enter the property for the purposes of:
 - a. Reviewing the proposed subdivision,
 - b. inspecting the property and any proposed improvements, and
 - c. installing the proposed and required improvements in the event of failure of the subdivider to make such improvements or properly maintain them until the Town has assumed responsibility for them.

6.02 PRELIMINARY PLAN PROCEDURE

1. The Preliminary Subdivision Plan procedure is suggested to prospective subdividers, their agents or engineers, so that they may discuss the design of the subdivision in the formative stages with the Commission and other Town officials. The process is intended to permit informal discussion of the general design of the subdivision and its improvements to assure coordination with the Plan of Conservation and Development and these Regulations in order to prevent undue delay or extensive modification to a Final Plan.
2. Since the procedure is a conceptual design review and pre-application process:
 - a. receipt of materials shall not constitute a “formal application”,
 - b. delivery of the required material is at the option of the subdivider, and
 - c. any discussion or opinions rendered are advisory only and are not binding on the Commission or the potential subdivider and shall not be the basis for a claim of predetermination by the subdivider.
3. Three copies of materials as described in Section 5 of these Regulations shall be submitted to the Planning office at the Town Hall and the potential subdivider shall be advised of the date to appear at a regular meeting of the Commission for informal review and comment.

6.03 APPLICATIONS INVOLVING INLAND WETLANDS

1. If a formal application for subdivision approval involves land regulated as an inland wetland or watercourse, the subdivider is encouraged to acquire permits and approvals from the IWWC prior to submission to the Commission. In any event, the subdivider shall submit an application to the IWWC no later than the date the application is filed with the Commission.
2. The Commission shall not render a decision on the subdivision until the IWWC has submitted a report with its final decision to the Commission. In making its decision, the Planning Commission shall give due consideration to the report of the IWWC.

6.04 FORMAL SUBDIVISION APPLICATION

1. The final layout and supporting drawings and documents for a proposed subdivision constitute the only formal and complete submission of the subdivision proposal and it is recommended that they include suggestions made in the optional Preliminary Plan stage.
2. A formal application for subdivision shall include all of the following:
 - a. One (1) copy of the prescribed application form.
 - b. The required application fee payable to the Town of Roxbury.
 - c. Five (5) sets of plans containing the maps or documents as required by Section 5 of these Regulations or as required by the Commission.
 - d. A sanitary waste disposal report as required by these Regulations prepared by a professional engineer registered and licensed to conduct business in the State.
 - e. A water report as required by these Regulations prepared by a professional engineer registered and licensed to conduct business in the State.
 - f. A drainage report prepared by a professional engineer, registered and licensed to conduct business in the State, documenting the design of the storm drainage system including:
 - i. a base map used to determine watershed and drainage patterns, including downstream runoff areas affected by the storm water runoff from the subdivision,
 - ii. the methodology used to compute runoff and pipe sizes, and
 - iii. documentation of the design of special structures (if any).
 - g. A certificate of public convenience and necessity as required by CGS Section 16-262m, if water is to be supplied by a water company by means of a community water supply system as defined in that section.

- h. Copies of any other application filed with, and decisions rendered by, local, state or federal Commissions or agencies in connection with the proposed development, even if such application is made or decision is rendered subsequent to the filing of a subdivision application with the Planning Commission and prior to its decision on the application.
 - i. A copy of the deed, contract, option to buy, or other acceptable proof of the applicant's ownership of or interest in the parcel and/or the applicant or agents authority to act on behalf of the owner.
4. The Commission may require the submission of:
- a. Funds to compensate the Commission for any costs of review or guidance as authorized by CGS Section 8-1c and Roxbury Municipal Land Use Fee Ordinance.
 - b. Evidence of application to CTDOT seeking approval of access onto any State Highway or discharge of drainage into a State system or onto State property.
 - c. Copies of letters to the State Archeologist and the Natural Resources Center requesting information on significant resources at the proposed subdivision, written responses from those agencies, and a management plan, approved by the appropriate State agency, that addresses the protection of any identified resources.
 - d. Any proposed grant or grants to the Town, in form satisfactory to Town Attorney, including any required easements for drainage access, utility, or other purposes.
 - e. Any additional information and data as may be required from the subdivider in order to establish that the proposed subdivision complies with these Regulations.
 - f. Additional copies of application materials as necessary for review by the Commission or other Town agencies.
5. The Commission may obtain a report from the Litchfield County Soil and Water Conservation District containing their review and recommendations regarding the subdivision plan.:

6.05 APPLICATION RECEIPT AND SCHEDULING

1. The Commission shall make a determination as to whether the application is complete. If the application is incomplete, the Commission may deny the application. The date of receipt of a complete application shall be as provided in CGS 8-26d.
2. Upon receipt of a complete application, the Commission shall call a public hearing if, in its judgment, the circumstances require such action. The Commission shall hold a public hearing on any application for a resubdivision.
3. The Commission may require field staking of proposed improvements for visual inspection.
4. If a public hearing is to be held, the Commission shall:
 - a. schedule the public hearing to commence within 65 days of the statutory date of receipt of the application or, with the approval of the applicant, within an additional period of time provided that such extension(s) shall not exceed a total of 65 days.
 - b. submit legal notices for publication as per CGS Section 8-26,
 - c. notify the applicant of the hearing date,
 - d. require the applicant to mail notice to land owners within a 200 feet radius of the proposed subdivision by certified mail - return receipt requested within 15 days of the date of the hearing,
 - e. allow the applicant the opportunity to present the plans at the public hearing,
 - f. require the submission of the certified mail receipts and the return receipts from the certified mailing to abutting property owners prior to the initiation of the public hearing, and
 - g. give an opportunity to interested persons to examine and comment upon the plans at the public hearing.
5. If a public hearing is held, the hearing must be closed within 35 days of its commencement or, with the approval of the applicant, be closed within an additional period of time provided that such extension(s) shall not exceed a total of 35 days.

6.06 APPLICATION PROCESSING

1. In accordance with CGS Section 8-26d, the Commission shall approve, modify and approve, or disapprove the application within 65 days of the close of the Public Hearing (or within 65 days of the statutory date of receipt if no Public Hearing is held). The 65-day time period for action may be extended by an additional 65 days with the written permission of the applicant.
2. In accordance with CGS Section 8-26d, the time period for action by the Commission on applications regulated by the IWWC may be extended to 35 days after the decision of the IWWC.
3. Any action by the Commission shall set forth, in detail, any conditions to which the approval is subject, or the reasons for disapproval. Commission approval of the plans shall not be deemed an acceptance by the Town of any road or other land shown as offered for dedication to public use.
4. As per CGS Section 8-26, the Commission shall cause notice of its action to be published in a newspaper having substantial circulation in the community within 15 days after such decision has been rendered. The Commission shall notify the applicant by certified mail. As per CGS Section 8-26, the applicant may publish such notice within 25 days after such decision has been rendered if the Commission fails to cause notice to be published.

6.07 PRIOR TO FILING OF APPROVED PLANS

1. Based upon the resolution of approval or the resolution of modification and approval, the applicant shall have the Subdivision Plan and supporting plans revised to conform to any modifications called for in the Commission's action.
2. The applicant shall submit:
 - a. three (3) paper sets and one (1) mylar set of the approved plans, with any required modifications, to the Commission for signature,
 - b. a copy of a permit from the Connecticut Department of Transportation for any proposed driveway, road, or storm drainage system which joins with a State Highway,
 - c. a copy of a Certificate of Compliance from the Roxbury Building Official authorizing any proposed activity in a Special Flood Hazard Area, and
 - d. information as to the intended method of guaranteeing the completion of subdivision improvements.
3. The applicant shall also submit, in form satisfactory to Town Attorney:
 - a. any required grant or grants to the Town in executed form,
 - b. any required easements for drainage, access, utility, or other purposes in executed form,
 - c. a certificate of title indicating that any proposed conveyance is free of encumbrances, and
 - d. evidence of the signatory's authority to sign on behalf of the grantor.
4. Such grants or easements shall not be recorded on the Land Records until the Subdivision Plan shall have been filed on the Land Records, and until any necessary action shall have been taken by any other appropriate Town body or bodies.
5. No changes, erasures, modifications or revisions shall be made in any Subdivision Plan or supporting plans after approval without the consent of the Commission.
6. Such modifications shall be completed and the plans submitted for signature within ninety (90) days of the Commission's action or approval will be considered expired. The Commission may extend the time for submission for two (2) additional periods of ninety (90) days and the approval shall remain valid until the expiration of such extended time.
7. No plan may be signed without authorization, by majority vote of the Planning Commission, for the Commission Chairman or Secretary to endorse the record subdivision map when all conditions of approval have been met.