



# New Britain

## *Connecticut*

# SUBDIVISION REGULATIONS

Revised: April 15, 2014

# **SUBDIVISION REGULATIONS OF THE CITY OF NEW BRITAIN, CONNECTICUT**

**Erin E. Stewart, Mayor**

## **CITY PLAN COMMISSION**

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Adopted September 4, 1968

Revised April 15, 2014

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**Article I**

**INTRODUCTION**

**Section 1. Authority**

By authority of Senate Bill No. 1366, entitled "An Act Establishing a City Plan Commission in the City of New Britain, adopted August 11, 1955, and Article 5 of the Charter of the City of New Britain, Connecticut, the City Plan Commission has the power and authority to approve plats for subdivisions, including those which show new streets or highways within the City of New Britain."

**Section 2. Declaration of Policy**

It is declared to be the policy of the Commission to consider land subdivision in terms of the orderly, efficient, and economical development of the city, as well as to preserve and promote the general health, welfare, morals, and safety of the people of New Britain, and in accordance with the Master Plan.

**Section 3. Inclusion**

The regulations herein set forth apply to residential subdivisions, and all plans termed subdivisions.

**Article II**

**DEFINITIONS**

**Section 1. Commission**

"Commission" shall mean the City Plan Commission of the City of New Britain, Connecticut.

**Section 2. Department**

“Department” shall refer to the Department of Planning, City of New Britain.

**Section 3. Planning Director**

“Planning Director” shall refer to the Director of Planning of the City of New Britain, Connecticut or his representative.

**Section 4. City Engineer**

“City Engineer” shall refer to the City Engineer within the Bureau of Engineering of the City of New Britain or his representative.

**Section 5. Subdivision**

“Subdivision” means the division of any tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of transfer of ownership or building development, whether or not a new street must be constructed and shall include also resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land area to be subdivided. The term shall expressly exclude development for municipal, conservation or agricultural purposes.

**Section 6. Resubdivision**

“Resubdivision” means a change in a map of an approved or recorded subdivision or resubdivision if such change: affects any street layout shown on such map; affects any area reserved thereon for public use; diminishes the size of any lot shown thereon, if any of the lots shown have been conveyed after the approval of recording of such map.

**Section 7. Subdivider**

“Subdivider” shall mean the owner of record or agent at the time of filing of an application for approval of a subdivision plat, and shall include any subsequent owner of record making any subdivision of such land or of any part thereof in accordance with such plat.

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**Section 8.              Street**

“Street” in general, shall refer to any vehicular travel way, exclusive of driveways which serve not more than two contiguous lots. An “approved” street is any street where the location has been approved by official action of the Commission. An “accepted” street is any street which has become public by virtue of official acceptance by the Common Council. “Minor or Local street” shall mean a local residential street, carrying traffic only to and from land uses within the bounds of a subdivision or development, with access to all abutting property. A “cul-de-sac” is included in this definition of a minor street. “Secondary Street” shall mean a feeder street serving as a traffic collector and distributor between a major traffic artery at the edge of a subdivision or development and the internal system of local streets. “Major Street” shall mean a main artery in close proximity to the subdivision, which carries traffic between and beyond a parkway, expressway, freeway or any major artery.

**Section 9.              Master Plan**

“Master Plan” means a comprehensive plan for development of the city prepared and adopted by the Commission pursuant to Section 3102 of the Charter of the City of New Britain, Connecticut, and includes any part of such plan separately adopted and any amendment of such plan, or parts thereof.

**Section 10.              Zoning Ordinance**

“Zoning Ordinance” shall refer to the official adopted Zoning Ordinance of the City of New Britain, together with any and all amendments thereto in effect when the subdivision application is received by the Commission.

**Section 11.              Date of Submission**

“Date of Submission” shall be the date the Department receives the subdivision application and the necessary fee.

**Section 12.            Plat**

“Plat” shall mean either a map, plan, or layout showing the subdivision of land into lots.

**Section 13.            Building Orientation**

The relationship of a building’s longest axis to the true south compass point. Optimal building orientation for detached housing usually occurs when the building’s longest axis is east to west (90 degrees from true south) with acceptable variation of 30 degrees to the north or south of due east. [Amendment Approved 12-1-86]

**Section 14.            Passive Solar Energy System**

Heating and cooling systems that collect and convert solar radiation to useable thermal energy by natural forces of convection, radiation, and conduction. Heat storage devices may be used to regulate the heat flow. Passive solar energy systems are usually essential architectural components of a building. [Amendment Approved 12-1-86]

**Section 15.            Passive Solar Energy Techniques**

The utilization of, but not limited to, (1) house orientation, (2) street and lot layout, (3) vegetation, (4) natural and man-made topographical features, and (5) the protection of solar access within the subdivision as tools for maximizing solar heat gain, minimizing heat loss, and providing thermal storage within a building during the heating season and minimizing heat gain and providing for natural ventilation during the cooling season. [Amendment Approved 12-1-86]

**Section 16.            Solar Access**

The access to unobstructed direct sunlight required by a solar collector for its efficient operation. Solar access is usually considered adequately available if the south wall of a proposed principle building has unobstructed access to sunlight for 75% of the time between 8:34 a.m. and 3:17 pm. local time on December 21<sup>st</sup>. [Amendment Approved 12-1-86]

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**Section 17. Solar Access Setback Zone**

The area that must be adequately unobstructed from structures, vegetation or topographical features so that the south wall of a building can be used as a passive solar energy system. [Amendment Approved 12-1-86]

**Article III ENFORCEMENT**

**Section 1. Transfer of Property.**

No owner or agent of the owner of any land located within the jurisdiction of the Commission shall transfer or sell or agree to sell or negotiate to sell any land from or in a subdivision before the plat of such subdivision shall have been finally approved by the Commission and filed in the office of the City Clerk.

**Section 2. Existence of a Subdivision**

When any subdivider shall, subsequent to the passage of this ordinance, build or begin to develop upon the same tract or parcel of land three or more buildings, so that it is evident to the Commission that he is, in effect, creating a subdivision for which no application for approval by the Commission has been made, the Commission shall treat a development as a subdivision subject to these regulations, unless it can be demonstrated to the reasonable satisfaction of the Commission that such action does not constitute a subdivision. Unless such subdivision shall then be made to comply with these regulations, the subdivider shall be liable to the penalties provided by Section 3 hereof, and in addition, no further building permits shall be granted on said tract until the developer has complied herewith.

**Section 3. Penalty for Failure to Comply**

Any person, firm or corporation making any subdivision of land without full compliance with these regulations or without the approval of the Commission shall be fined not more than Five Hundred (\$500) Dollars for each lot offered for sale or so subdivided.

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**Article IV**

**ADMINISTRATION**

**Section 1.              Public Hearing**

The Commission may hold a public hearing regarding any subdivision proposal, if in its judgment, the specific circumstances require such action.

**Section 2.              Public Hearing – Resubdivision**

No plan of resubdivision shall be acted upon by the Commission without a Public Hearing. Notice of the Public Hearing shall be given not less than seven (7) days before the date of the hearing by publication once in a newspaper of general circulation in the municipality and by sending a copy thereof by registered or certified mail to the applicant.

**Section 3.              Validity**

If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any public court or valid jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 4.              Conformity and Conflict with Ordinance**

The proposed subdivision plats shall conform to these regulations, the Master Plan, the Zoning Ordinance, and all other official plans or ordinances of the City of New Britain.

Whenever the provisions of any other law or ordinance or regulation of the City of New Britain impose a greater restriction than this ordinance, the provisions of such other law or ordinance or regulation shall control.

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**Section 5. Appeals**

Any person aggrieved by an official action of the Commission may appeal therefrom within fifteen (15) days of such official action to the Court of Common Pleas, for Hartford County, Connecticut.

**Section 6. Amendments**

The Commission may from time to time propose alterations or amendments to these regulations. The Commission shall hold a public hearing on the alterations or amendments, notice of the place and purpose of the hearings shall be given by publication in a newspaper having a general circulation in the City of New Britain, Connecticut, at least seven (7) days prior to date of the hearing. After adoption said alterations or amendments shall become effective upon filing a copy of said alteration or amendment in the office of City Clerk.

**Section 7. Effective Date**

The Commission shall hold a Public Hearing on these regulations. Notice of the time, place and purpose of the hearing shall be given publication in a newspaper having a general circulation in the City of New Britain, Connecticut, at least seven (7) days prior to the date of the hearing. After adoption, these regulations shall become effective upon filing a copy of said regulations in the office of the City Clerk.

**Section 8. Code of Ethics**

Any employee of the City of New Britain or member of the City Plan Commission who is privately employed in the preparation, or has any direct or indirect interest in a subdivision presented to the Commission, may not review, approve, or pass upon such subdivision.

**Section 9. Waiver of Regulations**

Where the Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations by a three-fourths vote of all members of the Commission provided

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conditions exist which affect the subject land and are not generally applicable to other land in the vicinity. No waiver shall be granted that will have any significant adverse impact on adjacent property or on public health and safety. The Commission shall state upon its records, the reasons for which a waiver is granted in each case.

**Article V                    PROCEDURES**

**Section 1.                  Subdivision**

The processing of proposals for the subdivision of land shall be accomplished in three steps. The first step, Rough Sketch Plat (see Articles VI and VII) shall be handled by the Department while the next steps, the Preliminary Plat (see Articles VIII and IX) and Final Plat (see Articles X, XI and XII) shall be reviewed by the Commission.

**Section 2.                  Resubdivision**

The procedure for a resubdivision and the requirements for its application are the same as for a normal subdivision, except that a Public Hearing, provided in Article IV, Section 2, is required.

**Section 3.                  Final Approval**

Submission and approval of a Rough Sketch or a Preliminary Plat shall not constitute approval of a Final Plat within the meaning of the Charter of the City of New Britain, but is preliminary thereto, for the purpose of establishing the basis for and clarifying the design requirements of the Final Subdivision Plat.

## **Article VI**

## **CONTENTS OF ROUGH SKETCH PLAT**

### **Section 1. Procedure**

Prior to the filing of an application for approval of the Preliminary Plat, the subdivider shall submit to the Department a Rough Sketch Plat, as specified in Article V. This does not require a formal application or application fee. This procedure is included in order to thoroughly familiarize the subdivider with subdivision requirements and to save him time and money by calling to his attention possible required changes before finished drawings are prepared.

### **Section 2. Conferences**

The Director shall discuss with the subdivider or his Agent the proposed plat of the subdivision and shall indicate to the subdivider the changes apparent from the Rough Sketch, if any, that will be required and the procedure for submitting and obtaining approval of the Preliminary Plat.

### **Section 3. Plat**

The Rough Sketch done in pencil and approximately to scale shall consist of three prints of said sketch and shall contain the following information:

#### **A. Form and Content**

1. Name and address of subdivider; name and location of proposed subdivision.
2. Record owner of property and proof of ownership.
3. Proposed land uses in subdivision.
4. Zoning District in which property is located, date, scale, and magnetic and true north arrows. [Amendment Approved 12-1-86]

**B. Topography Data and Description**

1. Location of proposed streets and parcels of land with such streets and parcels laid out, wherever possible, in a manner so as to maximize the potential for solar access. [Amendment Approved 12-1-86]
2. Approximate number of lots and minimum lot size.
3. Location of physical features such as watercourses, etc.
4. Location of any land to be dedicated for public use.
5. Connections with city water, sanitary sewers and storm sewers.
6. Any other information the Director may find necessary.

**Article VII**

**GENERAL MATTERS TO BE CONSIDERED BY THE  
SUBDIVIDER IN THE ROUGH SKETCH PLAT STAGE**

**Section 1.**

**Highway Permits**

When a proposed street joins a state highway, the subdivider shall obtain a permit for such connection from the Connecticut State Highway Department and shall submit a copy of said permit to the Director before any action on the preliminary plat occurs.

**Section 2.**

**Percolation Tests**

Where the installation of sewers is not possible, percolation tests shall be made by the Health Department of the City of New Britain at the expense of the developer. The Director of Health shall submit to the Planning Director his certification stating his approval, before any action on the preliminary plat occurs. Percolation tests shall be made for each proposed lot, with due consideration for the proposed structure to be built on each particular lot.

### **Section 3.                  Role of City Engineer**

The City Engineer of the City of New Britain or his representative shall be present at a meeting of the Rough Sketch Plat Stage and his technical guidance shall be incorporated in the Planning Director's approval.

### **Section 4.                  Importance of Rough Sketch**

Only after tentative approval of the Rough Sketch has been given by the Director, shall the subdivider prepare and submit a preliminary plat to the Commission incorporating suggested changes.

### **Section 5.                  Subdivision Proposals**

The City Plan Commission shall require in the review of subdivision proposals that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall be so designed that they do not result in a significant increase in the amount of flooding in the flood plain.
- d. Base floor elevation data, (if not established by the FIA) shall be provided by the developer for subdivision proposals and other proposed developments which contain at least 35 lots or 3 acres (whichever is less).
- e. All subdivision proposals shall include considerations for the use of passive solar energy techniques which would not significantly increase the cost of housing to the buyer after tax credits, subsidies, and exemptions. These passive solar energy techniques shall include, but are not limited to the following:
  - (1) housing orientation
  - (2) street and lot layout
  - (3) vegetation

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- (4) natural and manmade topographical features
  - (5) protection of solar access within the development
- [Amendment Approved 12-1-86]

## **Article VIII                  CONTENTS OF PRELIMINARY PLAT**

### **Section 1.                  Formal Application**

In the preliminary plat stage the subdivider or his authorized representative shall file a formal application supplied by the Commission, which shall include a fee of \$225.00 plus \$50.00 per lot within the planned subdivision, payable to the Treasurer, City of New Britain, Connecticut. Subdivision Plats will be reviewed at a meeting of the Commission only if received fifteen (15) days prior to that meeting and any plats returned to the subdivider for corrections within said period must be returned not later than five (5) days prior to said meeting. [Amendment Approved 6-7-93; Amendment Approved 10-4-04; Amendment Approved 2-26-10; Amendment Approved 4-15-14]

### **Section 2.                  Preliminary Plat**

#### **A.                  Form and Content**

Included in this application shall be a printed preliminary plat in triplicate at a scale of 1" to 20', 30', 40' or 50'. The plat must contain:

1. Name of subdivision, name and address of owners, subdivider, developer and designer; a register Land Surveyor's imprint certifying that the plat is substantially correct and in accordance with Class A-2 of the Code of Connecticut Technical Council, Inc., date January 1973 or as amended and a similar certification by a licensed professional engineer on the profiles.

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2. Sufficient information to accurately locate the plat and boundaries of the subdivision, accurate in scale and bearing, as well as names of all abutting owners.
3. True and magnetic north arrows, Zoning District and Date. {Amendment Approved 12-1-86}
4. Site Data: Tabulation of Gross Area, Street Area, net subdivided area, total number of lots, average lot size, typical lot dimensions, lineal feet of streets.
5. Certification that the subdivision is or is not within a regulated area as defined by the Inland/Wetland Regulations of the City of New Britain, dated 1973 or as amended. [Amendment Approved 6-6-88]

**B. Topography Data and Description of Existing Conditions:**

1. Existing contours at two (2) foot intervals based on City datum which shall extend 30 feet from the subdivision.
2. The location widths, names and other dimensions of all existing or platted streets, easements, and utilities.
3. The location and dimensions for all existing sanitary sewers, water lines, storm drains and culverts within the tract and immediately adjacent thereto.
4. Other conditions on the tract including; water courses, marshes, areas subject to inundation, rock outcrops, wooded areas, isolated preservable trees 1 foot or more in diameter, houses, barns and other significant features.
5. Other conditions on adjacent land including; any embankments, or retaining walls, character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences.

**C. All Proposals of the Subdivider, including:**

1. The location widths, names and other dimensions of all proposed streets, easements and utilities.

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2. The location and dimensions for all proposed sanitary sewers, storm drains, water lines and culverts within the tract and immediately adjacent thereto.
3. Tentative lot numbers, lines and approximate divisions.
4. Minimum building setback lines.
5. Sites, if any, for the following: multifamily dwellings, shopping centers, churches, industry or other uses exclusive of single or two-family dwellings.
6. Sites to be reserved or dedicated for parks, playgrounds, or other public uses.
7. A draft of any protective covenants by which the subdivider may propose to regulate land use in the subdivision and otherwise to protect the proposed development.
8. Proposed contours at two (2) foot intervals based on City datum which show what the contours of the subdivision will be after final grading by the developer is completed; proposed elevations at key locations may be required by the City Engineer.
9. Identification of all proposed passive solar techniques to be implemented by the subdivider. {Amendment Approved 12-1-86}
10. All other requirements or features the Commission might direct. [Amendment Approved 12-1-86]

**Section 3.                  Preliminary Profiles**

Tentative profiles, in triplicate, shall be submitted with the preliminary plat for all proposed streets, sanitary sewers, water mains, and storm drainage showing existing ground surface and proposed grades as well as all necessary sewer computations required by Article XI, Section 1 and the City Engineer of New Britain.

**Section 4.                  Water Supply**

The subdivider shall also submit a letter from the Director of the Board of Water Commissioners, certifying that adequate water supply and pressure are available to serve the proposed subdivision and in the case of water from sources other than the

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City Water Department, a letter from the City Director of Health, certifying that the water available is suitable for domestic use.

## **Article IX APPROVAL OF PRELIMINARY PLAT**

### **Section 1. Action of Commission**

Within thirty-days after filing of the Preliminary Plat, the Commission shall tentatively approve, approve subject to suggested modification, or disapprove the preliminary plat, and so notify the subdivider in writing. One copy of the Plat as tentatively approved or modified shall be returned to the subdivider. Tentative approval of the preliminary plat is only for the purpose of authorizing the subdivider to proceed with the final plat and shall not be construed as permission to sell any land from a subdivision. However, if the Commission shall give tentative approval to the entire area of a preliminary subdivision plat, the subdivider may prepare a final plat of a portion of the preliminary plat and receive final approval of that portion only. After tentative approval of the preliminary plat has been given by the Commission, the subdivider shall submit a final plat to the Commission.

### **Section 2. Time Limit on Approval**

The approval of preliminary plats shall become null and void if the final plans are not submitted within ninety (90) days of such approval, unless the Commission finds reason to grant an application for the extension of time.

## **Article X CONTENTS OF FINAL PLAT**

### **Section 1 Submission**

Subdivision Final Plats shall be reviewed by the Commission at a meeting of the Commission only if received fifteen (15) days prior to that meeting, and any plats

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returned to the subdivider for corrections within said period must be returned not later than five (5) days prior to said meeting.

**Section 2.                  Conformity with Preliminary Plat**

The final plat shall conform substantially to the preliminary plat as approved by the City Plan Commission and the Bureau of Engineering.

**Section 3                  Final Plat**

**A.        Form and Content:**

1. There shall be three (3) final plats at a scale of 1" to 20', 30', 40' or 50' and profile prints submitted to the Commission for the Commission's approval. Upon said approval, the developer shall submit fourteen (14) paper prints of plats and seven (7) paper prints of profiles accompanied by a translucent cloth or Polyester film print and a sepia for recording. It shall have a margin of one-half inch (1/2") on each side, except that the left side shall have a two-inch (2") margin binding. Said drawings shall be in one of three sizes: 36" x 24", 24" x 18", or 18" x 12".
2. Name of subdivision, name and address of owners, subdivider, developer and designer, a Registered Land Surveyor's imprint certifying that the plat is substantially correct and in accordance with Class A-2 of the Code of Connecticut Technical Council, Inc., dated January 1973 and a similar certification by a licensed professional engineer on the profiles.
3. True and magnetic north arrows, date, scale, zoning district, and the total acreage. [Amendment Approved 12-1-86]
4. All dimensions shall be shown in feet to the nearest hundredth of a foot and bearings of all lots and streets.
5. A listing of any protective covenants by which the subdivider may propose to regulate land use in the subdivision and otherwise to protect the proposed development.

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B. Topographic Data, Description and Required Improvements:

1. The boundaries of subdivision with bearings and lengths, and names of all abutting owners.
2. The location widths, names and other dimensions of all streets and easements.
3. Street lines, building lines, lot lines and lot numbers, and any areas to be dedicated for the public use; and any areas which are being reserved by the subdivider for future use.
4. Permanent reference monuments placed in accordance with Article XV, Section 1 of these regulations as well as all other required improvements.
5. The water elevation of adjoining lakes or streams at the date of survey, as well as a notation of the high water marks of lakes or streams.
6. Proposed street trees.
7. A typical building lot shown in sufficient scale to indicate the location and type of all lateral connections.

**Section 4.                   Final Profiles**

Final profiles, (7 copies) shall be submitted with the final plat for all proposed streets, sanitary sewers, water mains, and storm drainage showing existing and proposed ground surface and proposed grades as well as all necessary sewer computations in form as required by Article XI, Section 1 and the City Engineer of the City of New Britain.

**Section 5.                   Subdivisions on Existing Streets**

For subdivisions proposed to be developed on existing streets that have or have not been accepted by the City of New Britain, the Commission may waive its requirements for a Rough Sketch Plan and a Preliminary Plat and may grant its approval upon receiving a Final Plat only, provided that such Plat meets all the requirements of these regulations (see Articles X, XI, and XII).

Concrete curbs and sidewalk on existing streets shall not be required where no curbs or sidewalks exist, along the same street frontage.

**Article XI                    GENERAL MATTERS TO BE CONSIDERED IN CONNECTION  
WITH SUBMISSION AND APPROVAL OF PLATS IN THE FINAL STAGE**

**Section 1.                  Profiles**

There shall be submitted to the Bureau of Engineering prior to final and preliminary approval, seven black and white prints showing each street layout and a three-level profile of same depicting the present ground and the proposed profile. Also, seven black and white prints of each street showing the street layout, sanitary sewers, storm water sewers, manholes, catch basins, water mains, hydrants, valves and water boxes; and profile showing present ground, proposed grade, sanitary sewer profiles, sizes and type pipes. Profile sheets shall not exceed a maximum length of 37". The map scale shall be 1"=40', the profile scale, horizontal 1"=40', vertical 1"-4'.

**Section 2.                  Required Improvements**

Approval shall be conditioned upon the completion of all required improvements in Article XV of these regulations.

**Section 3.                  Bonding Requirements**

The subdivider shall file with the Commission, a surety bond, or a savings account passbook, or a certified or bank check, in an amount calculated to cover 100% of the cost of all improvements required in Article XV of these Regulations, as estimated by the City Engineer or his authorized agent, and conditioned upon the completion of such improvements within two years of the date of the bond. Said bond, certified or bank check, or savings account passbook shall not be returned by the Commission until all improvements have been completed to the satisfaction of the Commission, the City Engineer and the Director of the Board of Water Commissioners.

The owner or agent of an approved subdivision shall be required to provide the City Plan Commission with a maintenance bond based on five percent (5%) of the subdivision improvement costs as estimated by the Bureau of Engineering, to be held for a period of one (1) year after acceptance of the subdivision street right-of-way and all appurtenances by the Common Council of the City of New Britain.

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Instead of requiring a bond, the Commission may approve a Final Plat on condition that no lot shall be sold until all improvements specified by the Commission are completed to the satisfaction of the Commission, the City Engineer and the Director of the Board of Water Commissioners within two years of the date of such conditional approval.

Upon the completion of required improvements for the entire subdivision and acceptance by the Common Council, the Commission will execute and deliver to the subdivider a Release of Conditions.

**Section 4.                   Regional Referral**

Whenever a subdivision is planned which abuts or includes land in another town, the Commission shall, before approving the Final Plat, submit it to the appropriate Regional Agency for an advisory report, pursuant to Connecticut Public Act No. 383.

**Section 5.                   Solar Access**

The subdivider shall demonstrate that, wherever possible, consideration was given to orienting streets and lots so as to allow for the maximum use of solar energy to heat and cool the principal building space. Siting considerations should include, but not be limited to:

- A. Ability to orient the building so that its longest axis faces within 30 degrees of true south.
- B. Provision of adequate setback to the south of each proposed building's south wall from shadows projected from nearby existing or proposed, natural or man-made features (i.e., trees, ledges, buildings, etc.).  
[Amendment Approved 12-1-86]

**Article XII                    APPROVAL OF FINAL PLAT**

**Section 1.                  Action of Commission**

The Commission shall approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith within sixty (60) days after the submission thereof. The failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand, provided an extension of this period may be had with the consent of the applicant. The grounds for disapproval shall be stated into eh record of the Commission.

**Section 2.                  Filing**

All plats for subdivision shall, upon approval, be filed in the office of the City Clerk by the Commission at the subdivider's expense, and any plat not so filed within ninety days following its approval by the Commission or within ninety days of the date upon which such plan is taken as approved by reason of the failure of the Commission to act, shall become null and void.

**Section 3.                  Endorsement**

No such plan shall be recorded by the City Clerk until its approval has been endorsed thereon, and the filing of a subdivision plan without such approval shall be void.

**Article XIII                MATTERS TO BE CONSIDERED UPON THE APPROVAL OF  
THE SUBDIVISION (PLAN)**

**Section 1.                  Pre-Construction Conference**

After receiving approval for a subdivision plan and before beginning construction of any improvements required as part of the plan, the subdivider shall meet with the Planning Director, City Engineer, Public Works Director, Water Department Director,

and Building Inspector or their authorized representatives. The purpose of this meeting shall be to make sure the subdivider is aware of and understands all City requirements for and timing of necessary permits, inspections and any other municipal approvals needed during construction of such improvements.

**Section 2.                  Inspection Facilities**

During the construction of any or all improvements required for an approved subdivision, the subdivider shall provide shelter and any other necessary appurtenances that may be required by the City employees who are responsible for inspecting the progress and quality of the construction work.

**Section 3.                  Maintenance of Construction Site**

Before, during and after the construction and installation of all subdivision improvements, the subdivider shall to the greatest extent possible, keep the construction site clear of debris, trash, and any other waste materials resulting from construction activity. The subdivider shall not stockpile on the site, rock, dirt, or any other excavated materials, not to be used for landfill or site work.

**Section 4.                  Field Inspection**

Upon completion of the construction of the subdivision, a field inspection shall be made by members of the Commission, or their authorized representatives, as well as agents or members of the Bureau of Engineering and Board of Public Works, certifying the completion with the required improvements and filed Final Plat.

**Section 5.                  As-Built Drawings**

The subdivider shall be required to submit "As-Built" drawings as required by the Bureau of Engineering, upon completion of the specified improvements. No sewer permit will be issued by the Board of Public Works until approved by the Bureau of Engineering.

**Section 6.                  Conveying of Public Areas**

Subsequent to final acceptance as provided in the preceding article, the subdivider shall convey by warranty deed, to the City of New Britain: the fee in the streets and any other public rights-of-way or easements, and any areas dedicated to public use as indicated on the Final Plat by deeds adequately describing the land involved and the privileges granted, in a form satisfactory to the Corporation Counsel of the City of New Britain, and subject to the approval of the Common Council.

**Section 7.                  Water**

All water mains, hydrants, valves, water boxes and appurtenances shall be installed in accordance with the specifications of the Board of Water Commissioners.

**Section 8.                  Certificate of Occupancy**

The Building Department of the City of New Britain shall not issue a Certificate of Occupancy for any dwelling built on an approved subdivision until all required streets and site improvements have been essentially completed by the subdivider to the satisfaction of the Planning Director, City Engineer, Public Works Director, and Water Department Director.

**Article XIV                STANDARDS AND DESIGN REQUIREMENTS**

The Commission, in considering an application for the following subdivision of land shall be guided by the following considerations and standards as well as the amended specifications and standards of the Bureau of Engineering:

**Section 1.                  General**

Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.

**Section 2.                    Streets**

- A. Proposed streets shall be suitably located, of sufficient width, and adequately improved, to accommodate the prospective traffic, and to afford satisfactory access to police, fire-fighting apparatus, snow removal or other road maintenance equipment.
- B. Proposed streets shall be appropriate to the topography and location giving due consideration to contours and natural features.
- C. Proposed streets shall be in harmony with existing or proposed streets especially with regard to safe intersection design and when required by the Commission, provision shall be made for future extension of streets.
- D. Adequate vehicular and pedestrian access should be provided to all parcels.
- E. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- F. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require reverse frontage with screen planting contained on a non-access reservation along the rear property line, a marginal access street, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- G. Street jog intersection with center line offsets of less than 125 feet shall be avoided.
- H. Curves shall be laid out with a minimum center line radius of 300 feet and with due regard for public safety.
- I. Right-of-way widths shall be as follows: Minor and Secondary streets, not less than 50 feet; Major streets, not less than 60 feet.

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- J. Street roadway or pavement widths shall be as follows: Minor and Secondary streets, not less than 30 feet; Major streets, not less than 40 feet. The cross section designs for all streets shall conform to the City of New Britain standards available from the Bureau of Engineering.
- K. Right angle street intersections are desired, but where physical conditions make this impossible, the angle should not be less than 75 degrees. The minimum radius of curve at street corners on the right-of-way line shall be 15 feet.
- L. Cul-de-sac streets or a linked series of cul-de-sac streets shall not exceed, in aggregate, a total of 1600' in length and shall have a circular turnaround with a minimum radius of 50' to the right-of-way line. [Amended 12-7-87]
- M. There shall be a minimum street grade of 0.6 percent. Maximum grades in excess of the following are not desired but may be approved; Minor and Secondary streets 10 percent, and Major streets 5 percent.
- N. Any intersecting grades shall be connected by vertical curves of suitable length, as determined by the City Engineer.
- O. Private streets shall be prohibited.
- P. Alleys shall not be permitted in residential areas except where topography of the land prohibits conventional vehicular access, where garage driveways leading directly into heavy traffic are prohibited, or where lots are intended for row or group houses.
- Q. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission.
- R. In order to facilitate solar access, the street layout shall, as far as practicable, have an east-west orientation, with a maximum deviation of within 30 degrees of true east. This east-west street orientation will enable

the principal buildings to be oriented within 30 degrees of true south, while also having the long axis of each building parallel to the street. {Amendment Approved 12-1-86}

**Section 3.              Blocks**

- A. The lengths, widths, and shapes of blocks shall be determined with regard to:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2. Zoning requirements as to lot sizes and dimensions.
  - 3. Need for convenient access, circulation, control and safety of street traffic.
  - 4. Limitations and opportunities of topography.

**Section 4.              Lots**

- A. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Lot dimensions and building lines and provision for off-street parking shall conform to the requirements of the Zoning Ordinances.
- C. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- D. In cases where septic tanks are planned to be used, all building lots shall be of sufficient area, topography and sub-surface condition that adequate sewage disposal facilities may be established in order to protect the health and welfare of the community as determined by the Director of Health.

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- E. Each lot shall be provided with satisfactory access to public street by means of frontage on such public street.
- F. Side lot lines for their entire length shall be at right angles or radial to street lines or nearly radial as possible to provide reasonable equitable lot area. Each side lot line shall contain one-bearing and dimension only.
- G. To the extent possible, lot dimensions and building lines should be planned and designed to encourage energy conservation through the use of passive solar techniques as defined in these regulations. At the discretion of the Commission, in order to protect or improve solar access, building setback distances for individual lots may be increased or may be decreased pursuant to the established criteria. [Amendment Approved 12-1-86]
- H. Temporary Cul-de-sacs:
  - 1. The land taken by the City will require easements to the segments of the turn-around outside the normal road right-of-way width. Easements to such segments shall be extinguished to the adjoining property owners when the road is extended, and any and all expenses shall be borne by the applicant requesting the extension; a not to that effect will be placed on the Final Plat. [Amendment Approved 12-1-86]

## **Section 5.           Open Spaces**

Due consideration shall be given for the dedication or reservation of suitable open spaces for parks, schools and other public areas, which shall be in general conformity with the Master Plan.

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**Article XV**

**IMPROVEMENTS TO BE PROVIDED BY SUBDIVIDER**

The subdivider shall be required to improve and develop the land as to protect the health, safety and welfare of the community; said improvements shall at least include the following:

**Section 1.                  Monuments**

Cement monuments and castings shall be obtained from the Board of Public Works of the City of New Britain and installed by the subdivider after final paving of the street in accordance with plans and profiles as approved. They shall be set to the finished grade of the paving at the center line point of curvature and point of tangency street intersections, and at other locations designated by the Bureau of Engineering; said monuments shall be shown on the Final Plat.

Iron pins shall be installed at all corners.

**Section 2.                  Street Grading**

The grading of streets shall be done in accordance with the plans and profiles of the City of New Britain, said plans shall comply with Typical Plan and Cross Section of Streets, supplied by the Bureau of Engineering or the Board of Public Works and shall be filed in the Bureau of Engineering as required by Article XI, Section 1. Slope rights shall be acquired from all abutting land owners, if necessary.

**Section 3.                  Sanitary Sewers and Facilities**

Where it is possible to install sewers, the Commission shall require that these be installed by the subdivider according to specifications to be provided by the City Engineer, before the plan is finally approved.

**Section 4.                  Storm Drainage**

The Final Plat shall show storm sewers, culverts, bridges, catch basins, inlets, under drains, and drainage easements and any other structures or facilities suitable to give the streets and adjacent lots proper drainage. All such installations must meet with the approval of the City Engineer and their installation shall be subject to his supervision.

**Section 4.5.                Utilities**

In all subdivisions requiring the construction of new streets, the Commission shall required that all electrical, telephone, Cable TV and streetlight wiring be installed underground. These utilities shall be constructed to City of New Britain standards at no cost to the City of New Britain. {Amendment Approved 12-1-86}

**Section 5.                  Septic Tanks**

Percolation tests shall be made, at the expense of the developer, by the Director of Health, where the installation of sewers is not possible. The Director of Health shall submit to the Commission his certification stating the detailed results of such tests. All building lots shall be of sufficient area, topography and sub-surface condition that adequate sewage disposal facilities may be established in order to protect the health and welfare of the community.

**Section 6.                  Concrete Curbs and Sidewalks**

Concrete curbs and sidewalks shall be installed in all subdivisions on both sides of the street, when applicable, at the developer's expense in accordance with City of New Britain standards wherever required by the City Plan Commission, except as provided in Article X, Section 5.

**Section 7.                  Roadway Surfacing and Paving**

- A.      That area of the road bed upon which the base and pavement is placed shall be known as the sub-base. The sub-base shall be excavated to a

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depth of eleven (11) inches below the finished grade of the roadway. The sub-base shall be of a stable material.

- B. The base course shall be constructed in two equal layers of approved processed aggregate upon the sub-base to a total compacted depth of seven (7) inches. Both layers shall be firmly compacted by a power roller of at least ten (10) tons. This base shall conform to Connecticut Highway Specifications, Section M.05.01 for Broken Stone Processed Aggregate.
- C. The pavement shall consist of four (4) inches compacted Bituminous Concrete constructed in two (2) applications on the base course prepared in accordance with these specifications. The first course shall be constructed of a bituminous binder course (Connecticut State Highway Specifications – Class I – Binder Course) to such a depth that this course will be two and one-half (2-1/2) inches in thickness after compaction. Binder Course Class I material and method of construction shall conform to the requirements of Connecticut State Highway Specifications, Sections M.04 and 4.06.03.
- D. The second course shall consist of a surface course (Connecticut State Highway Specifications – Class 2 – Surface Course) to such depth that this course will be one and one half (1-1/2) inches in thickness after compaction. Finish course Class 2 material and method of construction shall conform to the requirements of Connecticut Highway Specifications, Sections M.04 and 4.06.03.
- E. Paving equipment shall be of the self-powered type with an adapter to provide guidance of the screeding action. The screed or strike-off member shall be adjustable to the shape of the cross section of the finished pavement. Some method shall be provided for the tilting of the screed while in operation to secure the proper "drag" and to provide the compressive action necessary to prevent "pulling" and to result in the uniformly screeded surface required. The machine shall have a sufficient number of driving wheels so that there will be no undue amount of slippage. Whenever the design of the equipment and plan of operation

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are such that the driving wheels travel on the finished surface of a completed pavement, said wheels shall be equipped with rubber tires or other means to protect the finished surface. Means shall be provided for heating the screeding members by some method that will prevent accumulations of bituminous material.

- F. All connections for sanitary sewers, storm water sewers, and water shall be connected to and brought to each individual lot, as shown on the said subdivision map so as to be readily accessible to serve each building on said lot as shown on subdivision map prior to completion of the street as stated in a, b, c, e, above.

**Section 8.                  Street Signs**

Street signs showing the names of all intersecting streets shall be erected at each intersection. All signs shall be purchased from the Board of Public Works and shall be installed by the subdivider, at his own expense. Before a Certificate of Occupancy is issued, street signs shall be erected on the street serving the houses to be occupied.

**Section 9.                  Tot Lots**

Where separate private yards for each dwelling unit are not provided or not adequate, a play lot or lots of between 2,000 to 5000 sq. ft. for preschool children shall be provided, for every 75 – 200 dwelling units which have more than one (1) bedroom.

**Section 10.                Street Trees**

- A. Street trees shall be provided in all subdivisions and the cost shall be included in the surety bond.
- B. Trees shall be planted at intervals of at least one (1) tree per building lot. No trees shall be planted between a street's pavement and a sidewalk, if required. Trees should be located in such a manner as to avoid shading

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the most southerly side of a proposed building location in order to facilitate the use of solar energy systems.

- C. The height shall be not less than a height of six (6) feet above the finished ground level and the caliper shall be between 1-1/2 inches and 3-1/2 inches.

The Commission may waive this specification in favor of planting equivalent number of trees in landscaped groups.

- D. All planting strips within the street right-of-way shall be finished graded, properly prepared, and seeded or sodden with lawn grass in conformance with good nursery and landscape practice.

**SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND  
DEVELOPMENT [Effective Date: July 1, 1985]**

**Section 1      Preamble, Enacting Clause and Short Title**

**1.1      Preamble**

The Regulations are designed to further the purposes set forth in Public Act 83-388 entitled "An Act Concerning Soil Erosion and Sediment Control" as it may apply to activities subject to Sections B-2 of the General Statutes of the State of Connecticut; to strengthen and extend the soil erosion and sediment control activity in the Town and to reduce the danger from storm water runoff, minimize sediment pollution from land being developed and to conserve and protect the land, water, air and other environmental resources of the Town.

**1.2      Enacting Clause, Short Title**

The Commission, acting under authority of Public Act 83-388 of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Soil Erosion and Sediment Control Regulations for Land Development of the City of New Britain, Connecticut."

All references to the Connecticut General Statutes refer to the Revision of 1958, as amended.

**1.3      Basic Requirements**

No land development which is cumulatively more than one-half acre in area may be undertaken in any district unless certification therefore in compliance with the provisions of these Regulations has first been obtained from the Commission or its appointed agent.

**1.4      Definitions**

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For the purpose of these Regulations, the words and terms hereinafter listed are hereby defined as follows:

*Certification.* A signed, written approval by the Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

*City.* The City of New Britain, County of Hartford, Connecticut

*Commission.* The City Plan Commission of the City of New Britain, Connecticut

*County Soil and Water Conservation District.* The Hartford County Soil and Water Conservation District established under subsection (a) of Section 221-315 of the General Statutes of the State of Connecticut.

*Development.* In connection with a soil erosion and sediment control plan any construction of grading activities to improved or unimproved real estate.

*Disturbed Area.* An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

*Erosion.* The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

*Grading.* Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

*Inspection.* The periodic review of sediment and erosion control measures shown on the certified plan.

*Sediment.* Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin of erosion.

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*Soil.* Any unconsolidated mineral or organic material of any origin.

*Soil Erosion and Sediment Control Plan.* A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to a map and a narrative.

**Section 2. Activities Requiring a Certified Erosion and Sediment Control Plan.**

2.1 A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area or such development is cumulatively more than one-half acre.

**Section 3. Exemptions**

3.1 A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

**Section 4. Erosion and Sediment Control Plan.**

4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. For methods and practices necessary for certification, refer to the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985)", as amended, published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission.

4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

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1. The development.
  2. The schedule for grading and construction activities including:
    - a. start and completion dates;
    - b. sequence of grading and construction activities;
    - c. sequence for installation and/or application of soil erosion and sedimentation control measures;
    - d. sequence for final stabilization of the project site.
  3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
  6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- B. A site plan at a scale of at least one inch equals forth feet on sheets of either 18" x 24" or 24" x 36" in size prepared by a land surveyor licensed to practice in the State of Connecticut to show:
1. The location of the proposed development and adjacent properties;
  2. The existing and proposed topography including soil types, wetlands, water courses and water bodies;

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3. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
  4. The existing structures on the project site, if any;
  5. The location and details for all proposed soil erosion and sediment control measures and storm water management facilities;
  6. The sequence of grading and construction activities;
  7. The sequence and installation and/or application of soil erosion and sediment control measures;
  8. The sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

## **Section 5. Minimum Acceptable Standards**

- 5.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended". Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- 5.2 The minimum standards for individual measures are those in the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended". The Commission or its appointed agent may grant exceptions when requested by the applicant if technically sound reasons are presented.

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- 5.3 The appropriate method from Chapter 9 of the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended", shall be used in determining the peak flow rates and volumes of runoff unless an alternate method is approved by the Commission.

**Section 6. Issuance or Denial of Certification.**

- 6.1 The Commission or its authorized agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these Regulations or shall deny certification when the development proposal does not comply with these Regulations.
- 6.2 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the General Statutes of the State of Connecticut.
- 6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plans, provided such review, shall be completed within thirty days of the receipt of such plan.
- 6.4 The Commission may forward a copy of the development proposal to the Engineering Department or other agencies and/or advisors for review and comment.

**Section 7. Conditions Relating to Soil Erosion and Sediment Control.**

- 7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion bond or other assurance acceptable to the Commission. A cost breakdown forming the basis of the amount of bond to be posted shall be prepared by and submitted to the Commission by the applicant with the application for a soil erosion and sediment control development proposal.

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- 7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional and a completion bond therefor has been posted in a form and in an amount acceptable and approved by the Commission.
- 7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance with the certified plan.

**Section 8. Inspection and Release of Bond.**

- 8.1 Inspections shall be made by the Commission or its designated agent during the development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.
- 8.2 Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved or may have been modified with the prior approval by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release any bond posted upon the finding that the provisions of the certified plan have been complied with.