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SUBDIVISION REGULATIONS
TOWN OF NORTH HAVEN, CONNECTICUT

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Section 1

Definitions

- 1.1 Commission: shall mean ~~the~~ Town Planning and Zoning Commission of the Town of North Haven.
- 1.2 Subdivision: shall mean the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale, lease or building development, for any purpose, expressly excluding development for agricultural purposes, and shall include resubdivision.
- 1.3 Resubdivision: as defined in the General Statutes, shall mean "a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map." (effective September 15, 1977).
- 1.4 Street: shall mean a public way or a way opened to the public use or other right-of-way giving access to a lot, but excluding an alley used for service access only. "Street" shall be deemed to include the entire width of the right-of-way.
- 1.5 Lot: shall mean a plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings customarily incidental to it, including such open spaces as are required by the Zoning Regulations or other applicable regulations, ordinances or statutes.
- 1.6 Subdivider: shall mean the owner of record of the land to be subdivided at the time of the filing of an application for approval or of tentative approval of a plan of subdivision of such land or of any part thereof in accordance with such plan.
- 1.7 Final Plan: shall mean the plan of subdivision required by the General Statutes, which final plan has been prepared in accordance with the requirements of Section 8 of these Regulations.
- 1.8 Preliminary Plan: shall mean a tentative plan for subdivision presented to the Commission for discussion and advice only, as provided in Section 7, hereof.
- 1.9 Approval: of a plan of subdivision or "Final Approval" shall mean approval of the Final Plan in accordance with the provisions of Section 9 hereof.

- 1.10 Tentative Approval: shall mean an expression by the Commission that a preliminary plan appears to indicate that the proposed subdivision will meet the requirements of these regulations, but such "Tentative Approval" is not to be construed as "Approval" as provided in Section 9 hereof.
- 1.11 Any definition of a word not defined in this section but defined in the Zoning Regulations of the Town of North Haven shall be deemed to be applicable to the Subdivision Regulations.
- 1.12 Cluster Subdivision: a special permit, allowed by Section 4.3 of the Planning and Zoning Regulations, granted by the Planning and Zoning Commission after holding a public hearing, which allows the subdivision of eight (8) acres or more of land in an R-20 or R-40 district with reduced lot sizes and reduced minimum required lot frontage if all the requirements and standards of the Cluster Subdivision permit are met by the applicant. In addition, the applicant must meet all the requirements of the Subdivision regulations. The Planning and Zoning Commission will only grant the special permit after reviewing a conventional subdivision plan and a cluster subdivision plan for the same parcel of land.
- 1.13 Community Open Space: a parcel of land, within a subdivision, that is permanently dedicated as land to be considered a parcel for common use and accessible to all the lots within the subdivision, whose terms shall be on file in the land records of the Town of North Haven. In a cluster subdivision, any single Community Open Space parcel shall be no less than one acre.
- 1.14 Conventional subdivision: herein referred to as a Subdivision, a residential, commercial or industrial subdivision of a parcel of land that meets all the requirements and standards of the Subdivision Regulations of the Town Of North Haven.

Section 2Compliance with Regulations

- 2.1 In accordance with the provision of the General Statutes, no subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a plan for such subdivision has been approved by the Commission.

- 3.1 All land which is to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety. Land subject to flooding or without adequate facilities for safe water supply and sanitary sewage disposal shall not be subdivided.
- 3.2 All subdivision plans shall conform to the requirements of the Zoning Regulations in effect at the date of the filing of the application for final approval of such plan by the Commission, but the Commission may at its discretion require lots of a size larger than required by such zoning regulations because of conditions affecting water supply, drainage or sewage disposal.
- 3.3 All subdivision plans shall make proper provisions for water supply, and lots which are not served by a public water supply system shall be large enough and so laid out to allow a distance of not less than 75 feet between any well used for such purpose and any portion of any sewage disposal.
- 3.4 All subdivision plans shall make proper provisions for sanitary sewage disposal as approved by Health Officer, Town Engineer and Board of Selectmen. Where, in the opinion of the Health Officer, conditions at any lot so warrant, the approval of the subdivision plan shall be contingent on the design of the sewage disposal system on such lot being made; and the construction supervised by a competent sanitary engineer approved by the Health Officer. The Planning and Zoning Commission may, at its discretion, require dry sewer lines and laterals to be installed in all public roads.
- 3.5 No grading of lots shall be done by the subdivider except as shown on the final plan as approved by the Commission. No top soil shall be removed from the parcel being subdivided until all finish grading has been completed and all such graded areas other than driveways have been covered with top soil so that a depth of not less than 4 inches exists, measured after compaction. In the case of land from which top soil has been removed, or where an inadequate amount

exists, the Commission may require the addition of an amount of top soil which it deems adequate for proper landscape development and to provide in no case less than a 4 inch layer, measured after compaction.

- 3.6 Adequate storm water drainage shall be provided, and natural watercourse shall be altered or obstructed in such a way as to reduce the natural run off capacity unless substitute means of run off are provided. The Commission may require sufficient easements for sanitary or storm water drainage including easements required beyond the limits of the subdivision. All drainage pipes and ditches shall be designed for a capacity sufficient to carry safely all storm water which may reach them from the proposed development, or water which may naturally flow onto the subdivision from adjoining property. No street drainage line shall be less than 12 inches in diameter. All provisions for storm water drainage shall be subject to the approval of the Town Engineer.
- 3.7 The subdivider shall construct and install all ditches, pipes, culverts, and other storm water drainage structures as required by the Commission and shall maintain them until the streets are accepted by the Town. All conveyances in the subdivision shall contain a deed provision prohibiting the obstruction of any ditch, watercourse, culvert, pipe or other drainage line and requiring the maintenance of any such facility located on private property by the owner thereof.
- 3.8 In the case of subdivisions served by public water supply, all necessary mains, branch offsets, fire hydrants and other necessary appurtenances shall be installed as approved by the municipal department and the corporation having jurisdiction.
- 3.9 No privately owned reserved strip shall be permitted which controls access to any part of the subdivision or to any adjoining land from any street or other open space dedicated to public use, or which may be so dedicated.
- 3.10 The Commission may require the reservation of an access strip to adjoining property for future road extension into said property.
- 3.11 Roadways, sanitary sewers and storm sewers shall be designed by a registered professional engineer.

Highway Standards

- 4.1 The street layout of the subdivision shall conform to the thoroughfare pattern established on the Plan of Development of any portion thereof adopted by the Commission, especially with respect to safe intersections with such thoroughfares. All streets in subdivisions shall have free access to or shall be a continuation of one or more accepted public streets.
- 4.2 General design of the subdivision shall make provisions primarily for interior streets intended to accommodate the traffic of such subdivision or the immediate neighborhood only, except where a thoroughfare is indicated on the Plan of Development or otherwise required by the Commission.
- 4.3 Intersections of interior streets with thoroughfares shall be as few as possible and designed to minimize traffic hazards. As many lots as possible shall be located on interior streets. Interior streets shall be laid out to discourage fast driving by use of short, straight stretches and small radius curves or cul-de-sacs.
- 4.4 Thoroughfares, if required by the Commission, shall have rights-of-way not less than 60 feet wide. All other streets shall have rights-of-way not less than 50 feet wide.
- 4.5 The grade of a thoroughfare shall not exceed 6 percent except that the Commission may approve a grade not in excess of 8 percent where in its opinion such grade is necessary and safe. Where the Commission finds that the traffic on any portion of a thoroughfare is likely to consist of a high proportion of truck traffic, it may, in its discretion, require that the grade shall not exceed 5 percent. The grade of other streets shall not exceed 8 percent. No grade of any street shall be less than 1 percent. Where one street intersects another, the grade shall not exceed 2 percent for a distance of 50 feet from the outer edge of the intersection of the pavement.
- 4.6 Dead end streets or "cul-de-sacs" shall terminate in a circle not less than 60 feet in radius to the outside of the right-of-way and shall not exceed 750 feet in length in residential zones. Where, in the opinion of the Commission, such street is likely to be extended in the future to another outlet, these limitations of length may be waived. As far as practicable, streets shall follow natural contours. In industrial zones, dead end streets or "cul-de-sacs" may be permitted up to 1,100 feet in length as determined by the Commission and shall terminate in a circle not less than 70 feet in radius. When topography or other

physical limitations prevent a proposed cul-de-sac in an industrial subdivision from being connected to existing and/or future proposed roads, the Commission may allow the cul-de-sac to have lengths in excess of the limits contained in this regulation.

- 4.7 All streets in a subdivision shall be graded, constructed and surfaced as shown on the plan of subdivision, including all bridges, culverts, catch basins, manholes and other drainage structures. All such construction and paving shall be in accordance with specifications and regulations adopted by the Board of Selectmen.
- 4.8 Five foot wide, reinforced concrete sidewalks shall be installed on both sides of all streets, except where this requirement may be waived by the Commission, in its discretion, where it finds that the nature of proposed development will result in little pedestrian traffic. Curbs shall be installed on both sides of all paved portions of streets and shall be either concrete or bituminous, at the discretion of the Commission, which discretion shall consider the existence and material of adjacent curbing and future development of the area. Five foot wide, reinforced concrete sidewalks and curbing shall be constructed on all new and existing roads within the subdivision and, with the exception of the type of material, same shall be constructed in accordance with specifications adopted by the Board of Selectmen. Sidewalks constructed on new roads may be waived by the Commission under the same standards as set forth above.
- 4.9 In areas which are not already wooded, the Commission may require the planting of trees of not less than 2 inch caliper and of approved deciduous species, not less than 50 feet apart on both sides of all streets, located in the front yards of all lots on a line approximately 5 feet from the street line, or as otherwise approved by the Commission. Said trees are to be staked with trunks wrapped and branches inspected and pruned one year after planting. All trees that are visibly less than 75% alive shall be replaced.
- 4.10 Clear cutting of trees shall be limited to the areas for new subdivision roadways to include the limits of right of way, respective roadway grading areas and sight line requirements only.
- 4.11 A bituminous concrete tack coat (emulsified asphalt) shall be applied to the entire surface of a binder or lower base course of bituminous roadway pavement which has been previously placed and left exposed to the elements, construction traffic and/or siltation deposition. Said pavement base shall be thoroughly cleaned prior to application of the tack coat with the final course of pavement placed immediately thereafter.

Section 5Layout of Lots and Open Spaces

- 5.1 All side lines of lots, as far as is practical, shall be at right angles to street lines and radial to curved streets. All corners of lots shall be marked with iron pins.
- 5.2 The Commission may require such open space for parks and playgrounds as it may deem proper, accessible to all lots from public ways. Such open spaces, if required, may be at the rate of not less than 1 acre for every 50 families. In smaller subdivisions, the Commission may require suitable open spaces for parks and playgrounds either separately, or in combination with adjacent or neighboring subdivisions. The subdivider shall make provision for the permanent maintenance of such park or playground areas, either by conveyance to the Town, by the establishment of a duly organized improvement association or neighborhood association or by other means, all as approved by the Commission.
- 5.3 All corners of open space shall be marked with concrete monuments.

Section 6

Procedure, Application

- 6.1 Application for approval of a plan of subdivision shall be made by the owner of record or by his authorized agent in writing on a form furnished by the Commission, obtainable at the office of the Town Engineer, and filed in the office of the Town Engineer. The application shall be accompanied by a final plan of subdivision, as provided in Section 8, including all information required therein, and by a fee equal to the maximum allowed by the Connecticut General Statutes per lot, with a minimum of \$25.00.
- 6.2 The approval of a plan of subdivision, as provided by the General Statutes, shall require the approval by the Commission of a final plan as described in Section 8 hereof. The final plan of subdivision may cover only a portion of the subdivision, if the Commission has given tentative approval to the preliminary plan covering the whole subdivision.

Section 7.

Preliminary Plan of Subdivision

- 7.1 The applicant may, at his option, present to the Commission a preliminary plan of subdivision for informal discussion with and comments by the Commission; and the Commission may give tentative approval to such preliminary plan, a record of which approval shall be kept in the Commission's files for a period of two years. Such tentative approval shall not be construed to constitute an official approval of the subdivision plan, and shall not bind the Commission to the approval of the Final Plan of Subdivision.
- 7.2 The preliminary plan may be drawn in pencil and transmitted to the Commission in two copies, but such transmittal shall not constitute an application for final approval of such subdivision until such application is submitted in the form required under Paragraph 6.1. Such preliminary plan shall contain essentially the information required for a final plan of subdivision, as required by Section 8, except that bearings, angles and curve data may be omitted; dimensions may be approximate and the layout of proposed streets, lots and other spaces may be tentative. Road profiles may be taken from contours. Plans of drainage may be preliminary, but must clearly indicate the disposition of storm water off the premises. If the existing grades are to be revised by more than two (2) feet, the proposed final grading shall be shown in all areas where regrading is anticipated.

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Section 8

Final Plan of Subdivision

- 8.1 The Final Plan of Subdivision shall consist of the record plat and such other matter as is described below or as may be required by the Commission.
- 8.2 The final plan shall be drawn in ink on tracing linen, not larger than 25 to 37 inches, to a scale as approved by the Commission. It shall be submitted on one-muslin-backed paper black-line print suitable for filing in the Office of the Town Clerk and seven black-line prints for Town use. A mylar or linen reproducible copy of the final plan shall also be submitted for the files of the Town Engineer.

The final plans shall contain the following:

- 8.2.1 Name of the subdivision and owner of record, names of owners of adjacent lands.
- 8.2.2 Zoning district.
- 8.2.3 Scale and compass points showing true north.
- 8.2.4 Boundary lines of subdivision with accurate distances and bearings or coordinates; a locating dimension to the property from the nearest accepted street.
- 8.2.5 Accurate layout of lots, with lot areas, dimensions and bearings, angles or coordinates.
- 8.2.6 Accurate layout of existing and proposed streets, easements and rights-of-way, including those for utilities, sewers and drainage, with bearings and dimensions or coordinates.
- 8.2.7 Lot numbers and proposed street names.
- 8.2.8 Accurate location and description of monuments which shall be placed at corners, angles and all points of curvature and points of tangency of curved streets.

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- 8.2.9 Accurate layout of all land reserved for common or public use.
- 8.2.10 A guide or location map at a scale of 1 inch equals 800 feet, showing adjacent properties and streets, so that the subject subdivision may be accurately located on the Commission's general map of the Town at the above scale.
- 8.2.11 Certificate of registered professional engineer or land surveyor.
- 8.2.12 Approval of Health Officer and Selectmen.
- 8.3 A signed application in the following form shall be submitted with the final plan and filed with the approved subdivision plan with the Town Clerk.

Application Form for Approval of Final Plan

To the Planning & Zoning Commission
North Haven, Connecticut 06473

"The undersigned developer hereby submits to the Town Planning & Zoning Commission of North Haven the final map dated _____ 19____ of a development to be known as _____ in the Town of North Haven, and respectfully requests its approval for the recording of said map in the Town Clerk's office."

In consideration for said approval and the privileges accruing thereto, the developer hereby agrees:

1. To file said map in the Town Clerk's office within 90 days as provided by law.
2. To carry out the improvements agreed upon and as shown and intended by said map, including any work made necessary by unforeseen conditions which become apparent during construction.
3. To post all streets "Private" until accepted by the Town and to provide and install standard street signs as approved by the Town for all street intersections.
4. To give the Town, on demand, proper deeds for land or rights-of-way reserved on the map for streets, drainage or other purposes as agreed upon.

5. To save the Town of North Haven harmless from any obligation it may incur, or repairs it may make, because of my failure to carry out any of the foregoing provisions.
6. To fulfill the requirements of Section 12 and 13.
7. To make no changes whatsoever in the Final Plan as approved by the Commission unless a revised plan or a plan of resubdivision is submitted to and approved by the Commission.
8. _____ of _____ is hereby designated as the person to whom all communications to the developer may be addressed and the person on whom legal process may be served in connection with any proceedings arising out of the agreement herein.

Developer

By: _____
Owner
President or Treasurer
If a Corporation

- 8.4 In addition to the above, the following information shall be submitted on supplementary sheets in two copies:
 - 8.4.1 Proposed future subdivisions.
 - 8.4.2 A copy of the preliminary or final plan with existing topographic contours obtained from a field survey as required by the Commission and which shall show all watercourses, swampy places, drainage areas and other pertinent natural features. Contours shall be related where possible to the standard U.S. Coast and Geodetic divider, the finished grades shall be shown and the proposed elevations of the lowest floor of the buildings shall be noted on the plan. If regrading in excess of two (2) feet is not anticipated, the plan should be noted accordingly, unless otherwise revised by the Town Engineer during construction.

- 8.4.3 A report on soil conditions for drainage based on at least one test pit per acre and seepage tests made in accordance with the recommendations of the State Department of Health.
- 8.4.4 Methods of proposed sanitary sewerage, methods of storm water drainage into existing sewers or into existing natural watercourses, methods of supplying water.
- 8.4.5 The locations of all existing and proposed water mains, sanitary and storm water sewers, catch basins, manholes, bridges and culverts. Pipe sizes and invert elevations of all drainage shall be shown.
- 8.4.6 Road profiles, showing accurate existing and finished grades, cross sections and other detailed road construction plans, including any drainage structures, specifications as to materials and such other information as the Commission may require.
- 8.4.7 Methods of dedication of proposed easements, rights-of-way and open spaces required by these regulations.
- 8.4.8 Private restrictions.
- 8.4.9 The house number assigned to each lot by the postmaster, in accordance with the street numbering system in use in the Town.
- 8.4.10 Items 2, 4, 5, 7 and 8 may be shown on the final plan.
- 8.4.11 No building permit for the construction of a house will be granted unless the permit application is accompanied by a site plan prepared and certified by a Professional Civil Engineer, Architect or Land Surveyor showing existing and proposed contours and lowest floor elevations. Any required site drainage facilities shall be designed by a Professional Civil Engineer. The house foundation must be staked out by a Professional Civil Engineer or Land Surveyor.

Section 9Public Hearing - Action of the Commission

- 9.1 The Commission may hold a public hearing regarding any subdivision proposal if, in its judgement, the specific circumstances require such action and such hearing may be held on the preliminary plan. No plan of resubdivision shall be approved by the Commission without a public hearing. Notice of the time and place of such a hearing shall be published in a newspaper of general circulation in the Town of North Haven and shall be sent to the applicant by Registered or Certified mail not less than seven days before the hearing. A copy of the plan which is to be the subject of the hearing shall be on file at the office of the Town Clerk not less than seven days prior thereto.
- 9.1.1. Notwithstanding any provision herein to the contrary, any proposed subdivision of property which is to be used for a Regional Shopping Center shall require a public hearing by the Commission.
- 9.2 The Commission may recommend modifications in the plan of subdivision or may approve or disapprove the same. If the Commission disapproved the plan, it shall state the grounds for such disapproval in its minutes.
- 9.3 The Commission shall endorse a certificate of approval on any plan of subdivision approved by it, provided that all of the requirements of these regulations, including any requirements for a bond, have been met.
- 9.4 Failure of the Commission to act on a plan of subdivision within 60 days after the date of submission of the final plan thereto as provided in Section 8, or within such longer time as may have been agreed to by the applicant, shall constitute an approval of the plan, and a certificate of approval shall be endorsed thereon by the Secretary of the Commission upon demand.
- 9.5 Where traffic, drainage, topography or other considerations make strict application of these Subdivision Regulations impractical, the Commission may make such exceptions as it deems appropriate.

Section 10Filing in Office of Town Clerk

- 10.1 In accordance with the provisions of the General Statutes, all plans of subdivision shall, upon approval, be filed or recorded by the subdivider at his expense in the office of the Town Clerk, and any plan not so filed or recorded within 90 days following its approval by the Commission or within 90 days of the date upon which such plan of subdivision is taken as approved by reason of the failure of the Commission to act shall become null and void. No such plan of subdivision may be recorded or filed by the Town Clerk until its approval has been endorsed thereon, and the filing or recording of a plan of subdivision without such approval shall be void.

SECTION 11 - MONUMENTS

- 1.1 All monuments shown on the final plan shall be installed. They shall be of stone or reinforced concrete, not less than three (3) inches square and three (3) and one-half feet long, all set flush with proposed grades.

SECTION 12 - BONDS

- 2.1 Bonds required for Subdivisions/Resubdivision: To ensure that the required improvements and utilities are completed relative to an approved subdivision/resubdivision, the Planning and Zoning Commission can require a bond.
- 2.2 Establishing the amount of the bond
 - 12.2.1 The bond amount will be determined based upon the detailed "Estimate of Cost" form, which must be submitted in duplicate with the application, and be reviewed by the Town Engineer.
 - 12.2.2 The format of the "Estimate of Cost" form shall be developed by the Town Engineer. The form will be attached to the application form and must be completed by the applicant and/or the applicant's engineer.
- 2.3 Time frame required for posting bonds
 - 12.3.1 If a bond is required by the Planning and Zoning Commission, it must be posted before the mylar may be filed on the Town's land records.
 - 12.3.2 If a bond is required by the Inland Wetlands Commission, it must be posted before the mylar may be filed on the Town's land records.
- 2.4 Bonds Requirements - only two types are acceptable
 - 12.4.1 A surety company bond securing the completion of the work within five years; or

12.4.2 In lieu of a surety company bond, a cash bond, in the form of a bank passbook, in the name of the applicant and Treasurer of the Town of North Haven, accompanied by a guarantee to complete the work within five years.

12.4.3 The applicant may submit a written request, to the Commission, to extend the period to complete the bonded work beyond five years from the Date of Approval. To be valid, such request must be submitted and granted prior to the five year expiration date. The Commission, at its discretion, may grant twelve month extensions. In no case may the total extensions granted exceed five (5) years.

12.4.4 All bonds in excess of \$10,000 must be reviewed and approved by the Town Attorney.

2.5 Releasing the bond

12.5.1 Upon completion of the work, the applicant must submit a written request, to the Planning and Zoning Commission, to release the bond.

12.5.2 The final release of the bond cannot occur until all roads have been deeded, accepted and recorded as accepted by the Town; all Open Space areas have been properly deeded and transferred (and recorded as transferred) to the proper parties; all parcels of land, other than roads, that are to be deeded to the Town have been properly transferred and accepted by the Town and so recorded on the Town's land records.

12.5.3 The Commission shall have the right to retain 10% of the original Planning and Zoning bond for twelve months from the date of completion of work, as acknowledged by the Planning and Zoning Commission at a regularly scheduled monthly meeting, to ensure that no repair or replacement work is required or that no landscaping needs to be replaced.

Section 13Inspection of Improvements

- 13.1 To compensate the Town of North Haven for the cost of the inspection of the installation of streets, utilities and other required improvements in any subdivision, the owner of such subdivision shall pay to the Town a sum equal to 2 percent of the cost of such improvements, which sum based on estimated costs, as approved by the Board of Selectmen, shall be deposited with the Treasurer of the Town of North Haven before improvements are started. Such payments shall be adjusted to the final cost of the work upon completion, based upon a sworn statement of such costs to be furnished by the applicant. The Board of Selectmen shall engage a registered professional engineer to be paid out of said payments, who shall inspect all such improvements. Before the release of any surety bond or mortgage required hereunder, such engineer shall certify to the Board of Selectmen that all work required to be performed by the applicant under the terms of such bond or mortgage has been done in substantial compliance with the plan of subdivision.

Section 14Amendments

- 14.1 These regulations may be amended by the Commission at any meeting called for the purpose after a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the Town of North Haven at least seven days before such hearing.