

From: carl@faheyland.com
To: [Charles Karno](#)
Cc: Carl@simplifiedoffice.simplifiedoffice.com
Subject: RE: FW: Subdivision Bonds (ID:4E1C70F0000C336E)
Date: Wednesday, September 07, 2011 4:13:30 PM

OK

The new law goes into effect on Oct 1. If the developer must file the mylars prior to 10/01 (ie he is out of extensions) then he must provide a bond under the existing regulations before the mylars can be signed and returned to him for filing. There is no flexibility in the current regulations for the commission to waive the bond as if it were already Oct. 1. If there are extensions left then he can request an extension beyond 10/01 and the new law will apply. Under the new law he can file mylars and begin construction of new road and other public improvements before posting the bond. He can even commence construction of houses before bond is in place. Upon the transfer of the first lot out however the bond must be in place. The town, in such cases, should file a notice on the land records so that no lots out of the subdivision can be transferred until the bond is posted. If the entire subdivision is sold to a second developer this would be transfer and the bond would have to be posted prior to the transfer. Under current law (and this does not change under the new law) the option of requiring a bond or requiring that the public improvements be COMPLETED before lots can be transferred belongs to the Commission. Therefore the commission could do away with subdivision bonds and require all work to be completed. As to road acceptance towns can no longer require maintenance bonds so you may want to consider revising the regs such that the commission will not recommend the acceptance of any new town road until it has been 100% complete for a period including one or two winters. If this does not work for the developer then he can allow his approval to lapse and reapply under the new statute. Let me know if you have any questions about this. I would suggest that the commission discuss this at an upcoming meeting to decide the direction it wants to take. At the very least some revisions to the regulations are in order.
Carl

Nope; didn't get it; a victim of Irene;

-----Original Message-----

From: carl@faheyland.com [<mailto:carl@faheyland.com>]
Sent: Wednesday, September 07, 2011 3:27 PM
To: Charles Karno
Subject: Re: FW: Subdivision Bonds (ID:4E1C70F0000C336E)

I emailed a response last week. Sounds like you did not receive it. Let me know if not and I will try to locate it here.

Carl

Hi:

Have you had a chance to look at the following? Oh, just as an update, CVS has filed applications with Zoning and their hearing is scheduled for September 22.

Charlie

-----Original Message-----

From: Charles Karno

Sent: Wednesday, August 24, 2011 11:52 AM

To: 'carl@faheyland.com'

Cc: 'Mike Cherry'

Subject: Subdivision Bonds

Hi:

Currently, prior to the filing of subdivision mylars, the Commission requires a cash bond for public improvements related to the subdivision. I believe this is pretty common. Public Act No. 11-79 (attached) seems to alter this in that it seems to require the acceptance of letters of credit and at least implies that a developer must post a bond prior to the sale of any lots in a subdivision and not necessarily prior to filing the mylars. I guess you could argue that the filing legally creates the lot and allows its sale; but, the developer could in theory provide some legal commitment not to sell lots until the bond is filed.

In any, event, we have an approved sub-division, <http://ledyarddevelopment.com/Ap516.html>, it includes a new road and water line. The bond is substantial and we also collect engineering fees for new roads, <http://ledyarddevelopment.com/subdivision/subdivision.htm#anchorSubEng> . The time for filing mylars expires September 20, 2011 and the developer is searching for ways to avoid the approval from expiring. Questions:

1. Could the Commission agree to allow the filing of the mylars without a bond; provided that no lots would be sold until the improvements were done or a bond was in place and is this legally enforceable?
2. Could the Developer, under the new legislation, require the Commission to allow him to file the mylars without the bond?

Let me know what you think.

Thanks

Charlie

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