

10.0 Appeals

Any person aggrieved by an official action of the Town Planning and Zoning Commission may appeal therefrom pursuant to Section of the Connecticut General Statute.

10.1 Waivers

The Town Planning and Zoning Commission may waive, by a three-quarters vote and subject to appropriate conditions, such requirements of the foregoing regulations which, in its judgment, are not requisite to the interests of the public health, safety and general welfare, and where conditions exist which affect the subject land and are not generally applicable to other land in the area. When making its determination as to appropriate conditions and/or waiver of any requirement of any regulation, the Commission shall first consider the regulations sought to be waived and make findings as to the following, where applicable: the location of the subject land; the necessity of requiring the particular regulation, considering the topography of the land, possible future development of the area, the nature of the development as regards its proximity to residential areas, and the objective which the regulations seeks to achieve. In the case of a request to waive sidewalk requirements, the Commission shall consider, among others, each of the following factors: proposed dwelling unit density, where applicable; distances from schools, shopping areas and the necessity for sidewalks; to any such location; proximity of existing sidewalks; safety, including site lines, traffic speed and topography; and any other condition which the Commission deems relevant. The Commission shall consider each request for a waiver with regard to the particular conditions affecting the subdivision in question, and prior determinations as to requested waivers shall not be construed as precedent for any other.

Any request for a waiver for any requirement of these regulations shall be identified on the Preliminary Layout Application, Form F-1. Failure to request it may be grounds for denial.

10.2 Amendments

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 East Hartford at least twice, at intervals of not less two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days prior to the date of such public hearing.

10.3 Severability

If any section, sub-section, paragraph, sentence, clause or phrase in these Regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these Regulations.

10.4 Penalty For Non-Compliance (Building on unaccepted streets or in unapproved subdivision).

No building permit shall be issued and no building or structure shall be erected in an unapproved subdivision or on an unaccepted street except in the case of lots of record in the office of the Town Clerk or other officer authorized to record or file plans or in the adoption of this chapter by the municipality. Any building erected in violation of this chapter shall be deemed an unlawful structure, and the municipality through the appropriate officer may take action to enjoin the erection of such structure or cause it to be vacated or removed. Any person, firm or corporation

erecting a building or structure in an unapproved subdivision or on an unaccepted street, except as provided in this section, may be fined not more than two hundred (\$200.) for each building or structure or part thereof so erected in addition to the relief herein otherwise granted to the municipality. (Sec 860) Conn. State Statutes

10.5 Act Validating Certain Lots of Record

Each subdivision of lots of land described, plotted or laid out on existing town or state streets or roads on maps or plans recorded or filed in the office of the town clerk of the town of East Hartford between July 1, 1955 and July 1, 1964, otherwise valid except that it was not approved by the planning commission of said town, is validated, provided a structure shall be erected on such lot on or before a date three years after the effective date of this act. (State of Connecticut Special Act No. 385 - Effective Date: July 6, 1967)

10.6 Repeal of Old Regulations

All subdivision regulations previously adopted for the Town of East Hartford are hereby repealed.

10.7 Effective Date

The effective date of these Regulations is July 5, 1984.