

Text Amendment Final Approved Language

Subdivision Regulations

CHAPTER XII – MISCELLANEOUS PROVISIONS

1. WAIVERS

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with Connecticut General Statutes Section 8-26, the Commission may in its discretion modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare, provided, however, that no such waiver shall be granted that would significantly lessen the goals and objectives of Chapters V and VI of these Regulations. In considering a modification or waiver of these Regulations, the Commission may only approve such modification or waiver upon a finding that all of the following conditions are met:

- a. Conditions exist on the subject property which are not generally applicable to other land in the Town;
- b. Said conditions were not created by the property owner nor by his/her predecessor(s) in title, including the first legal split of the property;
- c. The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations and the Woodstock Plan of Conservation and Development; and,
- d. The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in conflict of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.
- e. The modification or waiver would not allow an increased number of lots to be created than otherwise allowed by these Regulations and the Woodstock Zoning Regulations.

The Commission may request and consider the recommendations of the Town Planner and Legal Counsel before approving any modification or waiver of these Regulations.

No modification or waiver of these Regulations shall be approved by the Commission for any subdivision for which a public hearing has not been held pursuant to Chapter III.

Any request for modification or waiver under this Chapter shall be set forth in writing in the Formal Application, and, if granted, shall be noted on the Final Approved Plan with a reference to the lot(s) affected, and the Section of these Regulations modified or waived, and the extent or nature thereof. In granting or denying any request under this Chapter, the Commission shall state upon the record the reasons for such action.

In addition to the above requirements, any waiver granted under these Regulations shall require the affirmative vote of seven (7) voting members of the Commission for approval.

Amendment Approved: July 18, 2013

Amendment Effective: August 17, 2013