

**SECTION 12**  
**PLANNED RESIDENTIAL CONSERVATION DEVELOPMENT**

12.1 General. The regulations which follow establish the procedures, standards and conditions for establishment of “Planned Residential Conservation Developments” (PRCD) in the MFR-80, MFR-40, RU-80, and RU-40 Districts. [From former Section 36.1, Amended Effective 3-7-08]

12.2 Definitions. The following terms for purposes of this Section 36 shall have the meanings specified as follows:

12.2.1 Planned Residential Conservation Development (hereinafter called “PRCD”) means the development, maintenance and use, in compliance with the provisions of this Section and pursuant to a Special Permit granted by the Planning Commission, of an area of land (hereinafter called a “PRCD Area”) in the Town as a single entity for Dwelling Units according to a plan which does not conform in one or more respects to the standards governing the size and dimensions of lots and the type of improvements that may be constructed thereon as provided for in other sections of these Regulations.

12.2.2 Net Buildable Area means the number of square feet of ground area within the perimeter of the land covered by a PRCD determined by the Planning Commission pursuant to the provisions of Paragraph 12.8.2. of this Section to be suitable for use as a building site.

12.2.3 Underlying Zoning District means the zoning district classification shown on the Zoning Map for the land or for segments of the land within the PRCD area.

[From former Section 36.2, Amended Effective 3-7-08]

12.3 Objectives. The purpose of this Section is to permit a PRCD providing Dwelling Units in detached, semi-detached or attached structures (or a combination thereof) not more than 35 feet in height located on a tract of land having the capability of supporting such structures and of achieving the following objectives in a mode consistent with the Plan of Conservation and Development:

12.3.1 The creation of common open space for recreation or visual benefits or both.

12.3.2 The location of such units in an imaginative and not stereotype manner in harmony with natural site features and so as to promote the preservation of agricultural, forest, conservation and coastal resources and the avoidance of an adverse impact on water resources and other features of the natural environment.

12.3.3 The achievement of architecture and site development of design merit enhancing the appearance and beauty of the Town.

12.3.4 The creation of a building and site layout contributing to the convenience of residential living and having a relationship to adjoining properties and neighborhoods which is harmonious with their character and serves to protect their values.

12.3.5 The establishment of PRCD structures in districts where authorized, each limited to a single detached dwelling for one (1) family except in Multi-Family Districts, where structures containing up to, but not more than, three (3) Dwelling Units may be permitted subject to the provisions of this Section.

12.3.6 The fostering of a method of land development permitting a variation in lot lines and the reduction of lot area, lot widths, setbacks (front, side and rear) and building coverage restrictions without increasing the number of units that could be legally constructed on a particular tract of land under these Regulations as read without this Section 36 and taking into account i) the Underlying Zoning District or Districts wherein such tract lines, ii) the Subdivision Regulations, and iii) any and all other regulations affecting the PRCD tract.

[From former Section 36.3, Renumbered but not revised effective 3-7-08]

12.4 Special Permit. No PRCD shall be built or its Dwelling Units occupied unless its construction has been approved by the Planning Commission as evidenced by the granting of a Special Permit. To be eligible for such approval, a proposed PRCD shall a) meet the objectives specified in Section 12.3. and b) comply with all of the requirements, standards, criteria and conditions set forth in this Section for such a project. [From former Section 36.4, Renumbered but not revised effective 3-7-08]

12.5 Permitted Location of PRCDs. PRCDs may be constructed only within the boundaries of the following classes of Underlying Zoning Districts:

The following Residence Districts: RU-80 and RU-40

Multi-Family Residence Districts: MFR-80 and MFR-40

[From former Section 36.5 Amended Effective 3-7-08]

12.6. Permitted Uses Within PRCD Areas. PRCD Areas shall be used only for the following purposes:

12.6.1 Residential use, including a PRCD designated for Non-Profit Elderly or Subsidized Elderly Housing.

12.6.2 Accessory uses and structures customary with and incidental to residential use, including a private garage for each Dwelling Unit, but excluding the following: (Amended Effective April 3, 1995)

- a. buildings for home occupations; and
- b. storage of commercial vehicles other than one (1) commercial vehicle of not more than 7,500 pounds gross vehicle weight for each Dwelling Unit.

12.6.3 The construction, maintenance and use of supporting facilities approved by the Planning Commission of the following types designed to serve the residents of the PRCD:

- a. recreational facilities for residents of the PRCD; and
- b. facilities providing community services such as meeting rooms, administrative office space for PRCD associations, storage space for recreational equipment, trash removal facilities, and school bus pickup shelters.
- c. the construction of fire ponds for public safety, recreational use, and wildlife habitat;
- d. trails and walkways as an integral part of the overall design of the PRCD.

It is the intent of this Paragraph to permit recreational and service facilities which do not adversely affect neighboring properties to the extent required to meet the needs of the particular PRCD being proposed based on its location, overall size and ultimate number of residents.

[From former Section 36.6, Renumbered but not revised effective 3-7-08]

12.7 Types of Dwellings Allowed Within PRCD. The following types of Dwelling Units are permitted within PRCDs:

12.7.1 Within Underlying RU-80 and RU-40 Districts, each separate and detached PRCD building providing residential living space shall contain only one (1) Dwelling Unit, shall be a separate structure detached from any other dwelling structure, and shall not exceed 35 feet in height.

12.7.2 Within Underlying MFR-80 and MFR-40 Districts, each separate and detached PRCD building providing residential living space may contain up to but not more than three (3) Dwelling Units. In the case of attached or semi-detached PRCD buildings providing residential living space, the total number of Dwelling Units in each structure composed of such attached or semi-detached buildings shall likewise be limited to three (3) Dwelling Units. All such separate and detached, attached, and semi-detached buildings shall not exceed 35 feet in height. The placement of multi-family dwellings in the Underlying Zoning Districts listed at the beginning of this paragraph shall be subject to the restriction imposed by

Paragraph 11.28.3 of these Regulations that no multi-family district shall contain more than one (1) multiple dwelling project.

[From former Section 36.7, Amended Effective 3-7-08]

12.8 Area Requirements. A proposed PRCD shall conform to the following area requirements:

12.8.1 A PRCD shall be located on a single tract of contiguous, predominantly undeveloped land of not less than 20 acres, provided, however, that the Planning Commission may, if it deems the location and terrain suitable and does not find that there are any factors making such use inappropriate for the neighborhood, permit a PRCD to be built upon a parcel of at least 10 acres situated in an Underlying RU-80 Zoning District.

12.8.2 A PRCD tract shall contain a Net Buildable Area determined by the Planning Commission as being not less than 25% and not more than 75% of the total area of such tract. In determining Net Buildable Area, the Planning Commission shall exclude i) water bodies, both inland and tidal; wetlands, both inland and tidal; and special flood hazard areas; ii) all planned and existing paved and graveled areas; iii) ledge outcrops; iv) land having topography exceeding a 30% slope in grade as measured in 40-foot increments; v) landfill areas and former dumps (including stump dumps unless the stumps and other material so disposed of have been thoroughly removed); and vi) any land which if included would result in a Net Buildable Area larger than 75% of the total PRCD tract. The following sources shall be availed of by the Planning Commission in applying the provisions of this paragraph:

- a. Soil Survey of New London County, Connecticut, U.S. Soils Conservation Service, U.S. Department of Agriculture; as amended;
- b. Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency;
- c. Tidal Wetlands Maps prepared by the Connecticut Department of Environmental Protection;
- d. Old Lyme Inland Wetlands Map;
- e. Maps and data prepared by Coastal Area Management and the Connecticut River Gateway Commission;
- f. Other sources which reveal the environmental characteristics of the proposed site; and
- g. Easements.

[From former Section 36.8, Amended Effective 3-7-08, Amended Effective 6-1-11 to add g. easements]

- 12.9 Density. Eligible density of Dwelling Units shall be based on the number of Dwelling Units that could feasibly be constructed in a conventional subdivision under the applicable provisions of these Regulations for the Underlying Zoning District, which shall be determined by the Planning Commission in accordance with Section 12.9.4.b below.

[From former Section 36.9.2.a, Amended Effective 3-7-08]

12.9.1 RESERVED

12.9.2 RESERVED

- 12.9.3 Application of Provisions. Irrespective of the number of dwelling or Dwelling Units allowed in any PRCD, each lot containing a PRCD structure providing residential living space shall conform to the requirements set forth in Paragraph 12.11.1. of this Section, including, but not limited to, minimum lot area and minimum lot area per Dwelling Unit. [From former Section 36.9.3, Amended Effective 3-7-08]

- 12.9.4 Alternative Conceptual Site Plans – Preliminary and Formal Submissions. Submission of conceptual and alternative plans is recommended and required as follows:

- a. It is recommended that before submitting a formal application for a PRCD Special Permit the applicant prepare and present to the Planning Commission for informal review at least two (2) alternative conceptual site plans. One plan shall show the proposed PRCD project and at least one shall show how the same land might be developed as a standard subdivision under the Subdivision Regulations without use of a PRCD Special Permit. These conceptual plans should show the lots that can reasonably be created on the tract, the location of proposed roads complying with Town ordinance, regulations and standards, and the proposed location of all open space areas. The purpose of this informal review is to provide guidance to the applicant on the best approach to meet the objectives of the Subdivision Regulations and this Section 12. Preliminary plans have no official status, and an opinion expressed by the Planning Commission that a conceptual plan appears to be feasible in no way implies approval of a formal plan.
- b. As part of the formal application, the applicant shall submit alternative plans as described in Paragraph 12.9.4a. above. The Planning Commission shall have the right to verify whether the building lots shown on the standard subdivision plan can in fact be legally and feasibly used

for construction of buildings. For purposes of determining the suitability of the lots so shown for the installation of subsurface sewage disposal systems, the Planning Commission may require the applicant to make soil tests and submit the results of such tests to the Commission. The number of Dwelling Units that may be permitted within the boundaries of a proposed PRCD shall be limited to the number of such units that can reasonably be built on the applicant's tract pursuant to a standard subdivision as shown on the conceptual plan for that type of development after the Planning Commission shall have eliminated any lots it finds to be unsuitable for building purposes.

[From former Section 36.9.4, Amended Effective 3-7-08]

- 12.10 Design Standards of General Application. In addition to the standards of Sections 13A and 13B of these Regulations, the following standards are of general application to PRCD projects:
- 12.10.1 Implementation of Objectives. Each PRCD shall have a design which conforms to and implements the objectives set forth in Paragraph 12.3 of this Section.
- 12.10.2 Provision for Open Space. The preservation or creation of open space shall be accomplished by a unified design which:
- a. protects flood plains, inland and tidal wetlands, watercourses, ponds, future public water groundwater sources, steep slopes, and the coastal resources identified in Section 22a-93(7) of the Connecticut General Statutes and preserves, where practicable, unusual rock formations and tree stands;
  - b. preserves sites of historic, archeological or scenic value;
  - c. promotes the open space programs of the Town Plan, the Connecticut River Gateway Commission, the Open Space Plan of 1997, as amended, and plans of private organizations which are acceptable to the Planning Commission; and
  - d. fosters opportunities for formal and informal recreational activities.
- 12.10.3 Site Layout and Architecture. Site layout and architectural design shall take advantage of topography, furnish visual and acoustic privacy between Dwelling Units and provide for landscaping of all areas disturbed by the project.

Consistency of scale and architectural design throughout the various structures of the PRCD shall be maintained.

[From former Section 36.10, Amended Effective 3-7-08]

12.11 Specific Design Criteria. The following specific design criteria are applicable to PRCD projects:

12.11.1 Lot Size, etc. Unless the entire PRCD is developed pursuant to the Common Interest Ownership Act (Conn. Gen. Stat. 47-200 et seq.) (8/1/97), each PRCD structure providing residential living space (whether separate and detached from any other dwelling structure or composed of attached or semi-detached buildings containing separate Dwelling Units) shall be situated on a separate lot. In approving a PRCD plan, the Planning Commission, if it determines that the total plan complies with the spirit and intent of this Section, may reduce to the extent it deems advisable the requirements under these Regulations pertaining to minimum lot area, minimum dimension of square on the lot, minimum lot area per Dwelling Unit, minimum setbacks, and maximum allowable building coverage percentage, applicable to the Underlying Zoning District or Districts wherein the proposed PRCD buildings are to be located insofar as they relate to such structures, provided, however, that such requirements shall not be reduced below those indicated in the following table for structures providing residential living space located in the Underlying Zoning Districts listed in the left column:

Underlying Zoning District	Min.* Lot Area Square Feet	Minimum Dimension Of Square on Lot	Min. Lot Area Per Dwelling Unit Sq. Feet	Minimum Setback From Street Line	Minimum Setback From Side Property Line	Minimum Setback From Rear Property Line	Maximum Bldg. Coverage of Lot
RU-80, RU-40	30,000	100'	30,000	30'	20'	35'	10%
MFR-80, MFR-40,	40,000 30,000**	100'	20,000 10,000**	30'	20'	35'	10%

\* All new building lots created after June 15, 1990, shall comply with the requirements of Section 8.4 Minimum Area of Buildable Land.

\*\* For Non-profit elderly or Subsidized Elderly Housing only. [re-added Effective 6-1-11]

[From former Section 36.11, Amended Effective 3-7-08, Amended Effective 6-1-11 eliminated references to R-80, R-40, MFRU-80 and MFRU-40 & max. bldg. coverage from 15% to 10%]

If a PRCD is developed pursuant to the Common Interest Ownership Act on a single lot, the PRCD shall comply with the spirit and intent of this section and the requirements set forth in the table below as well as other applicable requirements hereunder. [ Amended effective 8/1/97, 3-7-08, 6-1-11]

Underlying Zoning District	Min. * Lot Area Square Feet	Density	Min. Setback from Interior Property Line	Minimum Setback From Interior Street Line	Minimum Distance Between Buildings	Maximum Building Coverage of Lot	Minimum Building Area of Cluster
RU-80, RU-40	Section 12.3	Section 12.9	100'	30'	40'	10%	5 acres

12.11.2 [Reserved.]

12.11.3 Other Design Requirements: The following design requirements are also applicable to PRCDs:

- a. No Building within a PRCD Parcel shall be located within 100 feet of the boundary of I) any inland or tidal wetland, ii) any electrical or gas transmission line easement, or iii) the PRCD Parcel on which it is situated, nor shall such a structure be located within 200 feet of any single-family dwelling located outside such PRCD tract.
- b. The minimum distance between detached Dwelling Buildings shall not be less than 40 feet.
- c. PRCD Dwelling Buildings each of which is located within 200 feet of another such Dwelling Building shall be deemed to comprise a cluster of such Buildings. Any such cluster shall contain no more than 10 Dwelling Buildings, and shall be located at least 200 feet from any other such cluster within the PRCD as measured in a straight line between the exteriors of the Dwelling Buildings in

neighboring clusters which are located the closest to each other.

- d. Each group of Building lots containing a cluster of up to 10 Dwelling Buildings, each of which is located within 200 feet of another such structure, shall be surrounded on all sides by a strip of land which measures 100 feet or more in width throughout and does not constitute part of any building Lot, provided, however, that the presence of such a strip shall not be required on any such side marked by a Lot line coinciding with a boundary of the PRCD tract. Any such strip of land may be used for roads, sidewalks, or other types of installations which would be part of the common facilities serving the residents of the PRCD.
- e. The architectural designs of Buildings and other Structures, including the building materials, color and exterior elevations, shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect and enhance property values in the neighborhood, and to preserve and enhance the appearance and beauty of the community.

12.11.4

Design Requirements Specific to Non-Profit or Subsidized Elderly Housing in a PRCD:

- a. Each Dwelling Unit shall be occupied by no more than two (2) persons, at least one of whom is either 62 years of age or older.
- b. Each Dwelling Unit shall contain only one bedroom and not more than 800 square feet of enclosed floor space, including the space used for halls, stairways, foyers, closets and bathrooms, but excluding covered porches and other roof portions, basements, and common areas within the structure. Typical floor plans shall be provided as part of the PRCD submission.
- c. The multiple Dwelling Unit may include accessory community rooms and facilities for the use of the occupants of the multiple dwellings, as well as utility and maintenance buildings and facilities necessary for support of the multiple dwellings on the lot.

- d. Enclosed garages are not required. If no garages are included, one and one-half ( 1 ½) paved Off-Street Parking spaces shall be provided for each Dwelling Unit.
- e. The storage space requirements of paragraph 11.28.9 are not required.
- f. The water supply requirement of Paragraph 11.28.11 may be reduced to 160 gallons per day under adequate pressure to each Dwelling Unit.
- g. A deed restriction requiring said Dwelling Unit to be limited to one bedroom and no more than two occupants, as provided in a. and b. above, and used for Subsidized Elderly Housing in perpetuity shall be recorded on the Land Records. Such deed restriction shall be subject to the review and approval of the Planning Commission's legal counsel prior to filing of the Special Permit or the deed restriction.
- h. For Subsidized Elderly Housing in a PRC D, the boundary setback may be reduced to no less than 30 feet with the approval of the Planning Commission when it determines that such reduction would result in a development plan which better meets the specific needs of future elderly residents while preserving the intent and purpose of the PRC D regulations.

[Preceding From former Section 36.11, Amended Effective 3-7-08]

12.12 Authority to Increase Setbacks or Require Screening. For the purpose of ensuring privacy for dwellings adjoining the PRC D tract, the Planning Commission in approving a PRC D plan is hereby authorized to increase setback distances beyond those provided for in these Regulations or to require natural screening, but such increased setback or screening shall no exceed 100 feet in depth. [From former Section 36.12, renumbered but not revised effective 3-7-08].

12.13 Zoning and Subdivision Regulations – General Applicability.

12.13.1 Zoning Regulations. All of the other Sections of these Regulations are applicable to a PRC D except insofar as the Planning Commission, pursuant to express authority granted it in this Section 12, may modify, reduce or relax their requirements in approving a proposed PRC D plan. Particular attention is called to the following provisions of these Regulations: Section 11.28, Special Standards – Multiple Dwellings; Paragraph 13B.5, Action on Special Permit Applications, Section 13 – Site

Development Plans and Section 8.2., Minimum Floor Area – Dwelling Unit.

12.13.2 Subdivision Regulations. The Subdivision Regulations shall apply to a proposed PRCD to the same extent as to a proposed subdivision except insofar as express authority is granted in this Section to the Planning Commission to approve a proposed PRCD which does not in certain respects conform to the requirements, standards and criteria set forth in the Subdivision Regulations.

12.13.3 Possible Conflicts. If the requirements of this Section 12 are in conflict with other Sections of these Regulations, the requirements of this Section shall prevail. In the event of a conflict between any provision of these Regulations and any provision of the Subdivision Regulations, these Regulations shall take priority as respects a PRCD.

[Preceding From former Section 36.13, renumbered but not revised effective 3-7-08]

12.14 Open Space. Land to be kept as open space, including but not limited to land to be used for parks, playgrounds and recreation areas, shall be provided and reserved in each PRCD in conformity with Section 5.10 of the Subdivision Regulations except that i) the quantity of land to be devoted to such purpose shall be as stated below, and ii) at least 25% of the open space land shall be part of the Net Buildable Area within the PRCD tract as determined by the Planning Commission pursuant to the provisions of paragraph 12.8.2. The Planning Commission shall require that a land area be set aside for open space equal to or greater than a) 40% of the entire area covered by a PRCD located in one or more underlying Zoning Districts classified as RU-80 or MFR-80 and b) 30% of the entire area covered by a PRCD located in one or more Underlying Zoning Districts classified as RU-40 or MFR-40. The required amount of land area to be devoted to open space for a PRCD located partially in one or more Underlying Zoning Districts listed in the former group and partially in one or more Underlying Zoning Districts listed in the latter group shall be computed separately for the PRCD area located in each of the foregoing two (2) groups of Underlying Zoning Districts and the required amounts of open space land areas so obtained added together to determine the total quantity of land area within the boundaries of the PRCD to be set aside for open space. [From former Section 36.14, revised effective 3-7-08]/

12.15 Access, Circulation, Streets and Parking.

12.15.1 Access. The PRCD area shall be served from, and have access to, an accepted, improved Town road or State highway which provides adequate access to other sections of the Town. Ease of entrance to, and exit from, the development with minimum impact on normal traffic flow shall be of prime importance.

- 12.15.2 Circulation. Interior streets and driveways shall be designed to eliminate through traffic, reduce traffic speeds, and provide for adequate circulation within the PRC D and to its facilities and open space. Walkways, courts and paths shall provide pedestrian access to and between residential structures, supporting facilities and community open space and shall be separated from vehicular traffic wherever reasonably possible.
- 12.15.3 Interior Streets. All interior streets and roads within a PRC D tract shall be either public streets planned and designed in accordance with the “Design and Construction Standards of the Town of Old Lyme, Connecticut”, as amended, or private roads complying with the requirements of Sections 5.1.3. through 5.1.7. of the Subdivision Regulations pertaining to streets within a subdivision, provided, however, that a private road providing access to more than 30 Dwelling Units shall be surfaced with bituminous concrete or other suitable hard surface material acceptable to the Planning Commission. The Planning Commission in approving a proposed PRC D may require that there be installed in conjunction with any street or road in the PRC D a foot path running parallel thereto and located from six (6) to 10 feet from the edge of the pavement and that deciduous shade trees be planted at intervals of from 50 to 60 feet wherever feasible in the area between the street or road and the footpath. Any permitted cul-de-sac shall have an open, unpaved planted area in its center.
- 12.15.4 Parking. Off-Street Parking spaces shall be provided at the rate of not less than 1.5 nor more than 3.5 spaces per Dwelling Unit, subject to the limitation that no lot in an Underlying RU-80 or RU-40 Zoning District shall contain more than two (2) such parking spaces per Dwelling Unit which are located outside an enclosed garage. Parking may be provided beneath Dwelling Units, in separate parking garages, or in open parking areas. For permitted supporting facility uses, Off-Street Parking shall be provided at a minimum of one (1) space for each 200 square feet of Public ground floor area and one (1) space for each 400 square feet of Public second floor area. Parking facilities shall be designed as an integral part of the site development design and arranged to avoid undue concentration of parking facilities and shall be screened through ample use of trees, shrubs, hedges or walls. Access to Dwelling Units from parking facilities shall be by walkway or within structures.

[Preceding From former Section 36.15, revised effective 3-7-08]

## 12.16 Sewage Disposal and Water Supply.

- 12.16.1 Sewage Disposal. Each PRC D Building or parcel providing residential living space shall be served by an on-site sub-surface disposal system. The design, construction and program for the operation of such sewage disposal system shall meet the requirements of the Connecticut Public

Health Code, all other applicable laws and regulations, and any other requirements deemed necessary by the Planning Commission and the Town Sanitarian to protect public health and safety. If the applicant proposes to utilize a community sewage system, as defined in Connecticut General Statutes 7-245, the applicant shall submit a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied; and absent such report, no development utilizing community sewerage disposal system shall be approved by the Commission. Said report shall address, among other things: easements of rights of way in favor of the Town which assure the Authority of the right to access the community sewerage system when and if necessary to perform inspections, maintenance, repairs, or other work necessary to assure the continued operation of the system; authority to compel the performance of any maintenance, repairs, or replacements deemed required by the Authority; creation by the applicant and control by Authority of sufficient cash reserves to assure that any system is capable of normal repair, maintenance, and long-term capital replacement or repair; replenishment of such capital reserves following the expenditures from such fund; authority to enforce repair or maintenance orders, to perform such work by the Authority, if required, and the authority to obtain reimbursement for any costs incurred by the Authority, including, but not limited to, consulting and legal fees; provision for assignment of the obligations imposed by any such agreement and continuity of that obligation upon the assignee(s); maximum annual assessments to be imposed upon unit owners to insure adequate funds for routine maintenance and to provide capital reserves as recommended by the Authority's consulting engineer; authority to adjust and, if necessary, require an increase in any such minimum annual assessment. [From former Section 36.16.1, Revised effective 8/1/97, renumbered only effective 3-7-08.]

- 12.16.2 Water Supply. Each PRCD building providing residential living space shall have a potable water supply on a continuous long-term basis meeting the requirements of the Connecticut Public Health Code, all other applicable laws and regulations, and any other requirements deemed necessary by the Planning Commission and the Town Sanitarian to ensure the public health and safety. Act. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any PRCD development providing water by means of a "water company," as that term is defined in C.G.S. Section 16-262m(a), shall provide to the Commission a certified copy of the Certificate of Public Convenience and Necessity issued for the subdivision by the Connecticut Department of Public Utility Control; or in the alternative, a certified copy of the resolution from the Board of Selectmen waiving such Certificate and agreeing that the Town of Old Lyme shall be responsible for the operation of the subject water company in the event that the company is at any time

unable or unwilling to provide adequate service to its customers. [From former Section 36.16.2, Revised effective 8/1/97, renumbered only effective 3-7-08.]

**12.17 Lighting.** All outdoor illumination facilities shall be designed to prevent light from intruding directly into Dwelling Units, and no exterior lighting facility shall be placed so as to shine directly outside the PRCD area. Street lighting shall be designed to complement the overall design concept and shall be limited in intensity to that required for vehicular and pedestrian safety. All lighting shall be in compliance with “Dark Sky” specifications. [From former Section 36.17, renumbered only effective 3-7-08.]

**12.18 Signs.** Sign designs shall be compatible with the PRCD design concept and shall be approved by the Planning Commission. A sign complying with the restrictions applicable to land development signs set forth in Section 19. of these Regulations may be constructed at the entrance road to a PRCD tract. [From former Section 36.18, renumbered only effective 3-7-08.]

**12.19 Management of PRCDs.**

**12.19.1 General.** Each PRCD shall be established with suitable legal organization and arrangements for ownership and management of common properties and facilities, open space and utility systems, including provision for financing and maintenance. The management system shall be established prior to the filing of the Special Permit on the Land Records; shall be reviewed and approved by the Planning Commission’s legal counsel; and shall support the criteria for the issuance of a Special Permit under this Section.

**12.19.2 Method of Ownership:** Dwelling Units may be for sale or rental, in individual, public, cooperative, or condominium ownership. Documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Planning Commission for approval. All open space and supporting facilities of the type described in Section 12.6.3. shall be owned in fee by an association of lot owners incorporated under Connecticut law, with provision in form acceptable to the Planning Commission for maintenance, liability, financing, and rights of access and use by residents of the PRCD, except as certain open spaces may be conveyed to the Town or a nonprofit corporation approved by the Planning Commission or as facilities may be conveyed to the Town. Any open space to be retained by an association of lot owners shall be subject to a conservation easement in favor of the Town of Old Lyme, which easement shall contain provisions granting the Town the right to inspect the open space from time to time, with reasonable notice, to insure compliance with the terms of the conservation easement. All documentation of ownership association shall be reviewed and approved

by the Planning Commission's legal counsel prior to the filing of the Special Permit on the Land Records.

[From former Section 36.19, Revised effective 3-7-08]

- 12.20 Authorization Procedures. Every proposed PRCD plan shall be brought before the Planning Commission for its approval. The Planning Commission shall hold a public hearing before granting or denying the proposed PRCD Special Permit in accordance with these Regulations. Appropriate conditions and safeguards in addition to those provided by these Regulations may be specified by the Planning Commission to promote public health, safety, convenience, welfare and the property values of surrounding areas. The application requirements, standards and procedures shall be in accordance with Section 13B – Special Permits and Planning Commission requirements for approval of a subdivision. [From former Section 36.20, renumbered only effective 3-7-08]

Rev. February 20, 2008