

SECTION 13
SITE DEVELOPMENT PLANS AND SPECIAL PERMITS

13. Site Development Plans and Special Permits

13A. Site Development Plans

13A.1 General. Certain Uses of Premises, Buildings and other Structures, and the construction, reconstruction, Expansion, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are permitted under these Regulations subject to the submission of a SITE DEVELOPMENT PLAN and approval of the PLAN by the Zoning Commission under this Section. In any instance involving a Use or Uses requiring a SITE DEVELOPMENT PLAN as set forth in Section 5 of these Regulations, no land or water areas shall be Used, nor Uses Altered or Expanded in space, time, or intensity, nor Buildings or Structures erected, Altered, Enlarged, or Used until the Commission shall grant such SITE DEVELOPMENT PLAN in accordance with this Section 13A, except as provided in Section 13A.4.11.

Current Regulations require such review by the Zoning Commission, but may be modified to allow review by the Planning Commission, the Zoning Board of Appeals, or some other agency. Thus, wherever the “Zoning Commission” or “the Commission” is referenced, it shall be deemed to read, “the Zoning Commission or other agency having approval authority in connection with the SITE DEVELOPMENT PLAN.”

The provisions which follow establish the SITE DEVELOPMENT PLAN submission requirements and the GENERAL STANDARDS and SPECIAL STANDARDS for site development. The provisions which follow also establish the procedures for Zoning Commission administrative approval of SITE DEVELOPMENT PLANS for uses, other than Special Permit uses, for which such a PLAN is required to be submitted and approved. [From former Section 31.1, Amended Effective 4/3/95, 1/1/96, 4/1/99 and 3-7-08]

13A.2 Submission Requirements. The SITE DEVELOPMENT PLAN submission shall consist of the following:

13A.2.1 Application Form and Fee. The completed SITE DEVELOPMENT PLAN application form as adopted by the Zoning Commission, and the payment of the application fee as provided by Town Ordinance. [Added effective 3-7-08]

- 13A.2.2 Statement of Use. a written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; six (6) copies shall be submitted;
- a. a detailed narrative description as to the nature and extent of the proposed use or occupancy;
 - b. provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities;
 - c. the number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;
 - d. an estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;
 - e. the equipment or other methods to be established to comply with required performance standards; and
 - f. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

[Preceding From former Section 31.2.1, Amended Effective 3-7-08]

- 13A.2.3 Site Plan. a site plan prepared in accordance with the specifications and showing the information hereinafter required; six (6) copies shall be submitted.

a. Preparation. The site plan shall be clearly and legibly drawn on good quality fixed line mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.

b. Size and Scale. The site plan shall be drawn to a scale of not less than 1" = 40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Old Lyme Town Clerk shall be prepared on sheet sizes 36"x24", 24"x18" or 18"x12", and shall be printed on material acceptable for such filing.

c. Information on Plans. The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with Sections 13A.3 and 13A.4 of these Regulations, unless, in accordance with Paragraph 13A.2.14 a determination is made by the Zoning Commission or other agency responsible for review of the site plan that the particular information is not required or is deferred. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.
[Amended Effective 4/3/95 and 1/1/96]

d. General Information, as follows:

- (i) title of development.
- (ii) name and address of applicant and owner.
- (iii) north arrow, numerical and graphic scale.
- (iv) date of plan and revision dates with each revision identified.
- (v) a location map showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
- (vi) a schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor; the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed Land Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.

e. Property Information, as follows:

- (i) the boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a “Class A-2” type survey as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-00b, as amended

(ii) the names of all Abutting Lot owners, as disclosed in the records of the Town Assessor.

(iii) any line delimiting a portion of the Lot to be used under the Application and any zoning District boundary on the Lot.

(iv) location, width and purpose of all existing and proposed Easements and other encumbrance lines.

(v) existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site.

(vi) location of all Wetlands, Watercourses, rock outcrops, wooded areas, high tide line (HTL), floodway and flood hazard area boundaries, established encroachment or Building lines, and other significant physical features.

(vii) U.S.D.A. Soil Conservation Service soils type boundaries and codes.

(viii) the Zoning Commission or other agency reviewing the Site Plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site

soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas (as defined in “Soil Potential Ratings Septic Tank Absorption Fields for Single Family Residences, New London County, Connecticut”, dated 1986).

f. Location of Existing and Proposed Buildings and Uses, as follows:

(i) The Height, bulk, Use and location of all Buildings and Structures; typical floor plans or other plans for the use of interior spaces of proposed Buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the Building;.

(ii) Signs.

(iii) fences, walls including retaining walls, including details.

(iv) Outside storage areas.

(v) supporting or Accessory Uses, including underground and overhead services and utilities, as well as any associated above ground equipment.

g. Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:

(i) The site plan shall include all information necessary to establish conformance with the requirements of Section 18 of these Regulations, Off-Street Parking and Truck Loading Requirements, and shall

also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

(ii) The site plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.

(iii) For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it Building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.

(iv) The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.

(v) sidewalks and other pedestrian ways.

(vi) fire access lanes.

(vii) specifications for parking, loading and circulation improvements.

(viii) off-site roadway improvement and traffic management facilities.

h. Signs and Outdoor Illumination, as follows:

(i) location, size, height, character and illumination of project Signs.

(ii) location, size and message of traffic management Signs.

(iii) location, height, intensity and design of outdoor luminaries, including manufacturer's specifications. [Amended Effective 4/3/95]

i. Landscaping and Open Spaces, as follows:

(i) location of existing trees of 6" caliper or more, excepting densely wooded areas shown under the requirements of Paragraph 13A.2.3e (vi) above.

(ii) location, arrangement, type and size of planting for all landscaped areas.

(iii) trees required for Parking areas and landscape strip along Street Lines.

(iv) lines delimiting areas not to be disturbed and the top and toe of graded slopes.

(v) materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.

- (vi) ornamental paved areas, plazas and courts.
- (vii) a schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.
- (viii) methods of planting.
- (ix) provision to preserve existing trees, vegetation, wetlands and water courses.
- (x) methods to protect plantings from vehicles.
- (xi) special natural features identified for preservation under Paragraph 13A.3.19 and Lot requirement modification therefor.
- (xii) significant archeological sites identified under Paragraph 13A.3.20.

j. Existing and proposed drainage, utilities and related facilities and services, as follows:

- (i) electric, telephone and cable television lines (underground and aboveground).
- (ii) storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications and inverts therefor. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

(iii) facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.

(iv) well locations and facilities for water supply.

(v) underground storage for fuel or other liquids and fill facilities and connecting lines.

(vi) base flood elevation and floor elevation data, as specified in Section 4.4 of these Regulations, based on the datum identified in paragraph 13A.3.3e(v).

- l. Non-Commercial Cutting Plan. For wooded sites, a non-commercial cutting plan in accordance with Section 11.23.4.
- m. Measures for soil erosion and sediment control in accordance with Section 16 of these Regulations.
- n. A signature block for approval by the Zoning Commission or other agency responsible for review of the site plan and date of signing.
- o. The following legend below the signature block: “The statutory five-year period for completion of all physical improvements expires on _____, 20 __.”

13A.2.4 Sanitary Waste Disposal Plan. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Old Lyme Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided. The applicant shall provide a sanitary waste disposal plan which shall include, at a minimum, the following:

- a. Report of Soil Test and Percolation Data. A Report of Soil Test Data signed by the Town Sanitarian or his representative which shall be in conformance with Section 19-13B20J (classification of soil) of the Public Health Code, as the same may be amended from time to time. All percolation tests and observation test pits for groundwater and ledge shall be dug and, tests performed, in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the Town Sanitarian or his designee, who shall provide to the applicant, for inclusion with his Special Permit Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time. At least one (1) observation test pit for groundwater and ledge shall be dug in the designated location for each and every primary and reserve leaching field. Observation test pits for groundwater/ledge shall be conducted during the months of February through May only, and the results of tests conducted during those months may be rejected by the Town Sanitarian if groundwater levels are unseasonably low; and percolation tests may be taken during any month of the year. The Sanitarian may require additional testing should, in his opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.
- b. Soils with Severe Limitations. If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having "severe" limitations for on-site sewerage treatment, as set forth in the current Soil Interpretation Record of the U.S. Department of Agriculture, Soil

Conservation Service, New London County (also known as "SCS Soils-5 Form"), as the same may be amended from time to time, and in accordance with the current soils map of the said Soil Conservation Service, then a subsurface sewerage disposal plan shall be presented to the Commission. In addition to the requirements of the preceding paragraph, said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut Professional Engineer, and shall be accompanied by a written report of the Town Sanitarian or his representative certifying that the plan will resolve the limitations of the soils, and will pose no significant risk to the public health or safety. All sanitary waste disposal systems to be located in the immediate area of soils with "severe" limitations, as set forth above, shall have 100% replacement leaching fields at least equal in size to the original leaching fields, and the location of both the original and replacement leaching fields shall be designated on the site plan. Both the original and replacement fields shall be located in the immediate area of the percolation and deep test pits. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

[Preceding From former Section 32.2.3 , Except as otherwise noted, Amended Effective 3-7-08]

13A.2.5 Protection of Surface and Ground Water Supply.
Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for SITE DEVELOPMENT PLAN shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- a. A statement describing the nature of the Use of any Buildings or areas of the site and

their method of solid and sanitary waste disposal.

- b. The nature of any discharges anticipated.
- c. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
- d. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
- e. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
- f. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

[Preceding Added effective 3-7-08]

The SITE DEVELOPMENT PLAN shall also conform to the requirements of Section 17 of these Regulations (Aquifer Protection Regulations). Any Special Permit required under said Section for a proposed use or site development shall be obtained prior to approval of the SITE DEVELOPMENT PLAN. [From former Section 31.3.11, Amended Effective 3-7-08]

13A.2.6 Water Supply; Certificate for Community Wells. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for SITE DEVELOPMENT PLAN involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Old Lyme Board of Selectmen waiving said Certificate and agreeing to 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 consumers. [Added effective 3-7-08]

13A.2.7 Covenants and Restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved. [Added effective 3-7-08]

13A.2.8 Architectural Plans. Architectural plans of all proposed buildings and structures, drawn to scale,

and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general character and the interior uses of the floor area, and special exterior features, such as Building-mounted Signs, drive-in windows, Building or roof lighting, roof drainage/gutters, and features on the interior of the Building designed to be capable of being seen from the exterior all prepared, except for drawings for Signs, by an architect or professional engineer licensed to practice in the State of Connecticut; six (6) copies shall be submitted. [From former Section 31.2.3, Amended Effective 3-7-08]

13A.2.9 Soil Erosion and Sediment Control Plan: A Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 16 of these Regulations, which Plan may be combined with the site plan submitted under Paragraph 13A.2.3; six (6) copies shall be submitted. [From former Section 31.2.4, Amended Effective 3-7-08]

13A.2.10 Wetlands, Water Courses and Coastal Areas. If any part of the Lot affected by the SITE DEVELOPMENT PLAN is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Old Lyme, the report and action of the Inland Wetlands and Watercourses Commission of the Town of Old Lyme concerning any regulated activity on the lot shall be submitted with the PLAN. Any plans submitted to the Zoning Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission. With respect to sites within the Coastal Boundary, the requirements of Section 4.2 (Coastal Boundary) of these Regulations shall be met. [From former Section 31.3.13, Amended Effective 3-7-08]

13A.2.11 Traffic Impact Report. for SITE DEVELOPMENT PLANS involving 50 or more new parking spaces

or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; six (6) copies shall be submitted. [From former Section 31.2.5, Amended Effective 3-7-08]

- 13A.2.12 Additional Reports. the following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; six (6) copies shall be submitted;
- a. results of potable water supply analyses and tests required under Section 13A.3.9a;
 - b. results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Section 13A.3.9b;
 - c. storm drainage study and runoff computations for design of storm drainage systems; and
 - d. identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for fire fighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.

[Preceding From former Section 31.2.6, Amended Effective 3-7-08]

13A.2.13 Other.

- a. Other Permits. a list of Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits;
- b. Legal Documents. draft copies of all proposed Easements and other legal documents pertaining to and/or required by the proposed Use and site development.
- c. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.
- d. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 13A.3 of these Regulations.

[Preceding From former Section 31.2.7 , Amended Effective 1/1/96]

13A.2.14 Review and Modification of Submission. The Zoning Commission or other agency responsible for review of the SITE DEVELOPMENT PLAN submission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information required under paragraph 13A.2.3 through 13A.2.13, except for Sections 13A.2.5, 13A.2.6, 13A.2.9 and 13A.2.10, is not necessary in order to decide on the application and need not be submitted or b)

determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations. [From former Section 31.2.8, Amended Effective 1/1/96 and 3-7-08]

13A.3 Criteria for Review of Site Development Plans.
The Commission shall consider the following criteria in evaluating a SITE DEVELOPMENT PLAN. [Added effective 3-7-08]

13A.3.1 General Standards. The proposed Use, Buildings, Structures and site development shall conform to all of the requirements of these Regulations and shall be designed and arranged as follows:

- a. to protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (See Section 1 of these Regulations) and Chapter 124 of the Connecticut General Statutes;
- b. to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site;
- c. to be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Old Lyme;
- d. to protect nearby residential, historic, and environmentally fragile areas.
- e. to show that reasonable consideration has been given to the matter of restoring and protecting the ecosystem and habitat of Long Island Sound and reducing the amount of hypoxia, pathogens, toxic contaminants and floatable debris therein.

[Preceding From former Section 31.3, Amended Effective 3-7-08]

13A.3.2 Complete Application. The application shall contain all information required by this Section 13A, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications. [Added effective 3-7-08]

13A.3.3 Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 9 of these Regulations. Further, the application shall conform to the Old Lyme Subdivision Regulations; the Old Lyme Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Old Lyme Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations. [Added effective 3-7-08]

13A.3.4 Plan of Conservation and Development. The SITE DEVELOPMENT PLAN shall be in conformance with the purpose and intent of any plan of conservation and development, or supplement or amendment thereto, adopted by the Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

- a. the provision or improvement of streets in the area of the site which the Use may

require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion;

- b. the setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
- c. the preservation of natural land form features, wetlands and water courses;
- d. the provision, location and character of landscaping;
- e. the location, character and intensity of outdoor illumination; and
- f. the extent, character, purpose and location of signs.

[Preceding From former Section 31.3.1, Amended Effective 3-7-08]

13A.3.5 Neighborhood. The Use of Premises, Buildings and other Structures, the location and bulk of Buildings and other Structures and site development shall be of a character as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community. [From former Section 31.3.2, Amended Effective 3-7-08]

13A.3.6 Access and Circulation. Provision shall be made for vehicular access to the Premises and circulation upon the Premises in such a manner as to safeguard against hazards to traffic and pedestrians in the Street and upon the Lot, to avoid traffic congestion on any Street and to provide safe and convenient circulation upon the Lot and on the Street giving access to the Premises. Access and circulation shall also conform to the following:

- a. The Street giving access to the Lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed Use, taking into account access to existing uses along the Street and existing traffic projected to the date the proposed Use will be in effect. Roadway, traffic management and other deficiencies in the Street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the Street or other traveled way.
- b. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the Street.
- c. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any Street.
- d. Driveways into the Lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the Street Line and travel way of the Street in such a manner as to conform to the established cross section for the Street as may be specified by the Town or State of Connecticut.
- e. Where a Lot has frontage on two (2) or more Streets, the entry and exit from the Street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- f. Where reasonable alternate access is available, the vehicular access to nonresidential use of a Premises shall be

arranged to minimize traffic use of local residential Streets and other traveled ways situated in or bordered by residential districts.

- g. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining Lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the Chief of Police and Town Fire Marshal, or their agents, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a Street.
- h. There shall be no more than one (1) driveway connecting from any Lot to any Street, except that 1) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and 2) additional driveway connections may be provided, particularly for but not limited to large tracts and Uses of extensive scope, if traffic flow in the Street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the Street Line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.
- i. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may

permit gravel or other surfaces for interior walkways.

[Preceding From former Section 31.3.3 , Amended Effective 3-7-08]

13A.3.7 Existing Streets. Along an existing Street where the Lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the Street and in accordance with the pattern of development along the Street. Provision shall be made for turning lanes and traffic controls within the Street as necessary to provide the access specified in Paragraph 13A.3.4. [From former Section 31.3.4 , Amended Effective 3-7-08]

13A.3.8 Handicapped Persons. The site plan shall make proper provision for Buildings and site development that are accessible to and usable by physically handicapped persons, such as by 1) provision of walks and ramps of suitable width and grade, 2) inclined curb approaches or curbs cut flush with parking areas, 3) reserved, wide parking spaces, and d) ground level Building entrances. [From former Section 31.3.5]

13A.3.9 Parking and Loading. Off-street Parking and loading spaces shall be provided in number and with location and design as specified in Section 18 of these Regulations. [From former Section 31.3.6, Amended Effective 3-7-08]

13A.3.10 Lighting. Outdoor illumination facilities shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare and disability veiling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the community. Building-mounted floodlights shall be discouraged. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this Section. [From former Section 31.3.7, Amended Effective 3-7-08]

13A.3.11 Sanitation. Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:

- a. Demonstration of a suitable system of potable water supply to serve the proposed use shall include 1) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of health Services, and 2) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the Director of Health.
- b. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Environmental Protection (ConnDEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Director of Health, and by ConnDEP when applicable, prior to approval of the SITE DEVELOPMENT PLAN.
- c. Provision shall be made for collection, storage and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Director of Health. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Director of Health. Waste management shall include control of litter by means of receptacles, fences or other means.

[Preceding From former Section 31.3.8, Amended Effective 3-7-08]

13A.3.12 Storm Drainage. Provision shall be made on the Lot for the management of storm water, including

collection and disposal thereof, in the following manner:

- a. to assure the usability of off-street Parking and loading spaces;
- b. to avoid hazards to pedestrians and vehicular traffic on the Lot and in any Street;
- c. to avoid storm water flow across sidewalks and other pedestrian ways;
- d. to protect Watercourses and Wetlands from pollution, erosion and sedimentation;
- e. to avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels; and
- f. to avoid downstream flooding.

Provision shall also be made for the protection or improvement of existing water courses, channels and other drainage systems, on the Lot or downstream from the Lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located. Provision shall also be made on the SITE DEVELOPMENT PLAN for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, unless an alternative method is approved by the Commission or other responsible agency. The 100-year frequency, 24-hour duration, Type III distribution storm shall be used for runoff calculations.

[From former Section 31.3.9 , Amended Effective 3-7-08]

13A.3.13 Utilities. Electric, telephone and cable television lines on the Lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the SITE DEVELOPMENT PLAN. Lines when necessary to be installed aboveground shall be located, landscaped or screened in a manner to harmonize with the design of the Premises. Utility services located out of

doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of Buildings being served and screened from view; and if on rooftops, shall be screened in a manner which compliments the architectural style of the Building. [From former Section 31.3.10, Amended Effective 3-7-08]

13A.3.14 Emergency Services. Suitable provision shall be made on the lot for access to Lots, Buildings and other Structures by fire, police and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection. [From former Section 31.3.12, Amended Effective 3-7-08]

13A.3.15 Outside Storage. See Section 11.27, Special Regulations. [From former 31.3.14 Section , Amended Effective 3-7-08]

13A.3.16 Total Ground Coverage. See Sections 8.2.5, and 8.8 and 8.9, Table of General Bulk Regulations. [From former Section 31.3.15, Amended Effective 3-7-08]

13A.3.17 Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 18 (Off-street Parking and Truck Loading). and to the following:

- a. In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.
- b. All portions of the Lot not covered by Buildings and other Structures, outside storage areas, areas for off-street Parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain provided any such area has trees and other vegetation and a location, size and

shape that supports the landscaping plan for the Premises.

- c. For setbacks and buffering from residential districts (including Multi-family Residence Districts), see Section 4.6, General Regulations.
- d. Any parking area accommodating 20 or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and 2) have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent Lot. Landscaped areas within the interior of the Parking area shall have a minimum size of 100 square feet and a minimum dimension of at least eight (8) feet. Parking areas shall contain no more than 15 spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and shall be planted with grass or shrubs and with at least one (1) tree for every 50 feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and 10 feet in height when planted. Landscaping required under the following paragraph (e) may, if appropriately located, be counted to satisfy this requirement. Islands within the Parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Zoning Commission or other agency responsible for approval of a SITE DEVELOPMENT PLAN may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this Paragraph for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this paragraph. (Revised 4/3/95)
- e. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in C-10

Districts and 30 feet in width in all other Districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the SITE DEVELOPMENT PLAN. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.

- f. All off-street loading bays or docks visible from any Street or Residence District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- g. Landscaping, including trees and shrubs, shall be selected, located and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- h. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences or other devices. Planting islands in Paved Areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Zoning Commission.
- i. Landscaping, including trees, shrubs, fences, walls and other landscape features, provided in connection with an approved site plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement is a continuing requirement for compliance with these Regulations.

[Preceding From former Section 31.3.16 , Amended Effective 3-7-08, except where otherwise noted]

13A.3.18 Signs. All Signs shall conform to the standards of Section 19 of these Regulations. The following are also applicable to Signs:

- a. Signs installed on or at the Lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.
- b. The Commission, in connection with approval of a SITE DEVELOPMENT PLAN under its jurisdiction, may 1) approve an overall Sign design program for the Premises establishing, in advance, the area, location and character of Signs and avoiding need to submit in the future each Sign for individual review and approval, and/or 2) approve a Sign program for additional Signs attached to buildings and designed to be read only by Persons who are pedestrians on the Lot, as such Signs may be needed to identify the location of particular stores, offices or other occupancies.

[From former Section 31.3.17 , Amended Effective 3-7-08]

13A.3.19 Preservation of Natural Features. The SITE DEVELOPMENT PLAN, including proposals for the location and arrangement of Buildings, Structures, driveways, landscaping, drainage, wetlands protection, Paved Areas and other development, shall be prepared with consideration for preservation of the natural assets of the Lot and to minimize changes in the elevation of existing topography. When the Zoning Commission finds that there exist on the Lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, such Commission may, after due notice and public hearing as required by law, grant a Special Permit reducing by not more than 25% the minimum Lot shape and/or the Building Setbacks specified in these Regulations, or modifying the required location of the

square on the Lot, provided that the following requirements are met:

- a. The reduction or modification shall be only to the degree necessary to achieve such preservation;
- b. The features to be preserved shall be clearly and accurately shown on the site plan element of the PLAN and their significance described in writing as part of the PLAN submission;
- c. The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;
- d. The reduced Lot shape and/or Building setback requirements and modified location of square shall be shown on such site plan and reference made to this Section of the Regulations by notation thereon; and
- e. The total Lot Area required by the Zoning Regulations remains the same.

[From former Section 31.3.18, Amended Effective 3-7-08]

13A.3.20 Significant Archeological Sites. When a Lot or Premises for which a SITE DEVELOPMENT PLAN is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the SITE DEVELOPMENT PLAN submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource. [From former Section 31.3.19, Amended Effective 3-7-08]

13A.3.21 Soil Erosion and Sediment Control. Provision shall be made in the SITE DEVELOPMENT PLAN for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with Section 16 of these Regulations. [From former Section 31.3.20 , Amended Effective 3-7-08]

13A.3.22 Surface and Groundwater Protection. In reviewing any site plan or use, the Zoning Commission shall consider the

impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the SITE DEVELOPMENT PLAN. [Added effective 3-7-08]

- 13A.3.23 Water Supply. No SITE DEVELOPMENT PLAN depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Old Lyme Board of Selectmen, has been obtained in accordance with Section 13A.2.6 of these Regulations. [Added effective 3-7-08]
- 13A.3.24 Buildings and Structures. The overall architectural character of the Premises and Building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of Buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and Building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and Buildings which are visible from the exterior of any Building on the site or from Abutting Lots or Streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town. In particular:
- a. Buildings and other Structures shall have an exterior design, including finish and color, that conforms to Paragraphs 13A.3.1. and 13A.3.4. The exterior walls of any Buildings that are visible from any Street or any other Lot shall present a finished appearance by means of materials consistent with the design of the Building as a whole.
 - b. No mechanical equipment shall be located on the roof of a Building, or on the ground, if visible from any Street or from any Residence District unless such equipment is housed or screened from view in a manner consistent with the architectural design of the Building.

[From former Section 31.3.21 , Amended Effective 3-7-08]

- 13A.3.25 Special Standards for WF-20 Zones. See the Special Standards for WF-20 Zones in Sections 8, including 8.4 and 8.9, Area, Yard, and Height Requirements. [From former Section 31.4, Amended Effective 3-7-08]
- 13A.4 Procedures When Commission Action on Site Development Plan is Required. No Use shall be established, Altered, Expanded, or Extended until approval of a SITE DEVELOPMENT PLAN, except as provided in Section 13A.4.11. When a Use, other than a SPECIAL PERMIT USE, is permitted in a District subject to administrative approval of a SITE DEVELOPMENT PLAN by the Zoning Commission, the following procedures, standards and conditions are applicable [From former Section 31.5, Amended Effective 4/1/99] :
- 13A.4.1 Preliminary Consideration. Prior to filing of an application for approval of a SITE DEVELOPMENT PLAN, the future applicant is invited to prepare and present for informal discussion with the Zoning Commission or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than 1" = 40', and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and water courses, test holes and percolation tests and data therefor, and significant natural and manmade features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application. [From former Section 31.5.1, Amended Effective 4/1/99 and 3-7-08]

13A.4.2 Application and Fee. Application for approval of the SITE DEVELOPMENT PLAN shall be submitted in writing to the Zoning Enforcement officer, shall be accompanied by an APPLICATION for a ZONING PERMIT and shall be accompanied by the following:

- a. an application for approval of the SITE DEVELOPMENT PLAN on forms approved by the Zoning Commission and an application fee as set by such Commission pursuant to Town Ordinance and Section 20 of these Regulations.
- b. The following persons may apply for a SITE DEVELOPMENT PLAN: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
- c. SITE DEVELOPMENT PLAN submission documents as specified in Section 13A.2.

[From former Section 31.5.2 , Amended Effective 4/1/99 and 3-7-08]

13A.4.3 Application Review. When received, the Zoning Commission shall review the application and SITE DEVELOPMENT PLAN submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 13A.2.14. Incompleteness of a SITE DEVELOPMENT PLAN submission is cause for disapproval. The Commission shall consider 1) whether a SITE DEVELOPMENT PLAN meets the General and Special Standards set forth in

Section 13A.3; and 2) the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town including Long Island Sound. [From former Section 31.5.3, Amended Effective 4/1/99 and 3-7-08]

13A.4.4 Notices of Consideration.

13A.4.4.1 Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any SITE DEVELOPMENT PLAN application in accordance with Conn. Gen. Stats. § 8-3h.

In accordance with Conn. Gen. Stats. §8-3i, in any SITE DEVELOPMENT PLAN application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

13A.4.5 Public Hearing. The Zoning Commission may hold a public hearing regarding any SITE DEVELOPMENT PLAN submission if, in its judgment, circumstances warrant such hearing. The Zoning Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits. (Conn. Gen. Stats. §8-3c.)

[From former Section 31.5.4 , Amended Effective 4/1/99 and 3-7-08]

In the event that public hearing is scheduled, the applicant shall also notify all Abutting landowners of record of the date, time and place of the public hearing of the Commission at which said SITE DEVELOPMENT PLAN is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened. [Added effective 3-7-08]

13A.4.6 Action and Notice. The Commission shall review the application for conformance with the criteria of this Section 13A. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 13A. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as tag sales, outdoor events, and the like), the Commission may grant a SITE DEVELOPMENT PLAN which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified

mail, to the applicant within fifteen (15) days of its action. A copy of the decision shall also be transmitted by the Zoning

Commission to the Zoning Enforcement Officer.
[From former Section 31.5.5, Amended Effective 4/1/99 and 3-7-08]

13A.4.7 Filing of Site Plan. A copy of the site plan element of an approved SITE DEVELOPMENT PLAN, and as such PLAN may have been required by the Zoning Commission to be modified, shall be made on translucent polyester film .003 mil thick or better and presented to the Zoning Commission for endorsement of its approval within sixty-five (65) days of such approval. The following are applicable to endorsement and filing of the site plan:

- a. Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Section 13A.4.9, the Chairman, Vice Chairman, or Secretary of the Zoning Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Section 13A.4.8, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Zoning Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its clerk.
- b. The applicant shall then file in the office of the Old Lyme Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Zoning Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.

- c. Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Zoning Commission's clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No ZONING PERMIT shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.

[From former Section 31.5.7, Amended Effective 4/1/99 and 3-7-08]

13A.4.8 Commencement and Completion of Work. See Section 9.7, Nonconforming Lots, Uses, Buildings, and/or Structures, concerning expiration of Site Plan Approvals. [From former Section 31.5.8, Amended Effective 3-7-08]

13A.4.9 Posting of a Completion Bond. The Zoning Commission as a condition of approving a SITE DEVELOPMENT PLAN may require that the applicant, within 90 days from the date of the endorsement approving the site plan element of such Plan, file with the Treasurer of the Town of Old Lyme a completion bond in an amount approved by the Zoning Commission as security for the satisfactory completion of all of the work shown on such site plan element.

- a. Term and Form of Bond. Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Zoning Commission. The form of the bond shall be satisfactory to legal counsel for the Zoning Commission.
- b. Continuing Effectiveness. Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Zoning Commission. The site plan element filed in the office of the Old Lyme Town Clerk shall so state. Where the Zoning Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall

not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the SITE DEVELOPMENT PLAN have been met. [Amended Effective 4/3/96]

- c. Prerequisite to Field Work. No field work implementing an approved SITE DEVELOPMENT PLAN shall commence until the required completion bond in content and form acceptable to the Zoning Commission shall have been filed with the Town Treasurer.

[From former Section 31.5.9, Amended Effective 4/1/99 and 3-7-08, except as otherwise noted]

13A.4.10 Minor Changes to Site Development Plans. The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Development Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Development Plan as approved, and such changes are in conformity to the requirements of these Regulations. [From former Section 31.5.10 , Amended Effective 9/1/96 and 3-7-08]

13A.4.11 Major Changes to Site Development Plans. If the Zoning Enforcement Officer determines that changes in the Site Development Plan, or any change of Use within a Building or Structure or on a Lot, may alter the overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Development Plan as approved, said modification shall be made only after approval thereof by the permitting agency. The permitting agency may determine that the modifications are so substantial as to require a new application. [From former Section , Amended Effective 9/1/96]

13.B Special Permits

13B.1 General. Certain uses of land, Buildings and other Structures, and the construction, reconstruction, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are, as specified in Section 5 of these Regulations, permitted in a District subject to the securing of a Special Permit from the

Zoning Commission, Planning Commission or Zoning Board of Appeals as designated on such SCHEDULES. The provisions which follow establish the application and submission requirements, the GENERAL STANDARDS and SPECIAL STANDARDS applicable to Special Permits and the procedures to be followed by such Commission or Board, hereinafter referred to, for simplicity, as “the Commission.”. [From former Section 32.1, Amended Effective 1/1/96, 4/1/99 and 3-7-08]

13B.2 Purpose and Requirement; Waiver.

13B.2.1 Purpose. Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in the districts specified, subject to the satisfaction of the requirements and standards of this Section. Special Permit uses that may be permitted in a District are unusual uses which under favorable circumstances will be appropriate, harmonious and desirable uses in the District but that possess such special characteristics that each use must be considered as an individual case. [From former Section 32.2 , Amended Effective 3-7-08]

13B.2.2 Special Permit Requirement; Waiver. In any instance involving a Use or Uses requiring a Special Permit as set forth in Section 5 of these Regulations, no land or water areas shall be Used, nor Uses Altered or Expanded in space, time, or intensity, nor Buildings or Structures erected, Altered, Enlarged, or Used until the Commission shall grant a Special Permit in accordance with this Section 13B, or amend a previously granted Special Permit.

The Commission may waive the requirement for a Special Permit where it finds that: (a) One Special Permit Use is being substituted for another similar Use on the same Lot which was previously granted a Special Permit by the Commission; (b) The new Use will require no greater parking or loading than the original, as set forth in Section 18 of these Regulations; (c) The new use shall entail no exterior change to the Building or Premises; and (d) The new Use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 13B.4 of these Regulations.

[Added effective 3-7-08]

13B.3 Application Procedure.

13B.3.1 Informal Discussion. Any proponent of a use permitted by Special Permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit. [Added effective 3-7-08]

13B.3.2 Who May Apply. The following Persons may apply for a Special Permit: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

13B.3.3 Application. Application for a Special Permit shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION for a ZONING PERMIT and shall also be accompanied by the following:

- a. Application and Fee. an application for approval of a Special Permit on forms approved by the Commission or Board having jurisdiction and signed by the applicant and by the owner if different from the applicant, and an application fee as set by

such Commission or Board pursuant to Town Ordinance and Section 20.11. [From former Section 32.3.1, Amended Effective 3-7-08]

- b. Site Development Plan. A site plan and other documentation consisting of the Statement of use, Site Plan, Architectural Plans, Soil Erosion and Sediment Control Plan, Traffic Impact Report and other reports and lists as specified in Section 13A.2 of these Regulations for Site Development Plans. Six (6) copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan & Zoning Commission 211 Conn. 331, 334 (1989). The reference herein to Section 13A.2 is for convenience only to avoid the repetition of the information contained there, and shall not be construed as creating a separate application or request for Site Development Plan review. The materials required to be submitted in connection with a Special Permit application are to allow the Commission to evaluate the Special Permit and determine compliance with the standards of this Section 13B. [From former Section 32.3.2, Amended Effective 3-7-08]

13B.3.4 Review and Modification of Submission. The Commission, upon written request by the applicant, may by resolution 1) determine that the required submission of all or part of the information required under Section 13A.2. is not necessary in order to decide on the application and need not be submitted or 2) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations. [From former Section 32.3.3, Amended Effective 3-7-08]

13B.3.5 Complete Application. A complete application shall consist of the application form and fee, together with the required information set forth in this Section 13B. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or thirty-five (35) days following, the submission of such application, whichever shall first occur. [Added effective 3-7-08]

13B.3.6 Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in accordance with Conn. Gen. Stats. § 8-3h.

In accordance with Conn. Gen. Stats. § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

13B.3.7 Notice to Abutting Owners. The applicant shall also notify all Abutting landowners of record, as disclosed by the Assessor's records, of the date, time and place of the public hearing of the Commission at which said Special Permit is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened. [Added effective 3-7-08]

13B.3.8 Submission for Review. In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations. Any application reviewed by the Zoning Commission or the Zoning Board of Appeals may be referred to the Planning Commission for review and report. [From former Section 32.9.1, Amended Effective 3-7-08]

13B.3.9 Time Limits. The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized

representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations. [From former Section 32.9.2 , Amended Effective 3-7-08]

13B.4 General Standards. The proposed SPECIAL PERMIT Use, Buildings and other Structures and site development shall conform to all of the requirements of these Regulations including the following GENERAL STANDARDS and any SPECIAL STANDARDS that may be contained in Section 11 (Special Regulations) for particular Uses:

13B.4.1 Complete Application. The application shall contain all information required by this Section 13B, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications. [Added effective 3-7-08]

13B.4.2 Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 9 of these Regulations. Further, the application shall conform to the Old Lyme Subdivision Regulations; the Old Lyme Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Old Lyme Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant

provisions of the Connecticut General Statutes, whether or not cited in these Regulations. [Added effective 3-7-08]

- 13B.4.3 Conformance with Criteria of Section 13A.3. Any application for Special Permit shall, at a minimum, conform to all of the GENERAL STANDARDS for SITE DEVELOPMENT PLANS of Section 13A.3. Those standards and criteria are considered the basic ones for all Uses and Premises in Old Lyme, other than Uses permitted as of right, with the criteria of this Section 13B.4 being over and above those of Section 13A.3. [From former Section 32.4.5, Amended Effective 3-7-08]
- 13B.4.4 Character. The location, type, character and extent of the Use and of any Building or other Structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and Use of adjacent property or impair the value thereof. [From former Section 32.4.1]
- 13B.4.5. Lot Size. The Lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the Use and provision of Buildings, other Structures and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property. [From former Section 32.4.2]
- 13B.4.6 Landscaping. The Premises will be suitably landscaped to be in harmony with adjacent Lots and the character of the neighborhood. [From former Section 32.4.3]
- 13B.4.7 Access. The traffic to be generated by the Use and the provision to be made for vehicular access to the Lot shall assure safety and convenience on the Street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the Use, Buildings, Structures and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways

should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways. [From former Section 32.4.4, amended effective 3-7-08]

13B.4.8 Traffic Access. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable. [Added effective 3-7-08]

13B.4.9 Water Supply. No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Old Lyme Board of Selectmen, has been obtained in accordance with Section 13A.2.6 of these Regulations. [Added effective 3-7-08]

13B.4.10 Public Health and Safety; Environmental Protection. The site and Building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited

to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; Flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town including Long Island Sound; avoidance of glare visible from Streets or adjacent properties. [Reference to Long Island Sound from former Section 32.9.1; balance added effective 3-7-08]

13B.4.11 Appropriateness of Use. The proposed Use shall be appropriate for the designated location with regard to: The size and intensity of the proposed Use, and its relation to existing land Uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential Streets; the development will not hinder or discourage the appropriate development and use of adjacent land and Buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of Use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the Use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the Use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and

land uses compatible with the shape, size and topographic and natural character of the site. [Added effective 3-7-08]

- 13B.4.12 Architectural Character, Historic Preservation, Site Design. The overall architectural character of the site and Building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of Buildings and Structures, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and buildings which are visible from the exterior of any Building on the site or from adjoining properties or Streets, or which may impact the character or quality of life on Abutting properties, in the neighborhood, or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.

In multi-building commercial or industrial developments, all Buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

[Added effective 3-7-08]

- 13B.4.13 Uses In, Adjacent to, or Impacting Residential Areas. In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a Residential District or area of residential uses, the Commission shall find that:

- a. The location and size of such Use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the Use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, Signs and landscaping shall be designed so as to protect the residential character of

surrounding residential neighborhoods or residential zones.

- b. Where any Lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of Section 4.6 (General Regulations) (concerning buffering) shall apply. In addition, the Commission may require additional setbacks or buffers for Uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.
- c. The location and height of Buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the Premises shall be such that the Use will not hinder or discourage the appropriate development and Use of adjacent land and Buildings or impair the value thereof.
- d. No Use shall be permitted which does not meet the requirements of Section 4.5 (General Regulations) (dealing with Performance Standards) of these Regulations.
- e. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
- f. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

[Preceding Added effective 3-7-08]

13B.4.14 Specific Recommendations and Requirements for Sites and Buildings. The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

- a. Mechanicals. All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed Building.
- b. Lighting. Lighting shall be limited to that required for basic security and protection of the Premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one-half footcandle per square foot. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. (See specific requirements in Section 18, Off-Street Parking and Truck Loading.) No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted flood-lights, and ornamental Building lighting are discouraged.
- c. Walkways. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required.
- d. Landscaping and Screening. All Parking, service and storage areas shall be reasonably screened by

landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

[Preceding Added effective 3-7-08]

13B.4.15 Special Standards – Various. The proposed SPECIAL PERMIT use, and the Buildings, Structures and site development proposed in connection therewith, shall also conform to any SPECIAL STANDARDS contained in Section 11, Special Regulations; or any other applicable standards of these Regulations. [From former Section 32.5]

13B.4.16 Special Standards - Planned Residential Cluster Development. Planned Residential Cluster Development (PRCD's), and the Buildings, Structures, and site development proposed in connection therewith, shall also conform to the provisions of Section 12, Planned Residential Cluster Development. [From former Section 32.8, Amended Effective 3-7-08]

13B.5 Action on Applications

13.B.5.1 Time Limits. The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized

representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations. [From former Sections 32.9.2 and 32.9.3, Amended Effective 3-7-08]

13B.5.2 Action. The Commission shall review the application for conformance with the criteria of this Section 13B. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 13B. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary

or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

[Preceding From former Section 32.9.3 , Amended Effective 3-7-08]

13B.5.3 Endorsement and Filing. Within sixty-five (65) days of the Commission/Board approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and six (6) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission/Board in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 13B.6 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a ZONING PERMIT for the proposed Use. The Commission may establish an effective date for the SPECIAL PERMIT, which shall be on or after the date of such filing with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk. [From former Section 32.9.4, Amended Effective 3-7-08]

13B.6 Bond. If the Zoning Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Old Lyme, in an amount approved by the Commission, to guarantee

satisfactory completion of work shown on any site plan element of the approved Special Permit. The form of the bond shall be satisfactory to the legal counsel to the issuing agency. The approved plans shall be cited in the bond agreement. The Bond may be released only after written certification, that all of the requirements of the Special Permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be. [From former Section 32.9.6., Amended Effective 4/1/99 and 3-7-08]

13B.7 Commencement and Completion of Work. See Section 9.7, Expiration of Special Permits and Variances; Zoning Permit. [From former Section 32.9.5, Amended Effective 3-7-08]

13.B.8 Conformance to Approved Plans, Specifications, and Representations; Changes; Enforcement. See Section 20, Administration and Enforcement, of these Regulations.