

SECTION 20
ADMINISTRATION AND ENFORCEMENT

20.0 Intent

It is the intent of this Section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Old Lyme. [Added effective 3-7-08]

20.1 Zoning Enforcement Officer

The provisions of these Regulations shall be enforced by the Zoning Enforcement Officer who shall be appointed by and shall be the agent of the Zoning Commission. The Zoning Commission may appoint deputies to assist and act for the Zoning Enforcement Officer and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Enforcement Officer" is used throughout this Section, it shall be presumed to include all those individuals so designated by the Commission. No Zoning Permit, Certificate of Zoning Compliance, order or other zoning enforcement document shall be issued unless signed or countersigned by the Zoning Enforcement Officer or such deputy zoning enforcement officer. [From former Section 51.1, Amended Effective 3-7-08]

20.2 Enforcement and Penalties

20.2.1 Penalties. Any Person who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut, in addition to any remedies or penalties provided in these Regulations. [From former Section 53.1, Amended Effective 3-7-08]

20.2.2 Remedies. The Zoning Enforcement Officer shall be empowered to cause any Building, Structure, or Premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval which has been issued under these Regulations. The owner or agent of a Building, Structure, or Premises where such violation has been committed or exists, or the lessee or tenant of an entire Building or an entire Premises where such violation has been committed or exists, or the agent, architect, builder, contractor or any other Person who commits, takes part, or assists in such violation, or who maintains any Building or Premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. The Zoning Enforcement Officer, the Zoning Commission or other proper authority of the Town of Old Lyme, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, correct or abate any violation of these Regulations, and to collect those civil

penalties and costs authorized by the Connecticut General Statutes. [From former Section 53,2, Amended Effective 3-7-08]

20.2.3 Revocation of Zoning Permits, Special Permits, Site Plan Approvals, and Variances. See Sections 20.3.6.9 and 20.7 hereinbelow. [Added effective 3-7-08].

20.2.4 Rules, Policy and Procedure. The Zoning Commission may from time to time by resolution adopt administrative rules, policies, procedures and forms for the enforcement of these Regulations. [From former Section 51.9, Amended Effective 3-7-08]

20.3 Zoning Permit and Certificate of Zoning Compliance

20.3.1 Zoning Permit. No Premises, Building or other Structure, or part thereof, shall be Used, or changed in Use, and no Building or other Structure, or part thereof, shall be constructed, reconstructed, extended, moved or altered until an application for Zoning Permit therefor has been submitted to the Zoning Enforcement Officer and a Zoning Permit therefore has been issued by such Officer. No site development that is subject to these Regulations shall be constructed, reconstructed, established, Extended, moved or Altered, nor shall any such site development be commenced, until an Application for Zoning Permit therefor has been submitted to the Zoning Enforcement Officer and a Zoning Permit therefor has been issued in accordance with the provisions of this Section. As used in this paragraph, the phrase “site development” shall include, but not be limited to, activities such as land clearing, grading or excavation, except that land clearing may be performed in the immediate area of the proposed Building or Structure, and any well to serve such Building or Structure. Where provided by these Regulations, a Zoning Permit may be temporary and limited to a specified period of time. [From former Section 3.1, Amended Effective 3-7-08]

20.3.2 Certificate of Zoning Compliance. No Premises, Building or other Structure, or part thereof, shall be Used or occupied, or changed in Use, until a Certificate of Zoning Compliance therefor has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. All Certificates of Zoning Compliance shall be issued in accordance with the provisions of this Section. The Commission may provide for such Certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

[From former Section 3.2 , Amended Effective 3-7-08]

Change in Occupant. No Zoning Permit or Certificate of Zoning Compliance is required

20.3.4 Application for Zoning Permit. Application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer per Section 20.3.1. The Application shall be accompanied by

fees as specified in Section 20.11 and by a Plot Plan as follows [From former Section 51.2, Amended Effective 3-7-08]:

- 20.3.4.1 Plot Plan. The Plot Plan shall show the following information to the extent occurring on or applicable to the particular lot and shall be prepared by and bear the name and seal of a land surveyor, professional engineer, architect and/or landscape architect licensed to practice in the State of Connecticut:
- a. the following information based on survey meeting or exceeding a “Class A-2” type survey specified in the “Code of Recommended Practice for Standards of Accuracy of Surveys and Maps”, State Board of Registration for Professional Engineers and Land Surveyors:
 - (i) all Lot lines, the dimensions, radii and angles or bearings for such lines, and the area of the Lot;
 - (ii) the location of monuments, which shall be set at all Lot corners, and iron pins or pipes, which shall be set at all angle points on lot lines;
 - (iii) the location and elevation of a bench mark for elevation control on the Lot;
 - (iv) existing contours at an interval of two (2) feet, unless the Zoning Enforcement Officer determines that such contours are not needed on all or part of the Lot to determine compliance with these Regulations;
 - (v) the High Tide Line (HTL), the Mean High Water Line, referenced to the National Geodetic Vertical Datum (NGVD); and the location of all Tidal Wetlands, delineated in accordance with Conn. Gen. Stats. §22a-29(2); and the location of all Inland Wetlands and Water Courses. Such information shall be depicted both on and within 100 feet of the Lot, or contain a certification that no such Tidal or Inland Wetlands or Water Courses exist; and
 - (vi) the location of existing and proposed Buildings and Structures, and with at least two (2) survey dimensioned tie lines from monuments, pins, lot lines or other identified points to each such Building or Structure;
 - (vii) the Height, dimensions, Use, Total Floor Area and Total Coverage of all Buildings and other Structures, whether existing or proposed;

- (viii) the location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to such spaces;
- (ix) the location of any existing or proposed on-site sewage disposal systems and water supply wells;
- (x) the location, area and dimensions of any Signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations;
- (xi) a statement as to the Flood Insurance Rate Map (FIRM) Map Panel and Flood Zone in the Flood Plain District, the flood plain boundary and elevation data as specified in Paragraph 4.4.5;
- (xii) provision for soil erosion and sediment control in accordance with Section 16;
- (xiii) the signatures, seals, and certifications (as the case may be) of the land surveyor, professional engineer, soils scientist, architect, or other licensed professional involved in the preparation of the plan;
- (xiv) such additional information as may be necessary to determine compliance with the provisions of these Regulations.

- b. The Zoning Enforcement Officer may waive, in whole or in part, the requirement for monuments and corners pins set forth in paragraph ii above where such field identification of boundaries is not necessary to identify such boundaries, such as along highway rights of way or other public land; where stone walls or other permanent physical features correctly identify a boundary; or where lots are under unified ownership and control. [Added Effective 3-7-08]

[Preceding From former Section 51.2.1 , Amended Effective 3-7-08]

- 20.3.4.2 Modified Plot Plan. For Applications involving only minor improvements or interior alterations, the Zoning Enforcement Officer may determine that a Plot Plan drawn to scale but not certified as provided in Section 20.3.4.1. is sufficient to meet the requirements for the Application. [From former Section 51.2.2, Amended Effective 3-7-08]

20.3.5 Additional Application Requirements. The Application for a Zoning Permit shall also be accompanied by the following when required by these Regulations [From former Section 51.3.1, Amended Effective 3-7-08]:

- 20.3.5.1 Approval of Special Permit. When a Use, Building, Structure or site development is permitted in a District subject to the securing of a Special Permit from the Zoning Commission, Planning Commission or Zoning Board of Appeals, as the case may be, evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The site plan required for a Special Permit by Section 13 of these Regulations may be substituted for the Plot Plan required in Paragraph 20.3.4.1 above, if such plan shows the information and is prepared in accordance with the standards required for such Plot Plan. [From former Section 51.3.1, Amended Effective 3-7-08]
- 20.3.5.2 Site Development Plan Submission. When submission of a Site Development Plan is required under these Regulations, evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The Site Plan required for a Site Development Plan by Section 13 of these Regulations may be substituted for the Plot Plan required in Paragraph 20.3.4.1 above, if such plan shows the information and is prepared in accordance with the standards required for such Plot Plan. [From former Section 51.3.2, Amended Effective 3-7-08]
- 20.3.5.3 Coastal Site Plan Submission. When a Use, Building, Structure or site development is proposed within the Coastal Boundary established under the provisions of Chapter 444 of the Connecticut General Statutes, a Coastal Site Plan submission shall be made for review and action in accordance with Section 4.2 unless exempted thereunder. Evidence that such approval has been granted, and that the appeals period therefor has expired, shall accompany an application for a Zoning Permit. The Site Plan required for a Coastal Site Plan by Section 4.2 of these Regulations may be substituted for the Plot Plan required in Paragraph 20.3.4.1 above, if such plan shows the information and is prepared in accordance with the standards required for such Plot Plan [From former Section 51.3.3, Amended Effective 3-7-08]
- 20.3.5.4 Application for Flood Hazard Area Permit. When development, including new construction, substantial improvement and the placement of prefabricated buildings is to be made within a Special Hazard Area, application for a Flood Hazard Area permit shall be made in accordance with Section 4.4. [From former Section 51.3.4, Amended Effective 3-7-08]

[Former Section 51.4 Deleted Effective 3-7-08]

20.3.6 Approval and Issuance. The Zoning Enforcement Officer shall issue a Zoning Permit to authorize the construction, reconstruction, Extension, Expansion, moving or Alteration of a Building, other Structure or site development and shall issue a Certificate of Zoning Compliance for the Use or occupancy of land, Buildings, other Structures, or site development when such Officer determines that all of the requirements of these Regulations have been met. No Zoning Permit or Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Old Lyme Subdivision Regulations, or the Old Lyme Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed or exists. No Zoning Permit and no Certificate shall be considered issued unless signed by the Zoning Enforcement Officer. One (1) copy of the approved Plot Plan shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the issuance of Zoning Permits and Certificates [From former Section 51.5, Amended Effective 3-7-08]:

20.3.6.1 Staking of Improvements/Certified Plot Plan. No Zoning Permit shall be issued by the Zoning Enforcement Officer for any new construction until the applicant has caused stakes or markers to be placed on the lot indicating the proposed location of footings, foundations and other construction and the location of lot lines. Such stakes or markers shall be set by a Connecticut Licensed Land Surveyor in accordance with the plot plan, and marking at least four (4) corners of the Building foundation and also the same corner stakes appropriately offset to avoid disturbance during construction. The Zoning Enforcement Officer may require additional stakes where required to determine compliance with these Regulations. As a condition to the issuance of a Zoning Permit authorizing buildings and structures upon the footing and foundations, the Zoning Enforcement Officer may require a certified copy of the Plot Plan for the lot showing the actual location of such footings and foundations with at least two (2) survey dimensioned tie lines from monuments, pins, lot lines, or other identified points. The staking, markers, survey and Certified Plot Plan shall conform to standards for accuracy specified in Section 20.3.4.1. [From former Section 51.5.1, Amended Effective 3-7-08]

20.3.6.2 Sanitation. Where a proposed use of proposed Building or other Structure or Use involves the installation, extension, relocation or reconstruction of an on-site sewage disposal or water supply system:

- a. No Zoning Permit shall be issued until plans for such system have been approved by the Health Officer.
- b. No Certificate of Zoning Compliance shall be issued until such septic system has been completed, inspected and approved for use by the Health Official, and certification thereof has been provided to the Zoning Enforcement Officer; and
- c. Prior to the issuance of any Zoning Permit, the applicant shall install any private well to serve such Building or Structure, and have the same approved by the Health Official, and certification thereof has been provided to the Zoning Enforcement Officer.

[Preceding From former Section 51.5.2, Amended Effective 3-7-08]

20.3.6.3 Soil Erosion and Sediment Control. When a Soil Erosion and Sediment Control Plan is required by these Regulations, in connection with a proposed Use, Building, other Structure or site development, no Zoning Permit therefor shall be issued until the Control Plan has been certified in accordance with Section 16 and no Certificate of Zoning Compliance therefor shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified Control Plan. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Permit or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. [From former Section 51.5.3 , Amended Effective 3-7-08]

20.3.6.4 Conditions. Any maps, plans, documents, statements and stipulations submitted to and approved by the Zoning Commission, Planning Commission or Zoning Board of Appeals in connection with any action of such Commission or Board under these Regulations, and any conditions of approval attached by the Commission or Board, shall be conditions for issuance of a Zoning Permit and a Certificate

of Zoning Compliance by the Zoning Enforcement Officer.
[From former Section 52.5.4]

20.3.6.5 Conditional Certificate. Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Conditional Certificate of Zoning Compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved Zoning Permit. If any off-street parking and loading, driveways, drainage, sewage disposal, sidewalks, landscaping or similar site improvements, in connection with a use for which a Site Development Plan has been approved, or a Special Permit granted, are incomplete, the Zoning Enforcement Officer may issue such Conditional Certificate of Zoning Compliance only after the applicant has filed a completion bond, as provided in Paragraph 13.11 or otherwise as the Zoning Enforcement Officer deems sufficient to guarantee completion of the approved site improvements and in form acceptable to the Town Counsel. [From former Section 51.5.5, Amended Effective 3-7-08]

20.3.6.6 As-Built Site Plans.

- a. Requirement by the Zoning Enforcement Officer. As a condition to the issuance of a Certificate of Zoning Compliance for a Use, Building, other Structure or site development that has not been subject to submission and approval of a Special Permit, or Site Development Plan under Section 13, the Zoning Enforcement Officer may require the owner to submit to the Zoning Enforcement Officer a copy of the site plan element, prepared by a land surveyor licensed to practice in the State of Connecticut showing the location of improvements as built in accordance with a survey of “Class A-2” accuracy as specified in Section 20.3.4.1 and, if so required, the owner shall file a copy of such as-built site plan in the Office of the Zoning Enforcement Officer. If such as-built plan depicts substantial departures from the plan approved in accordance with Section 13, the Zoning Enforcement Officer may, in addition to other remedies, require that an as-built plan be filed with the Town Clerk. [From former Section 51.5.6 , Amended Effective 3-7-08]

- b. By the Zoning Commission, Planning Commission, or Zoning Board of Appeals. For any Use, Building, other Structure or site development that has been subject to submission and approval of a Special Permit, or Site Development Plan under Section 13 or Planned Residential Cluster Developments under Section 12, the owner shall submit to the Zoning Enforcement Officer a copy of the site plan element, prepared by a land surveyor licensed to practice in the State of Connecticut showing the location of improvements as built in accordance with a survey of “Class A-2” accuracy as specified in Section 20.3.4.1. If such as-built plan depicts substantial departures from the plan approved in accordance with Section 13, the Zoning Enforcement Officer may, in addition to other remedies, require that an as-built plan be filed with the Town Clerk The Zoning Commission, Planning Commission, or Zoning Board of Appeals, as the case may be, may waive the requirement for an as-built plan. [From former Section 51.5.6 , Amended Effective 3-7-08]

- 20.3.6.7 Other Permits. Issuance of a Zoning Permit or issuance of a Certificate of Zoning Compliance shall not be construed to constitute compliance with any regulation, ordinance or law other than as expressly indicated by such Permit or Certificate, nor to relieve the applicant from responsibility to obtain any required permit thereunder. The Zoning Enforcement Officer may, at his/her discretion, withhold issuance of a Zoning Permit or Certificate of Zoning Compliance until any such permit has been approved and obtained by the applicant. [From former Section 51.5.7]
- 20.3.6.8 Time Limits. Any Zoning Permit issued under these Regulations shall expire 12 months from the date of issuance unless a valid Building Permit for the Use, construction and site development authorized by the Zoning Permit is in effect. Furthermore, any Certificate of Zoning compliance may be issued for a specified time period where authorized by these Regulations, or where appropriate to the nature of the particular use. (See, e.g., Section 7.6.1). [From former Section 51.5.8, Amended Effective 12-1-98 and 3-7-08]
- 20.3.6.9 Compliance with Application; Revocation. All work performed pursuant to a Zoning Permit issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans, or other documents submitted, or

verbal representations made, in connection with the issuance of such Certificate.

In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such Permit, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the Zoning Permit should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any Permit issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes. [Added effective 3-7-08]

20.3.7 Inspections and Display of Permit. The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any Building, Structure, Lot or Premises to determine compliance with these Regulations. No Zoning Permit and no Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the Building, Structure, Lot or Premises involved to determine that the Use, Building, other Structure and site development conform to these Regulations. During construction of any kind, Zoning Permits shall be displayed on the Premises. By filing an application for a Zoning Permit or Certificate of Zoning Compliance, the owner and occupant of any Premises shall be deemed to have consented to inspection at reasonable times by the Zoning Enforcement Officer in order to enforce these Regulations and any permits or approvals issued hereunder. [From former Section 51.6, Amended Effective 3-7-08]

20.3.8 Orders. The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER if the use of Premises, Buildings and other Structures or the construction, reconstruction, Extension, moving or Alteration of a Building, other Structure or site development are not being carried out in compliance with these Regulations or any permit or approval issued hereunder. The Zoning Enforcement Officer shall withdraw such ORDER when there is compliance with these Regulations or any permit or approval issued hereunder. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations. [From former Section 51.7]

20.3.9 Records. The Zoning Enforcement Officer shall keep records of a) all permits and certificates issued by his/her office, including Zoning Permits and Certificates of Zoning Compliance, the applications therefor, and the fees paid for them, b) all identifiable complaints of any violation of these Regulations, c) all inspections made under these Regulations, and d) all notices of violation and the action taken thereon. [From former Section 51.8]

20.4 Building Permit.

20.4.1 Issuance. In accordance with Connecticut General Statutes §8-3(f), no Building Permit of any kind (including, but not limited to, so-called Foundation Permits, or Permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Zoning Permit indicating that the plans submitted to the Building Official conform to these Regulations and any Special Permit or variance. Any construction activity which is found to be in violation of the Zoning Permit, or any documents or representations submitted in support thereof, or of these Regulations or any Special Permit or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer and/or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Old Lyme free access to the site. [Added effective 3-7-08]

20.4.2 Amendments. Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a Zoning Permit has been issued prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 20.3.6. See Sections 20.7 and 20.8 for special provisions regarding Special Permits and variances.

20.5 Certificate of Occupancy. No Building or Structure shall be occupied or Used, nor any Use of land established, nor shall any addition, extension, or Alteration of any Building, Structure, or Use be occupied or used until a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes §8-3(f), no Certificate of Occupancy shall be issued by the Building Official for any Building, Use or Structure without the prior issuance of a Certificate of Zoning Compliance indicating that the Use, Building, or Structure, as actually established or constructed, conforms to these Regulations and any Special Permit or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with

these Regulations. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 20.8. [Added effective 3-7-08]

20.6 Appeals of Decisions. Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of thirty (30) days from the date of any action or decision of the Zoning Enforcement Officer to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty- day period. [Added effective 3-7-08]

20.7 Site Development Plans, Special Permits, Planned Residential Cluster Developments, and Variances: Deviations, Amendments, Misrepresentations.

- a. In accordance with §8-3d of the Connecticut General Statutes, no variance or Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or Special Permit, including the Regulation which is varied in its application or to which a variance or Special Permit is granted, copies of all plans, specifications and conditions approved by the Commission/Board, and stating the name of the owner of record, is recorded in the Land Records of the Town of Old Lyme. The same requirement shall apply to Planned Residential Cluster Developments and Site Development Plans, regardless of the agency approving them, and to decisions under these Regulations which are made by the Planning Commission. [Added effective 3-7-08]
- b. No person who has obtained a Site Development Plan approval, Special Permit, Planned Residential Cluster Developments, or variance shall attempt to erect any Building or Structure, or establish any Use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Zoning Commission, Planning Commission, or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations. Likewise, no person who has obtained a Site Development Plan approval, Special Permit, Planned Residential Cluster Developments, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Zoning Commission, Planning Commission, or Zoning Board of Appeals, as the case may be, to void said Site Development Plan,

Special Permit, Planned Residential Cluster Developments, or variance, following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Site Development Plan, Special Permit, Planned Residential Cluster Developments, or variance and the conditions attached thereto. [Added effective 3-7-08]

- c. The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Site Development Plans, Planned Residential Cluster Developments, and Special Permits. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances and Special Permits. Likewise, the Planning Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Planned Residential Cluster Developments. The Zoning Enforcement Officer may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Old Lyme Subdivision Regulations, or the Old Lyme Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met. [Added effective 3-7-08]
- d. Major and/or substantial changes to Site Development Plans, Special Permits, Planned Residential Cluster Developments, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations. [Added effective 3-7-08]
- e. In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Site Development Plan, Special Permit, Planned Residential Cluster Developments, or variance was incorrect or invalid, the Commission or Board may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record. [Added effective 3-7-08]

20.8 Performance Bonds.

- 20.8.1 In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that he/she shall require a performance bond,

in the form of cash, in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six (6) months following such occupancy. Such estimate of construction costs shall consist of an itemized list of the items remaining to be completed, the unit cost including both materials and labor, and the total cost for each item. The Zoning Enforcement Officer shall have the authority to approve, or modify and approve, the estimate and the resulting bond amount. All public health and safety components of a project must be completed prior to occupancy or Use of any Premises, Building, or Structure, and may not be bonded. [Added effective 3-7-08]

20.8.2 In the event that the improvements described hereinabove shall not be completed within the time limits contained herein, the Zoning Commission, Planning Commission, Zoning Board of Appeals, or the Zoning Enforcement Officer, as the case may be, shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements. [Added effective 3-7-08]

20.8.3 All bonds posted in accordance with these Regulations shall be effective at least until the completion of the activity or development which they serve to guarantee. No such bond shall require the Town of Old Lyme or any agency thereof to incur any expense or enter into any contract prior to payment of the obligation which such bonds secure. All bonds shall be in such form as the Town Attorney shall require. [Added effective 3-7-08]

20.9 Curb Cuts. No person shall create any access or highway intersecting with any Town road, nor alter any such road in a manner so as to interfere with the storm drainage from or onto any Town road without the approval of the Board of Selectmen or its agent, which approval shall be evidenced by a permit from the Board or its agent. The Board or its agent may require additional improvements to insure emergency access to any lot or parcel, to prevent hazards to the users of Town highways, and to prevent drainage, sight line, or other hazards on adjoining properties. All plot plans submitted in accordance with this Section 20 shall show the exact location of the driveway and all associated or related work to be performed, including all measurements, topography within the public right-of-way, and materials to be used. The information submitted shall be sufficient to demonstrate compliance with this Section. [Added effective 3-7-08]

- 20.10 Certificates for a Use Subject to Performance Standards. An application for a Zoning Permit or a Certificate of Zoning Compliance for a Use which is subject to the Performance Standards of Section 4.5 of these Regulations shall include such information as is necessary to establish that the Use as proposed (at the time of application for a Building Permit) and as constructed or established (at the time of application for a Certificate of Occupancy) complies with the Performance Standards of these Regulations. The applicant shall further provide an affidavit acknowledging the applicability of the Performance Standards, stating that the use as designed or built/established is capable of complying with the Performance Standards, and agreeing to comply with the Performance Standards in the future. No applicant shall be required to reveal any proprietary information or trade secret, and any information provided in compliance with this Section may be treated as confidential upon the request of the applicant, in accordance with Connecticut General Statutes §1-19(b), as the same may be amended from time to time. [Added effective 3-7-08]
- 20.11 Fees: Any Person submitting to the Zoning Commission, Planning Commission or Zoning Board of Appeals, or its agent, or other board or commission having jurisdiction, an application or petition pursuant to these Regulations shall pay to the commission or board, or its agent, to which application or petition is made the application, petition and/or processing fees in the amount established by such commission or board in accordance with the Town ordinance entitled “Ordinance Establishing Procedure for Fee Schedules in Processing Land Use Applications”. [From former Section 51.10]