

ARTICLE IV. ADMINISTRATION

SECTION 10.

10.01. Penalties:

Violations of these Regulations shall be punished in accordance with the provisions of Section 8-12 of the 1958 Revision of the *General Statutes* as amended.

10.02A. SITE PLAN REVIEW

10.02A.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 plan, are permitted under these Regulations subject to the submission of a Site Plan Review and approval of the PLAN by the Commission under this Article. In any instance involving a use or uses requiring a Site Plan Review as set forth in Article II 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 Plan Review in accordance with this Section 10.02.A.

Current Regulations require such review by the Commission, but may be modified to allow review by the Zoning Board of Appeals, or some other agency. Thus, wherever the "the Commission" is referenced, it shall be deemed to read, "the Commission or other agency having approval authority in connection with the Site Plan Review."

The provisions which follow establish the Site Plan Review submission requirements and the GENERAL STANDARDS and SPECIAL STANDARDS for site development. The provisions which follow also establish the procedures for Commission administrative approval of Site Plan Reviews for uses, other than Special Permit uses, for which such a PLAN is required to be submitted and approved.

10.02A.2. **Submission Requirements:** The Site Plan Review submission shall consist of the following:

10.02A.2.1 **Application Form and Fee:** the completed Site Plan Review application form as adopted by the Commission, and the payment of the application fee as provided by Town Ordinance.

10.02A.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.

10.02A.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 Middlefield 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 10.02A.3 and 10.012A.4 of these Regulations, unless, in accordance with Paragraph 10.02A.2.14 a determination is made by the 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.
- 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 *Connecticut General Statutes* §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 as determined by a Certified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor, 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 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, Middlesex 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.
 - (vi) the anticipated decibel level readings at the property line for on-site equipment or operations.
- 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 08.09 of these Regulations, Off-Street Parking Space, 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.

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 3.3e (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 of 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 3.19 and Lot requirement modification therefore.
- (xii) significant archeological sites identified under Paragraph 10.02A.3.20.
- (xiii) irrigation system(s) to be installed, including source of water and coverage;

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 therefore. 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 09.04 of these Regulations, based on the datum identified in paragraph 3.3e(v).
- k. Non-Commercial Cutting Plan. For wooded sites, a non-commercial cutting plan depicting the limits of clearing.
 - l. Measures for soil erosion and sediment control in accordance with Section 10.09 of these Regulations.
 - m. A signature block for approval by the Commission or other agency responsible for review of the site plan and date of signing.
 - n. The following legend below the signature block: "The statutory five-year period for completion of all physical improvements expires on _____, 20 __."

10.02A.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 Middlefield Water Pollution Control Authority indicating that all requirements of *Connecticut General Statutes* Section 7-246f have been satisfied shall be provided. Where on-site effluent disposal is to be used, the applicant shall provide a report from the Town Sanitarian indicating that all requirements of the Public Health Code have been satisfied.

10.02A.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 Plan Review 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.

The Site Plan Review shall also conform to the requirements of Section 09.09 of these Regulations (Ridgeline Regulations). Any Special Permit required under said Section for a proposed use or site development shall be obtained prior to approval of the Site Plan Review.

10.02A.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 Plan Review involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Middlefield 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.

10.02A.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.

10.02A.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.

10.02A.2.9 Soil Erosion and Sediment Control Plan: a Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 10.09 of these Regulations, which Plan may be combined with the site plan submitted under Paragraph 10.02A.2.3; six (6) copies shall be submitted.

10.02A.2.10 Wetlands, Water Courses and Coastal Areas: If any part of the Lot affected by the Site Plan Review is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Middlefield, the report and action of the Inland Wetlands and Watercourses Agency of the Town of Middlefield concerning any regulated activity on the lot shall be submitted with the PLAN. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Agency as the same were approved, or modified and approved, by said Agency.

10.02A.2.11 Traffic Impact Report: For Site Plan Reviews 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, the turning radii for anticipated truck traffic both within the site and into or out of the site, the 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.

10.02A.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 Paragraph 10.02A.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 Paragraph 10.02A.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. Fire protection shall be provided in accordance with the recommendations of the Insurance Service Organization, as the same may be amended from time to time.

10.02A.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 3 of these Regulations.

10.02A.2.14 Review and Modification of Submission: The Commission, 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 10.02A.2.3 through 10.02A.2.13, except for Sections 10.02A.2.5, 10.02A.2.6, 10.02A.2.9 and 10.02A.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 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.

10.02A.3 Criteria for Review of Site Plan Reviews. The Commission shall consider the following criteria in evaluating a Site Plan Review.

10.02A.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 01 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 Middlefield;
- 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.

10.02A.3.2 Complete Application. The application shall contain all information required by this Section 10.02A, 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.

10.02A.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 08.02 of these Regulations.

Further, the application shall conform to the Middlefield Subdivision Regulations; the Middlefield Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Middlefield Inland Wetlands and Watercourses Agency, where required, or a report from such agency indicating that it lacks jurisdiction over any proposed activity; 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.

10.02A.3.4 Plan of Conservation and Development: The Site Plan

Review 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.

10.02A.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.

10.02A.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 Traffic Authority 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.

10.02A.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 10.02A.3.4.

10.02A.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.

10.02A.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 08.09 of these Regulations.

10.02A.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.

10.02A.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 Plan Review.
- 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.

10.02A.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 Plan Review 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.

10.02A.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 Plan Review. 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.

10.02A.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.

10.02A.3.15 Outside Storage: Outside storage includes the following when not located within an enclosed building: sales, storage and/or display of merchandise, supplies, equipment or machinery; storage of wastes; and manufacture, processing

or assembling of goods; but not including the parking of registered motor vehicles in daily use. Outside storage provided in connection with a use for which a Site Plan Review or Special Permit is required to be submitted under these Regulations shall be located in areas on the lot as shown on such the approved site plan and shall be limited and screened as follows:

- a. No outside storage area shall extend into the area required for building setback from a street line, property line or residential district boundary line.
- b. All outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot, from any street and from any portion of a Residence or Rural District, provided, however, that the Commission, in connection with approval of a Site Development Plan or Special Permit under its jurisdiction, may determine that such enclosure is not necessary for all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

10.02A.3.16 Total Ground Coverage: The maximum Total Ground Coverage shall be sixty (60%) percent.

10.02A.3.17 Landscaping: Landscaping shall be provided and permanently maintained on the lot to conform to the following:

- a. 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 offstreet 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. 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 of at least twenty (20') feet in width, 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 Commission or other agency responsible for approval of a Site Plan Review 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)

- d. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width 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 Plan Review. 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 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.
- j. The Commission may require the preservation of

specimen or significant trees existing on the site at the time of application.

10.02A.3.18 Signs: All Signs shall conform to the standards of Section 09.03 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 Plan Review 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.

10.02A.3.19 Preservation of Natural Features: The Site Plan Review, 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 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.

10.02A.3.20 Significant Archeological Sites: When a lot or premises for which a Site Plan Review is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the Site Plan Review 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.

10.02A.3.21 Soil Erosion and Sediment Control: Provision shall be made in the Site Plan Review for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with Section 10.09 of these Regulations.

10.02A.3.22 Surface and Groundwater Protection. In reviewing any site plan or use, the 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 Plan Review.

10.02A.3.23 Water Supply. No Site Plan Review 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 Middlefield Board of Selectmen, has been obtained in accordance with Section 10.02A.2.6 of these Regulations.

10.02A.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 10.02A.3.1. and 10.02A.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.

10.02A.4 Procedures When Commission Action on Site Plan Review is Required:

No use shall be established, altered, expanded, or extended until approval of a Site Plan Review. When a use, other than a SPECIAL PERMIT USE, is permitted in a District subject to administrative

approval of a Site Plan Review by the Commission, the following procedures, standards and conditions are applicable.

10.02A.4.1 **Preliminary Consideration:** Prior to filing of an application for approval of a Site Plan Review, the future applicant is invited to prepare and present for informal discussion with the 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 therefore, 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.

10.02A.4.2 **Application and Fee:** Application for approval of the Site Plan Review 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 Plan Review on forms approved by the Commission and an application fee as set by such Commission pursuant to Town Ordinance.

- b. The following persons may apply for a Site Plan Review: 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 Plan Review submission documents as specified in Section 2.

10.02A.4.3 Application Review: When received, the Commission shall review the application and Site Plan Review submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 10.02A.2.14. Incompleteness of a Site Plan Review submission is cause for disapproval. The Commission shall consider 1) whether a Site Plan Review meets the General and Special Standards set forth in Section 3; and 2) the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town.

10.02A.4.4 Notices of Consideration.

10.02A.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 Plan Review application in accordance with *Connecticut General Statutes* § 8-3h.

In accordance with *Connecticut General Statutes* §8-3i, in any Site Plan Review

application for any property which is within the watershed of a water company, as defined in *Connecticut General Statutes* §16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health, 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.

10.02A.4.4.2 Posting of Sign. No less than seven (7) days prior to the opening of any public hearing, or the consideration of any Site Plan Review, the applicant shall post a sign on the property which is the subject of any application. The face of such sign shall be as prescribed, by resolution, by the Commission, and shall set forth the date, time and place of the public hearing, the agency (the Commission or the Board) hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest Street, and to maintain the sign until the opening of the public hearing or meeting of consideration. No sign need be posted for the continuation of a public hearing once it has opened.

10.02A.4.5 **Public Hearing:** The Commission may hold a public hearing regarding any Site Plan Review submission if, in its judgment, circumstances warrant such hearing. The 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.) 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 Plan Review 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.

10.02A.4.6 **Action and Notice:** The Commission shall review the application for conformance with the criteria of this Section 10.02A. 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. 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 Plan Review 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.

10.02A.4.7 Filing of Site Plan: A copy of the site plan element of an approved Site Plan Review, and as such PLAN may have been required by the Commission to be modified, shall be made on translucent polyester film .003 mil thick or better and presented to the 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 4.9, the Chairman, Vice Chairman, or Secretary of the Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Section 4.8, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the 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 Middlefield 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 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 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.

10.02A.4.8 Commencement and Completion of Work. For any Site Plan involving non-residential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within two (2) years of the effective date of such approval, and the Commission may extend such period for an additional one (1) year upon the request of the applicant; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) years of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, such approval shall be void within the time limits prescribed for non-residential property, but any re-application for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval.

10.02A.4.9 Posting of a Completion Bond: The Commission as a condition of approving a Site Plan Review 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 Middlefield a completion bond in an amount approved by the 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 Commission. The form of the bond shall be satisfactory to legal counsel for the 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 Commission. The site plan element filed in the office of the Middlefield Town Clerk shall so state. Where the 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 Plan Review have been met. The Commission may require a bond for landscaping to assure replacement of landscape material that dies or is otherwise removed, and such bond may be kept in force for at least one growing season after planting, and for such greater period as the Commission may require. In particular, the Commission may require a long-term bond where landscaping is required under this Section for a visual buffer.

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

10.02A.4.10 Minor Changes to Site Plans: The Zoning Enforcement

Officer shall have the authority to approve minor changes to an approved Site 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 Plan as approved, and such changes are in conformity to the requirements of these Regulations.

10.02A.4.11 Major Changes to Site Plan Reviews: If the Zoning

Enforcement Officer determines that changes in the Site 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 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.

10.02.B. SPECIAL PERMITS

10.02B.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 on Article II, permitted in a District subject to the securing of a Special Permit from the Planning and Zoning 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."

10.02B.2 Purpose and Requirement; Waiver.

10.02B.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.

10.02B.2.2 Special Permit Requirement; Waiver. In any instance involving a use or uses requiring a Special Permit as set forth in Article II of these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor building or structures erected, altered, enlarged, or used until the Commission shall grant a Special Permit in accordance with this Section 10.02B, 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 08.09 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 10.02B.4 of these Regulations.

10.02B.3 Application Procedure

10.02B.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 Permit. 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.

10.02B.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.

10.02B.3.3 **Application:** Application for a Special Permit shall be submitted in writing to the Zoning Enforcement Officer, 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 and signed by the applicant and by the owner if different from the applicant, and an application fee as set by such Commission pursuant to Town Ordinance.
- 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 10.02A.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 10.02A.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 10.02B.

10.02B.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 10.02B.3.2. 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.

10.02B.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 10.02B. 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.

10.02B.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 *Connecticut General Statutes* § 8-3h.

In accordance with *Connecticut General Statutes* § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in *Connecticut General Statutes* §16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of the Department of Public Health, 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.

10.02B.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.

10.02B.3.8 Posting of Sign. No less than seven (7) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for

Special Permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the agency hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest public street, and to maintain the sign until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened.

10.02B.3.9 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.

10.02B.3.10 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.

10.02B.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 these Regulations for particular uses:

10.02B.4.1 Complete Application. The application shall contain all

information required by this Section 10.02B, 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.

10.02B.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 08.02 of these Regulations. Further, the application shall conform to the Middlefield Subdivision Regulations; the Middlefield Inland and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Middlefield Inland Wetlands and Watercourses Agency, where required, or a report from such agency indicating that it lacks jurisdiction over any proposed activity; 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.

10.02B.4.3 Conformance with Criteria of Section 10.02A.3: Any application for Special Permit shall, at a minimum, conform to all of the GENERAL STANDARDS for SITE DEVELOPMENT PLANS of Section 10.02A.3. Those standards and criteria are considered the basic ones for all uses and premises in Middlefield, other than uses permitted as of right, with the criteria of this Section 10.02B.4 being over and above those of Section 10A.3.

10.02B.4.4 Character: The location, type, character and extent of the uses 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.

10.02B.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.

10.02B.4.6 Landscaping: The Premises will be suitably landscaped to be in harmony with adjacent Lots and the character of the neighborhood.

10.02B.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.

10.02B.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.

10.02B.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 Middlefield Board of Selectmen, has been obtained in accordance with Section 10.02A.2.6 of these Regulations.

10.02B.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; avoidance of glare visible from streets or adjacent properties.

10.02B.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 uses 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.

10.02B.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.

10.02B.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 shall be subject to other applicable regulations concerning buffering. 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 08.16 (General Regulations) (dealing with Environmental 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.

10.02B.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 08.09, 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.

10.02B.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 Sections 10.02.07, et. Seq.; or any other applicable standards of these Regulations.

10.02B.5 Action on Applications

10.02B.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.

10.02B.5.2 Action. The Commission shall review the application for conformance with the criteria of this Section 10.02B. 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 10.02B. 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.

10.02B.5.3 **Endorsement and Filing.** Within sixty-five (65) days of the Commission 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 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 10.02B.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.

10.02B.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 Middlefield, 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.

10.02B.7 **Commencement and Completion of Work.** For any Special involving non-residential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within two (2) years of the effective date of such approval, and the Commission may extend such period for an additional one (1) year upon the request of the applicant; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) months of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, such approval shall be void within the time limits prescribed for non-residential property, but any re-application for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval.

10.02B.8 **Conformance to Approved Plans, Specifications, and Representations; Changes; Enforcement.** No person who has obtained a Special Permit 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 Commission, Planning Commission without an amendment as provided in these Regulations. Likewise, no person who has obtained a Special Permit violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission to void said Special Permit 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 Special Permit developments and the conditions attached thereto.

10.02B.9 Veterinary Clinics

- (1) Veterinary clinics shall be for the purpose of providing veterinary services only. Boarding and grooming of healthy animals will not be permitted.
- (2) All facilities shall be indoor and enclosed and shall be constructed in such a way as to satisfy all general environmental performance standards as stipulated in Section 08.16 of the Middlefield Zoning Regulations.
- (3) Veterinary clinics shall be restricted to those roadways shown in the Plan Development as collector or arterial streets. (Routes 66, 157,147) etc.
- (4) Veterinary clinics shall be attached to a dwelling and both clinic and dwelling shall be owner-occupied.
- (5) Construction must be such that it does not change the residential character of the property and this must be demonstrated by architectural elevations. The clinic shall not exceed 75% of the habitable floor area of dwelling.
- (6) There will be no more than a total of three (3) employees working at the clinic at any given time.
- (7) Adequate off street parking shall be provided and the parking area shall be shielded from view from the road.
- (8) Any animal that dies while at the clinic or any animal that is dead on arrival that is left for disposal shall be stored indoor and frozen. Disposal will be done off site. Cremation or burial of animals will not be

permitted on the property. Pathological waste shall be disposed of in the same manner as animal carcasses.

- (9) The lot shall conform to the Zoning Regulations.

10.02B.10. Accessory Apartments

The intent of this regulation is to control the creation of accessory apartments within existing single family residences or single family residences under construction or proposed for the purpose of providing affordable rental housing in the Town of Middlefield. This regulation is designed to ensure that in creating accessory apartments, the single family character of the principal dwelling will be retained. Accessory apartments are further intended to encourage the viability of single family zones.

- (1) The non-accessory apartment portion of the single family residence shall meet the minimum floor area for the zoning district.
- (2) Original structure must be on a lot that is at least one half acre in size.
- (3) With additions, a dwelling shall not exceed the total allowable lot coverage of a dwelling.
- (4) An owner of the structure must live in principal or accessory unit.
- (5) The number of additional dwelling units is one.
- (6) The minimum size for an accessory unit shall be 400 square feet.
- (7) The percentage of total floor area of house, utilized for an accessory unit, shall not exceed 33 1/3%.
- (8) The maximum number of bedrooms in an accessory unit shall be two.
- (9) The residential character of building after conversion must be maintained and shall be compatible with the neighborhood and the conversion shall not depreciate the value of adjacent property.
- (10) If an accessory apartment is to be located in an attached accessory building the connecting structure shall be enclosed and heated. Expansion of a principal dwelling shall be permitted to accommodate an accessory apartment.

- (11) Parking requirements as set forth in Section 08.09.01. of these Regulations shall be met.
- (12) It is recognized that occupancy of an accessory apartment may at some time place additional demands on the subsurface sewage disposal system through increases in water usage. For the purposes of this regulation, the creation of an accessory apartment is a "Building Conversion". Prior to the granting an approval for such Conversion, the Middlefield Sanitarian must verify to the Commission the building lot Conversion can satisfy all the current requirements of the Connecticut Public Health Code for subsurface sewage disposal, and shall have available a 100% reserve area. Furthermore, an accessory apartment will not be permitted on any lot where the sewage disposal system is currently failing. Nor will the approval to continue use of an accessory apartment be renewed if the Middlefield Sanitarian has evidence of a sewage system failure. Prior to the granting of an approval a water test must be conducted and coordinated with the Sanitarian's office. The water quality must meet the same standards as those required for a Certificate of Occupancy.

10.02B.11. Grooming Facilities

Standards for Residential Districts

1. No outside employees.
2. Maximum of five (5) clients (dogs and/or cats) per day.
3. Hours of operation limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.
4. Minimum separation distance between facility and neighboring residence 50 feet.
5. No outside runs.
6. All animals will be leashed and/or caged when dropped off and picked up.
7. Approval of the use by the Middlefield Health Department including the list of all chemicals and processes to be utilized.
8. Compliance with all State of Connecticut regulatory requirements of grooming facilities.
9. The applicant shall apply for a renewal of the special permit every two (2) years to assure compliance.
10. No adverse odors.
11. The Commission may impose such screening, buffering, separation distances or other conditions between the facility and neighboring residences, as it deems necessary to protect abutters from possible negative impacts.

10.02B.12. Ambulance Facilities

- (1) Such facilities shall have frontage on a Connecticut State Highway.

10.03. Enforcement:

These regulations shall be enforced and administered by the Zoning Commission or their duly appointed agent, in accordance with the provisions of these Regulations.

10.04. Zoning Permit:

Before any land, building or structure is devoted to a new or changed use, or before the erection or alteration of any structure is commenced, a Zoning Permit shall be obtained. Application for such a permit shall be made on a form approved by the Commission and all information requested thereon shall be provided in written form and certified correct by the applicant.

10.04.01.

The fee for such permit, to cover administrative costs, shall be determined by the Zoning Commission.

10.04.02. Certificate of Zoning Compliance

A Certificate of Zoning Compliance is a document stating that the site plan of a proposed use has been adhered to and completed and is in conformance with these Regulations. Only after a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer will a Certificate of Occupancy permitting land, building and other structures, or parts thereof, to be used or occupied, or changed in use be issued.

10.05. Records:

The Zoning Commission shall keep on file and available to the public, a full and accurate record of all applications, permits and violation records required by these Regulations. The Building Inspector shall obtain and maintain records of elevations and floodproofing levels for all new or substantially improved structures located within the Special Flood Hazard Area, and whether or not such structures contain a basement.

10.06. Expiration of Permit:

Any Zoning Permit issued under these Regulations but for which no work is commenced within six months from the date of issuance shall expire by limitation, unless an extension is granted by the Zoning Commission.

10.07. Interpretation:

In interpreting and applying these Regulations, the requirements contained herein are declared to be the minimum requirements for the protection of the public health, morals, safety, comfort, convenience and general welfare. These Regulations shall not be deemed to affect in any manner whatsoever any easements, covenants, or other agreements between parties, provided however, that where these Regulations impose a greater restriction upon the use of building or land, or upon the erection, construction, establishment, moving or alteration of buildings, than are imposed by other ordinances, rules, regulations, licenses, certificates, or other authorization, or by easements, or covenants or agreements, the provisions of these Regulations shall prevail.

10.08. Zoning Board of Appeals:

There shall be a Zoning Board of Appeals as provided by law to have the following power and duties:

10.08.01.

To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these Regulations.

10.08.02.

To hear and decide all Special Exceptions upon which it is required to pass under the specific terms of these Regulations.

10.08.03.

To determine and vary the application of these regulations in harmony with their general purposes and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land, where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. All applications for appeals

from the rulings of the Planning and Zoning Commission and/or the enforcement officer shall be within forty-five (45) days and shall be made in accordance with Section 8-7 of the General Statutes of Connecticut.

10.08.04.

Before any variance is granted, the Zoning Board of Appeals must make a written finding in its minutes as part of the record in each case, stating specifically:

- (1) The special circumstances, described in detail, that attach to the property but do not generally apply to other property in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of these Regulations.
- (2) That relief can be granted without detriment to the public welfare or impairment of the integrity of these Regulations, and that the variance is the minimum necessary to relieve the hardship.

10.08.05.

All applications and appeals shall be accompanied by a fee of twenty-five (\$25) to cover the cost of advertising and processing.

10.09. Erosion and Sedimentation Control Plans

A soil erosion and sedimentation control plan shall be submitted with any application for development when the disturbed area of such development totals, cumulatively, more than one-half acre or when there is no application for development but the disturbance is caused by excavation and or filling and exceeds (10,000) ten thousand square feet (excluding agricultural activities and residential landscaping involving grading, filling and/or removal of earth materials less than 50 cubic yards).

A. To be eligible for certification, a soil erosion and sediment control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

B. Said plan shall contain, but is not limited to:

1. A narrative describing:

- a. the development;
 - b. the schedule for grading and construction activities including:
 1. start and completion dates;
 2. sequence of grading and construction activities;
 3. sequence for installation and/or application of soil erosion and sediment control measures;
 4. sequence for final stabilization of the project site
 - c. the design criteria for proposed soil erosion and sediment control measures;
 - d. the construction details for proposed soil erosion and sediment control measures;
 - e. the installation and/or application procedures for proposed soil erosion and sediment control measures; and,
 - f. the operation and maintenance program for proposed soil erosion and sediment control measures.
2. A site plan map that is in compliance with Section 10.02.02. of the Middlefield Zoning Regulations.
 3. Any other information deemed necessary and appropriate by the Commission or its designated agent.

C. Minimum Acceptable Standards

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

D. Certify/Deny Erosion and Sediment Control Plans

1. The Planning and Zoning Commission shall certify a soil erosion and sediment control plan when the plan complies with the requirements and objectives of this regulation. When the soil erosion and sediment control plan fails to comply with these regulations, the Commission shall deny certification of the plan.
2. When the Planning and Zoning Commission requires that a soil erosion and sediment control plan be submitted to the Soil and Water Conservation District and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Comments from review agencies shall be submitted to the Planning and Zoning Commission as part of the application.

E. Conditions

1. The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization at any time during the construction phase may be covered in a performance bond at the discretion of the Commission.
2. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is:
 - a. certified by the Planning and Zoning Commission; and,
 - b. the specified control measures, as outlined in the plan, are installed properly.
3. The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

F. Inspection

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained.

G. Enforcement

Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Planning and Zoning Commission or its designated agent. Failure to properly install and/or maintain any erosion and sediment control measure

may result in the issuance of a stop work order until the problem is satisfactorily corrected.

10.10. Stormwater Runoff Control Plans:

Site Plans shall be accompanied by plans providing measures for detention and controlled release of stormwater runoff when proposed developments contain an area of five (5) acres or more or the impervious area is 60.0% or greater. All other developments may be required to provide such measures if deemed necessary to protect the public health, safety and well-being by the Middlefield Planning and Zoning Commission.

10.10.01. General Requirements for Stormwater Runoff Control:

When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards and shall be designed in accordance with the requirements as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.

- (1) Peak discharges from the 2-year, 10-year, and 100-year frequency, 24-hour duration, type III distribution storms shall be analyzed.

No increases in peak flow from these storms shall be allowed. This may be accomplished by detention basins, roof or parking lot storage or other acceptable means.

- (2) The required stormwater detention volume shall be that necessary to handle the runoff from the drainage area of a 100-year frequency, 24-hour duration, type III distribution rainfall, as published by the National Weather Service or other recognized agency, minus that volume discharged during the same duration at the approved rate as specified in (1).
- (3) For developments of less than 10 acres, runoff may be computed using the rational formula. In all other cases, runoff shall be computed in accordance with Technical Release #55, Urban Hydrology, Engineering Division, Soil Conservation Service, USDA, January 1975, as amended.

10.10.02.

When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical for construction by the Town, the Town shall require a fee or equivalent dedication of land which shall

be used to construct these facilities. The Commission may permit several developers to construct joint facilities.

10.10.03.

Maximum infiltration to the ground water is encouraged. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers.

10.10.04.

All on-site facilities shall be properly maintained by the owner such that they do not become nuisances.

10.10.05.

All runoff control structures located on private property whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided.

10.10.06.

Runoff management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire runoff management system are completed and approved. Final discharge points shall be approved by the Commission or its authorized agent.

10.10.07.

Runoff management systems shall be visually compatible with the surrounding landscape.

10.10.08.

Permits for runoff management systems may also be required from the Inland Wetlands Commission where such systems may have an impact on inland wetlands, and from the Connecticut Department of Environmental Protection where a dam is to be constructed or water diverted. See Sections 22a-365 *et seq.* and 22a-409 of the *Connecticut General Statutes*.