

SECTION 61 SITE PLAN STANDARDS AND PROCESS (Entire section revised 9/27/12)

61.1 PURPOSE: To better assess the impact of the proposed development on the site and the neighborhood and to determine their compliance with the requirements of these Regulations and the intent of these Regulations, a site plan shall be required. The site plan shall be submitted to the Office of the Town Planner for review and comment; the site plan may be referred to other departments for their review and comment.

The proposal shall be reviewed by the Planning & Zoning Commission for their approval as per these Regulations, and under the following situations:

- a) Where such plan is for the development of an undeveloped site;
- b) Where a plan is proposed for the expansion of an existing footprint in excess of 10% or 1,500 square feet, or more than fifteen parking spaces will be added to the site; or,
- c) Where a new use is proposed which changes the character of use or the area or may have some unusual characteristics (i.e. traffic generation) or some other potentially negative attribute.

61.2 APPLICATION

Prior to submission of a formal site plan application, the proponent is encouraged to meet with Town Staff and/or with the Commission to discuss the proposal. Neither the proponent nor the Staff/Commission shall be in any way bound by any statement made in such informal discussions, as the purpose is 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 site plan.

Site plan applications shall be made on a form prescribed by the Town. For site plan applications requiring Commission approval, complete applications shall be made one week prior to a regular meeting; the date of receipt shall be the day of the next regularly scheduled meeting. A complete application shall include all the plans and information necessary as outlined in Section 61.3. A minimum of twelve copies of the supporting information shall be submitted with an application. Applications that do not contain information listed in Section 61.3 at the time of the filing will be considered incomplete, unless the requirement for such information has been waived by the Commission or its Agent as specified in the regulations..

61.3 SITE PLAN INFORMATION

Except as provided below, site plans shall be based upon and include a Class A-2 survey prepared by a land surveyor licensed to practice in the State of Connecticut.

All plans shall be on a sheet(s) not to exceed 25" x 37" drawn by a professional engineer, architect or landscape architect, as appropriate, registered in the State of Connecticut.

- a) Submission: Each sheet of the survey and plans shall contain the embossed seal and original signature of each professional, and shall show:
 - 1. All revision dates and necessary definitions and legends, and the true scale of the survey, in which one inch (1") shall be equal to no more than forty feet (40').
 - 2. The direction of true north.
 - 3. The Assessor's map, block and lot numbers for the subject property and all the names and addresses of the owners of record according to the Assessor's Office of all properties adjacent to (exclusive of the proponent's property), or across

any street from, the subject property, or properties within a radius of 200 feet of the perimeter of the site to be developed.

4. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances which run with the land, the volume and page of the Windham Land Records where the same are recorded, and the date upon which they will expire, if any.
5. All necessary approval signature blocks.

b) Existing Site Plans: The following information shall be shown on a plan:

1. The actual shape and dimensions of the lot to be used; provided, however, that if the lot is substantially larger than the area to be developed, the Commission or its authorized agent may allow the applicant to submit a zoning plan showing the lot as an insert on the map at a scale in which one inch (1") shall be equal to no more than one hundred feet (100').
2. The exact size and location on the lot of existing buildings, structures, driveways and off-street parking and loading areas, and type and location of all utilities including wells and septic.
3. The location of all required setbacks and of all easements.
4. The location and name of all Town or State streets, roads, or highways that pass through or adjoin the lot or, if no such street, road, or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road, or highway.
5. Principal features on the site and within 200' of the site including stone walls, sites listed on the National Register of Historic sites, soil classifications as determined by the Soil Conservation Service, inland-wetlands and water courses as regulated by the Town of Windham Inland Wetlands Commission, species and diameter for all trees with trunk caliper of 12" or more at BH, densely wooded areas and open spaces.
6. Existing contours, at an interval not to exceed ten (10) feet and spot elevations to convey an accurate picture of current topographic conditions. Where necessary, the Commission or its Agent may require the presentation of contours at an interval of two feet or less.
7. Boundaries of the Special Flood Hazard Area; Channel Encroachment Lines; Base Flood Elevation, as determined by the best available information.

c) Proposed Development Plans: The following information on the proposed development is required; the plans shall show how the Standards for development per Section 74 of these Regulations shall be met:

1. A demarcation line denoting the limit of construction activity.
2. Contours and spot elevations at two-foot or fewer intervals for all areas proposed to be re-graded.
3. Where a proposal will disturb more than one-half (1/2) acre, an erosion and sedimentation control plan in accordance with these Regulations.

4. Location and dimensions of buildings and other proposed uses, tabulations of land coverage for buildings and other uses, identification of required yard and setbacks, proposed floor elevation for all buildings. Dimensional plans of floors and elevations of all proposed or existing structures, and specifications to indicate the size, kind, and quality of the proposed construction.
 5. Location, dimensions, and construction details of all public and private streets and access drives, pedestrian walkways and paths, and all parking and loading facilities and approaches including the number and dimensions of parking spaces; and snow storage areas for all hard surfaces.
 6. Landscaping plan including identification of areas to remain natural and undisturbed, areas to be professionally landscaped including the types, size and number of trees, shrubs and grassed areas.
 7. Location, type and height of proposed fences, screens and buffer areas.
 8. Location and construction details of proposed water, sewer, and gas mains, electrical transmission lines and other utilities necessary to service the development. Anticipated flows through utilities, where appropriate, shall be provided.
 9. Location and construction details of proposed service areas including access ways, buffering and screening.
 10. Location, dimensions and construction details of proposed storm drainage.
 11. Lighting plan that shows the location, intensity, size, and design of all proposed exterior lights, and shall be in compliance with Section 77 of these Regulations.
 12. Signage plan that shows the location, size, height, design details and content of all proposed signs, including street signs, and shall be in compliance with Section 72 of these Regulations.
 13. Preliminary plan and elevation drawings of proposed, or expanded or improved existing structures, including generalized interior layout, indicating size, orientation, uses, and design of structures and the materials used. All detail shall be shown at a scale not to exceed 1/8" - 1'0".
 14. Locations and description of all covenants, easements and any provisions for construction and maintenance of any public improvements.
- d) Phasing. If the proposal includes a phasing of the development over time, the following information is required:
1. The area to be included in each phase, the uses to be proposed for each phase, and the time of completion of each phase.
 2. If approval is being sought for only a portion of the applicant's land, an indication of the anticipated or likely nature of development in the remaining portion of the site shall be provided including uses, densities, circulation and possible phasing.
 3. Where the applicant intends to subdivide the property, it should be so indicated on the site plan and final approval of such subdivision plan from the Commission may be made a condition of final approval of the site plan.

4. Where the effect on the existing conditions of the site and its surroundings will result in a major change in conditions, the Commission may require a public hearing to consider the impact on the public and may request the applicant to present additional information.

61.3.2 Site plans need not be based upon an A-2 survey if the proposed activity (i) does not involve the construction or alteration of a principal building, full foundation or frost wall, and (ii) is not located within five (5) feet of any required minimum setback. However, an applicant who does not submit an A-2 survey is acting at his or her own risk; the site plan shall contain the following note:

"All information, technical or otherwise, presented on these plans and in the application, was presented by the applicant as accurate, and neither the Town nor any of its agents, agencies, employees or officials have independently verified this information. Neither the Town, its agents, agencies, employees or officials have, nor may be imputed or charged with, any responsibility or liability for any inaccuracy, nor suffer any liability for damages, claims, inconvenience or losses, whatsoever, which may result from any inaccuracy

61.3.3 . Where these Regulations do not require a site plan to accompany an application to the Zoning Agent or the Commission for a permit or certificate, the Zoning Agent or Commission, as the case may be, may require the applicant to prepare and submit a site plan to assist in the review of the application. Notwithstanding, should the Zoning Agent or Commission require a site plan in these circumstances, the Zoning Agent or Commission may require such information, or may waive, without notice or writing, the presentation of any information, set forth for site plans in Section 61.

61.4 ADDITIONAL APPLICATION REQUIREMENTS

61.4.1 The Commission or its designated agent may require the applicant to submit additional information if it finds that such information is necessary or would be helpful in determining whether the proposed building, structure, or use conforms to these Regulations. Such additional information may include, but is not limited to, the following:

- a) A key map at a scale of one inch (1") equal to not more than one thousand feet (1,000') to assist in locating the property.
- b) The location of all test pits, test borings, and percolation test holes, together with copies of any data gathered with respect to such pits, borings, holes and tests.
- c) Where any hazardous materials or wastes to be produced, used, stored, or disposed of on the lot a statement that they are/will be managed according to State and Federal laws and regulations. .
- d) The location of natural features including, but not limited to, rock outcroppings, slopes in excess of fifteen percent (15%), soil types, forested areas, and vegetation types.
- e) A report from a CT State Forester on the health and condition of a specific tree or trees.
- f) The location and a description of all proposed surface or subsurface drainage improvements, facilities, or structures.
- g) The locations and numbers of all existing monuments, iron pins, reference marks, and proposed monuments or iron pins.
- h) Existing topographic contour lines of the premises and proposed final contour lines resulting from intended excavation, removal or filling, shown on a map drawn to scale

of not more than forty (40) feet to the inch, and with contour intervals no greater than five (5) feet. Where feasible, contour lines must be shown for all areas within the site and on any adjacent properties within (50) feet of the site of the proposed excavation, removal or filling.

61.5 WAIVER OF CERTAIN REQUIREMENTS FOR APPLICATIONS

The Commission or its designated agent may waive any of the requirements for a zoning site plan if the applicant requests such a waiver in writing, specifying the subsections proposed to be waived and the reasons for such waiver(s), and the Commission or its designated agent determines that the information is not needed to determine whether the proposed use or structure conforms with the requirements of these Regulations.

61.6 REVIEW OF APPLICATIONS BY THE ZONING AGENT

In situations in which these Regulations do not require the approval of a site plan by the Commission, the Zoning Agent shall approve the site plan if the proposed use, as depicted on the site plan, complies with all applicable provisions of these Regulations, or shall deny the site plan if it does not comply. The Zoning Agent shall not employ the standards set forth in Section 61.8 in reviewing a site plan; those standards are to be employed solely by the Commission when the regulations require review of a site plan by the Commission.

61.7 APPROVAL OF APPLICATIONS BY THE COMMISSION

In situations in which these Regulations require the approval of a site plan by the Commission, the Commission may:

- deny an incomplete application, or
- approve the site plan if the proposal, as depicted on the site plan, complies with all applicable provisions of these Regulations, or
- deny the site plan if it does not comply, or
- modify and approve, or approve with conditions, a proposed site plan if it determines that such modifications or conditions would cause the proposed building, use or structure to better comply with the provisions of these Regulations and in consideration of the items set forth in Section 61.8.

The Commission may seek assurance of completion of any public improvements as permitted by Connecticut General Statutes applicable at the time of approval.

61.8 SITE PLAN REVIEW CONSIDERATIONS FOR COMMISSION REVIEW

In reviewing a Site Plan Application, the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate area, in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

Public Safety: All buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

Public Health: That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, and land pollution.

Traffic and Pedestrian Access: All proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade,

alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

Circulation and Parking: Adequate parking and loading spaces are provided to prevent congestion; that all parking spaces and maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed with sufficient turning radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

Environmental Features: That the development of the site will preserve sensitive environmental land features, such as steep slopes, wetlands, and large rock outcroppings and will attempt to preserve public scenic views or significant features. That the excavation, filling, grading and removal of earth materials and the removal of existing vegetation is limited to the extent necessary to reasonably accommodate the needs of the proposed or existing uses while avoiding substantial and unnecessary changes to the landscape.

Water Quality and Quantity: The design of stormwater drainage systems minimizes soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels. Practices as outlined in the 2004 Stormwater Quality Manual of the Connecticut DEP (as updated), shall be followed.

Soil Erosion and Sediment Control: The design of soil erosion and sediment control plans are such as to reduce the danger from storm water run-off, minimize non-point sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the Town and is consistent with the Connecticut Erosion & Sedimentation control Guidelines as updated.

Landscaping and Screening: The general landscaping of the site complies with the purpose and intent of the Performance Standards outlined in Section 74 of these regulations; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

Lighting: Lighting of the site is adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. Glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way, and the general lighting of the site complies with the purpose and intent of Section 77 of these regulations.

Utilities: That the placement of electric, telephone, or other utility lines and equipment are underground where possible and so located and coordinated with other utilities to avoid adverse impact on groundwater.

Compatibility: The location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the surrounding uses and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure. The Commission may consider the proper functional, visual, and spatial relationships of all structures, buildings, landscaped elements, and paved areas.

Natural and Historical Resources. The site plan minimizes any damage or destruction to locally significant natural or historical resources.

61.9 AFTER APPROVAL OF SITE PLANS

61.9.1 Filing Requirements.

- a) If approved by the Zoning Agent, the site plan shall be filed with the Zoning Office.
- b) If approved by the Commission, the applicant shall submit six copies of the approved Site Plan, showing any required revisions. Any conditions of approval shall be so noted.

61.9.2 Conformance to Approved Plans. Site development shall proceed in accordance with plans approved by the Commission or its Agent. Any deviations proposed by an applicant to an approved Site Plan shall be submitted to the Zoning Enforcement Officer for review and approval by the staff or by the Commission, as required. Any deviations made prior to such review and approval shall constitute a violation of the permit.

61.9.3 Suspension. Any authorized Site Plan shall be subject to suspension through a Cease and Desist Order if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant(s), user(s) and/or owner(s).

61.9.4 Amendments. The Zoning Agent shall determine whether a proposed deviation from an approved Site Plans requires a Minor or a Major Amendment.

- a) Major amendments to approved Site Plans shall be considered for approval by the Commission. Major amendments are those that may result in additional impact to the appearance and/or intensity of use of a site.

The request for a Major Amendment to a Site Plan shall not subject the entire application to review by the Commission, only that portion necessary to allow the Commission to rule on the specific issue requiring relief.

- b) Minor amendments to approved Site Plans may be approved by the Zoning Agent if such deviations are the result of site conditions or a change in circumstances, and provided such deviation shall have no additional impact and complies with all appropriate zoning standards.

61.9.5 Certificate of occupancy. Prior to a certificate of occupancy being issued by the Building Official, the Zoning Agent shall issue a certificate of zoning compliance indicating that the site improvements have been completed in accordance with the approved site plan. The Commission or its agent may require an "As-Built" certified plot plan and any other information which may be necessary to make a determination as to compliance with these regulations.

61.9.6 Abandonment/Renewal. If the building(s), structure(s), use(s) or work for which the site plan was approved is not commenced within two (2) years after the date of approval, or authorized work is suspended or abandoned for a period of 6 months after the time of commencing the work, the site plan shall become null and void, unless a request for an extension is sought and granted.

SECTION 62 SPECIAL EXCEPTION/PERMIT PROCESS (entire section revised 9/25/12)

62.1 PURPOSE: The purpose of the special exception/permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s)

in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare, and convenience of the members of the community. It is intended to insure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in an unreasonable decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special exception/permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface-water, and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

The term 'special permit' shall be used in this Section of the Regulations in place of the term 'special exception/permit' unless reference is made to the granting of a Special Exception by the Zoning Board of Appeals in accordance with Section 92.

In addition to any other civil or criminal remedies or penalties available to the Commission or the Town under any regulation, charter, law, statute or ordinance, the Commission may deny an application for a Special Permit (or any modification, change or amendment thereto), or, in lieu of denial, provide for conditions, when the Commission finds, after the public hearing, that the property subject to the application, any improvement thereon, or any use thereof, is in substantial violation of one or more of the provisions of these regulations. Should the Commission decide to impose conditions hereunder when issuing a permit, the conditions may include those conditions prescribed generally under these regulations and one or more of the following:

1. That the applicant take affirmative and complete measures to cause the property to come into compliance, prior to the issuance of a certificate of zoning compliance for some of all the activities allowed under the special permit to commence, and in doing so may provide for incremental compliance under a time schedule which, if not strictly met, will result in an expiration of the special permit;
2. That the applicant supply a bond, letter of credit, or other security, to ensure the due and proper execution or the measures set forth in subparagraph 1 hereof, and their strict completion, in an amount which may be up to 150% of the costs estimated to cause compliance. The estimate shall be based upon the cost estimate of the Town staff, or, at the election of the Commission, by way of an independent qualified cost estimators, at the sole expense of the applicant;
3. That the applicant permit access to the property to the Commission and/or its agents to inspect and confirm the compliance, and, to permit its contractors, agents, employees and other officials to access the property and to use the security money so as to conduct work and otherwise cause compliance. In addition, the Commission may make provision that when any Town official, employee, contractor or agent does any work on or inspects said property, or both, the applicant shall provide, at the applicant's sole cost and expense, a general liability insurance policy in customary terms and amount naming the Town, its agents, contractors and officials, as additional insured. The failure to timely provide such insurance shall allow the Town to use the security money to purchase the said insurance. In furtherance of such a condition, the Commission may require that the insurance policy be provided at the time of the posting of the security with the Town, and that the applicant provide a license or easement to the Town, together with releases of general liability in such form and content as are approved by the Commission and/or its agents.

4. Nothing herein shall in any way limit or waive any of the Town's rights to enforce the regulations allowed by law nor in any forum or proceeding, nor limit or waive any of the remedies the Town may seek for an existing or future violation, including fines and penalties; nor may any denial or condition imposed herein be used as any defense or plea in abatement in any court or administrative proceeding in which the Town seeks to enforce its regulations as aforesaid. Nothing herein, nor any condition imposed upon a permit, shall require the Commission or the Town to perform any work, nor, if in performing it, to complete it nor to perform it to any standard of quality whatsoever .

62.2 WHEN REQUIRED

A Special Permit shall be required for all uses specifically listed in these Regulations, or any material change to a previous approved special permit use, building or its site. When the use of land or a building or structure existed prior to the adoption of these regulations which is only allowed hereafter upon approval as a Special Permit, such existing use shall be considered a permitted use, provided the provisions of this section shall apply to all proposed changes to such existing use.

Where two or more Special Permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in case of two or more Special Permit uses in the same building, whichever requirements shall be more restrictive.

62.3 APPLICATION PROCEDURES

Prior to the submission of a formal application, any proponent of a use permitted only by Special Permit may request the opportunity to place such proposal on the agenda of a meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or identifying areas of concern. Neither the proponent nor the Commission shall be in any way bound by any statement made in such informal discussions, as the purpose is 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

62.3.1 Need for site plan approval. Any special permit approved by the Commission shall require a site plan application to be submitted and approved in accordance with the provisions of Section 61. The applicant may submit the site plan concurrent with the special permit application; or, the applicant may submit a conceptual site plan with the special permit application.

62.3.2 Applications. Applications for special permits shall be filed with the Commission on a form provided by the Commission one week prior to a regular meeting; the date of receipt shall be the day of the next regularly scheduled meeting. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property or his/her authorized agent giving consent for the Commission and its agent(s) to inspect the property, upon reasonable prior notice to the landowner, for purposes of determining compliance with the applicable regulations. Twelve (12) copies of each application shall be submitted, accompanied by twelve (12) copies of a special permit site plan, which shall be based upon and include a Boundary Survey to Class A-2 horizontal accuracy, stamped and sealed by a

Connecticut-licensed surveyor, showing all revision dates and necessary definitions and legends, at a scale of one inch (1") equal to no more than forty feet (40'), and also showing:

- a) The items specified for a zoning site plan under Section 61.3 of these Regulations.
- b) A key map at a scale of one inch (1") equal to not more than one thousand feet (1,000') to assist in locating the property.
- c) The location of all test pits, test borings, and percolation test holes, together with copies of any data gathered with respect to such pits, borings, holes and tests.
- d) The nature and amount of all hazardous materials or wastes to be produced, used, stored, or disposed of on the lot, and the manner in which such production, use, storage, or disposal will be carried out.
- e) The location of all slopes in excess of fifteen (15) percent, soil types, rock outcroppings, and forested areas on the lot.
- f) The location and a description of all measures to be used to prevent soil erosion and sedimentation.
- g) The location and a description of all proposed surface and subsurface drainage improvements, facilities and structures.
- h) The location and a description of all existing and proposed exterior lighting and signs.
- i) The volume and nature of any material to be used as fill and of any material to be excavated.
- j) Each application for a special permit shall also be accompanied by twelve (12) copies of the schedule for all construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping, and drainage improvements.

62.4 WAIVER OF CERTAIN REQUIREMENTS FOR SPECIAL PERMITS

62.4.1 The Commission may waive any of the requirements for special permit site plans under Section 62.3 of these Regulations if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application. Any request for a waiver under this section shall be submitted to the Commission, in writing, at the time of and together with the submission of the application. Such request for a waiver shall specify the requirements the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall render a decision on any timely filed request for waiver within 35 days after the day of receipt of the application to which it pertains.. Applications that includes requested waivers. when approved shall presume the granting of the waivers unless specifically declared not to be waived.

62.5 ADDITIONAL REQUIREMENTS FOR APPLICATIONS

62.5.1 The Commission may require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to these Regulations. Such information may include, but is not limited to, the following:

- a) Chemical analyses of existing surface water and groundwater.

- b) Hydrological analyses of runoff and peak flows, both before and after development.
- c) Analyses of local air quality, both before and after development.
- d) Depths to seasonal high groundwater levels and bedrock.
- e) Analyses of wildlife habitats on and near the site and the impact of the proposed use on such habitats.
- f) A description of vegetation types, including any rare or endangered species, on the lot to be used under the application.
- g) A list of all other federal, state or municipal permits or licenses the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.
- h) Architectural or engineered drawings of any proposed buildings or structures.
- i) Existing and proposed (finished grade) contours at intervals of no less than two (2) feet.
- j) A description of proposed lighting fixtures, including illumination levels.
- k) A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, all streets abutting or passing through the property affected by the application, and also indicating the projected impact of the proposed use on such traffic conditions.

62.6 STANDARDS FOR SPECIAL PERMITS. All buildings, structures and uses for which a special permit is required under these Regulations must meet the applicable standards set forth throughout these Regulations, including, but not limited to, the considerations set forth in Section 61.8. In addition, the following standards shall apply to special permit uses:

Relation of Buildings to Environment. The size and intensity, as well as the design, of the proposed project or development shall be related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity of the site. The use shall not create a nuisance to neighboring properties, whether by noise, air, or water pollution; offensive odors, dust, smoke, vibrations, or lighting; or other effects.

Neighboring Properties. The proposed uses shall not unreasonably adversely affect the enjoyment, usefulness and value of properties in the general vicinity thereof, or cause undue concentration of population or structures.

62.7 CONDITIONS. The Commission may place on any special permit such conditions that are necessary to assure that any proposed building, structure, or use (i) will conform to the standards and limitations set forth in these Regulations, including, but not limited to, the Health and Environmental Standards; (ii) will protect the rights of individuals and the health, safety, welfare, and convenience of local residents and the community; (iii) will protect local property values; and (iv) will meet the specific standards set forth in Section 62.6 and other applicable sections of these Regulations. The conditions may relate to, without limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure, or use. The Commission may also condition the issuance of any special permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special permit.

62.8 SPECIAL PERMIT PROCEDURES

62.8.1 Public Hearing. Within sixty-five (65) days after the date of receipt of an application for a special permit, the Commission shall commence a public hearing on the application. For the purposes of this Section, the date of receipt of an application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner. The applicant may agree to an extension of time for the Commission to commence a public hearing, provided such extension is within the limits established by state law. The hearing may be continued one or more times, but it must be concluded no later than thirty-five (35) days after the date of commencement unless the applicant agrees to an extension of time within the limits established by state law.

62.8.2 Notice of Public Hearing. The Commission shall hold a hearing on all applications for a Special Permit, and shall follow the procedures outlined in Connecticut General Statutes 8-7d.

a) In addition to the published notice, each applicant for a Special Permit shall provide notice of such hearing to the public using the following methods:

- i. The applicant shall erect or cause to have erected a sign(s) on the property affected by the proposed Special Permit at least 10 days prior to the public hearing on such Special Permit. If more than one street abuts the property, a sign shall be erected next to, and shall be clearly visible from, each abutting street. At least one sign shall be required for every 200 feet of lot frontage, and each sign must be clearly visible from the abutting street. The signs shall be acquired from the Office of the Planner for a specified fee. Each sign shall be securely fastened or staked, be clearly visible from the streets abutting the applicant's property and be maintained as such until three days following the public hearing. For purposes of this section only, street shall include unaccepted streets for which the Town has no maintenance responsibility and shall include any streets shown on a subdivision plan approved by the Commission on which the bond for required public improvements has been posted and on file in the Town Clerk's office.
- ii. A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of an applicant to comply with this requirement may be grounds for automatic denial of the Special Permit, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.
- iii. Each application for a Special Permit shall include a list, prepared by the applicant, of the names and mailing addresses of the owners of all of the properties abutting the applicant's property as shown in the most recent records on file in the Town Tax Assessor's Office (or the actual owner of record if otherwise known to the applicant). Abutting property owners shall include owners located directly across the streetline as well as contiguous property owners. The applicant shall mail notification of said pending application to at least one owner of each such property ten (10) to fifteen (15) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the

Planning Office along with the above said list of property owners, not less than five (5) calendar days prior to the hearing date. Failure to comply with any of the procedures required herein shall be deemed valid basis for denial of a Special Permit request.

iv. A property which does not abut a street must comply with section iii only.

62.8.3 Decision. Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (i) approve the special permit and the special permit site plan as submitted; (ii) approve the special permit and special permit plan site with conditions or modifications, as provided under these Regulations; or (iii) deny the special permit and special permit site plan. The applicant may agree to an extension of time for the Commission to render its decision, provided such extension is within the limits established by state law. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the town of Windham, and also sent by certified mail to the applicant, within fifteen (15) days after the decision has been rendered.

62.9 AFTER APPROVAL OF SPECIAL PERMIT

62.9.1 Filing Requirements.

- a) The applicant shall submit six copies of the approved Site Plan, showing any required revisions. Any conditions of approval shall be so noted.
- b) The applicant shall file a Notice of Action with the Windham Town Clerk per the requirements of Connecticut Statute Section 8-3c.

62.9.2 Conformance to Approved Plans. Site development shall proceed in accordance with plans approved by the Commission or its Agent. Any deviations proposed by an applicant to an approved Site Plan shall be submitted to the Zoning Enforcement Officer for review and approval by the staff or by the Commission, as required. Any deviations made prior to such review and approval shall constitute a violation of the permit.

62.9.3 Suspension. Any authorized Special Permit and Site Plan shall be subject to suspension through a Cease and Desist Order if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant(s), user(s) and/or owner(s).

62.9.4 Amendments. Under these Regulations, a site plan is a separate approval even if approved in one vote as part of a special permit application. Therefore, modifications to a site plan shall not require a modification to a special permit unless, in the discretion of the Commission, the modifications are of such a significant character that a public hearing should be held. In those cases, the Commission shall treat the application as a modification to a special permit and the applicant shall submit an application for a special permit. In the event a filed application for a site plan modification shall be treated by the Commission as a special permit modification, the Commission may deny the site plan application for this reason, or the applicant may withdraw and re-file the application as a special permit application.

62.9.5 Certificate of occupancy. Prior to a certificate of occupancy being issued by the Building Official, the Zoning Agent shall issue a certificate of zoning compliance indicating that the site improvements have been completed in accordance with the approved site plan. The Commission

or its agent may require an "As-Built" certified plot plan and any other information which may be necessary to make a determination as to compliance with these regulations.

62.9.6 Abandonment. If the building(s), structure(s), use(s) or work for which the site plan was approved is not commenced within two (2) years after the date of approval, or authorized work is suspended or abandoned for a period of 6 months after the time of commencing the work, the site plan shall become null and void.

62.10 REAPPLICATION. No special permit shall be granted to any applicant for a building, structure or use if a previous application by the applicant, or by a different applicant on behalf of the same party in interest, for substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits within one (1) year prior to the submission of the new application to the Commission.

The following sections are to be renumbered from Section 62 to Section 84; there are no text changes. Any references to these sections within the Regulations will be revised to reflect the new numbering.

SECTION 84 - Other regulations applicable to specific uses

84.1 (Formerly 62.6.1) CHILD DAY CARE CENTERS/FACILITIES

84.2 (Formerly 62.6.2) HOSPITALS AND HOMES

84.3 (Formerly 62.6.3) PUBLIC UTILITY SUBSTATIONS

84.4 (Formerly 62.6.4) ADULT USES

84.5 (Formerly 62.6.5) VEHICLE WASHING FACILITIES

84.6 (Formerly 62.6.5) COMMERCIAL RADIO AND TELEVISION TOWERS

84.7 (Formerly 62.6.8) CLUSTERED MULTI-FAMILY DEVELOPMENT