

SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission

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**RPC  
Representatives**

**Bethany:**  
Michael Calhoun

**Branford:**  
Charles Andres

**East Haven:**  
Vacant

**Guilford:**  
Vacant

**Hamden:**  
Ryszard Szczypek

**Madison:**  
Christopher Traugh  
(Chair)

**Meriden:**  
David White

**Milford:**  
Benjamin Gettinger

**New Haven:**  
Kevin DiAdamo  
(Vice Chair)

**North Branford:**  
Douglas Combs

**North Haven:**  
James Giulietti

**Orange:**  
Paul Kaplan

**Wallingford:**  
Vacant

**West Haven:**  
Christopher Suggs

**Woodbridge:**  
Peggy Rubens-Duhl

**AGENDA**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Agenda for Thursday, April 10, 2014 RPC Meeting, 5:15pm @ SCRCOG  
Offices: 127 Washington Avenue, North Haven, CT 06473

**1. Administration**

1.1. Minutes of the March 13, 2014 RPC Meeting 1

**2. April Action Items**

2.1. City of Shelton: Proposed Zoning Regulation Amendments pertaining to Medical Marijuana Dispensaries and Production Facilities. Submitted by: City of Shelton. Received: March 26, 2014. Public Hearing: May 28, 2014. 3

2.2. Town of Clinton: Proposed Zoning Regulation Amendments to Sections 4, 26 and 31. Submitted by: Town of Clinton. Received: March 12, 2014. Public Hearing: May 5, 2014. 9

**3. Other Business**

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**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, March 13, 2014 Meeting

**Present:** Christopher Traugh, Kevin DiAdamo, Charles Andres, Peggy Rubens-Duhl, James Giulietti, Richard Szczypek, David White, Doug Combs, Michael Calhoun, Eugene Livshits

**1 Administration**

*1.1 Minutes of the November 14, 2013 RPC meeting.*

The minutes have been amended to reflect that Peggy Rubens-Duhl was present during the November 14, 2013 RPC meeting.

Motion to accept the minutes as amended: Peggy Rubens-Duhl. Second: Richard Szczypek. Vote: Unanimous.

**2 Statutory Referrals**

*2.1 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Farms and Farming Operations, specifically Section 1.4, Section 3, Section 26.4, and Schedule 24*

The staff recommendation has been amended to reflect that there is potential for negative impacts to the habitat and ecosystem of the Long Island Sound due to the 100 foot setback being applicable to only water bodies from which water is taken for human consumption.

By resolution, the RPC has determined that the Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region. There is potential for negative impacts to the habitat or ecosystem of the Long Island Sound due to the limitation of the setback requirement in Section 26.4.6 (2) to only water bodies from which water is taken for human consumption. Please consider making the 100' setback requirement to be applicable to any body of water which flows into the Long Island Sound.

Motion to Accept as Amended: Kevin DiAdamo. Second: Michael Calhoun. Vote: Unanimous.

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*2.2 Town of Branford: Small Cities CDBG Application – Letter of Support*

The letter of support has been amended to add the word “with” after the word “consistent”.

By resolution, the RPC recommends that the Department of Community and Economic Development award the Town of Branford a grant to fund renovations and improvements to Parkside Village I and II. The proposal is consistent with and meets important housing goals identified in the South Central Regional Plan of Conservation and Development of providing a diverse and affordable housing stock.

Motion to Accept as Amended: Richard Szczypek. Second: Douglas Combs. Vote: Unanimous.

Motion to add Town of Hamden Referral: Christopher Traugh. Second: Kevin DiAdamo. Vote: Unanimous.

*2.3 Town of Hamden: Proposed Zoning Regulation Amendment: Section 670.5 – Temporary Moratorium on the Issuance of Zoning Permits for Student Housing*

By resolution, the RPC has determined that the Proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: James Giulietti. Second: David White. Vote: Unanimous.

**3 Other Business**

*3.1 Officers and Executive Committee Members:*

Chairman:	Kevin DiAdamo, New Haven
Vice Chairman:	Douglas Combs, North Branford
Secretary:	James Giulietti, North Haven
Executive Committee:	Kevin DiAdamo, New Haven
	Douglas Combs, North Branford
	James Giulietti, North Haven
	Charles Andres, Branford
	Peggy Rubens-Duhl, Woodbridge
	Christopher Traugh, Madison
	Christopher Suggs, West Haven

Motion to accept slate of Officers and Executive Committee Members: Peggy Rubens-Duhl. Second: David White. Vote: Unanimous

Motion to Adjourn: Christopher Traugh. Second: Peggy Rubens-Duhl. Vote: Unanimous.

## **Referral 2.1: City of Shelton**

**Subject:** Proposed Zoning Regulation Amendments pertaining to Medical Marijuana Dispensaries and Production Facilities

### **Staff Recommendation:**

The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

### **Background:**

The City of Shelton has drafted regulations regarding Medical Marijuana Dispensaries and Production facilities (Proposed Section 33.20). The proposed regulations recognize that the palliative use of marijuana is authorized by the Connecticut General Statutes and regulated by the Department of Consumer Protection. Both “dispensary” and “production” facilities are defined in the regulations.

Dispensary facilities would be permitted, subject to special exception and site plan approval, in the Commercial CB-2, Commercial CA-3, and the Industrial IB-2 Districts. Production facilities would be permitted, subject to special exception and site plan approval, in the Industrial IB-2 District.

The entrance to a dispensary and/or production facility must be at least 300 feet from a private recreation area, school, playground, park, child day care facility, or a site occupied by a building used primarily for religious worship. The entrance to a dispensary and/or production facility cannot be on a site that is less than 750 feet from any property that is zoned single-family residential. Such facilities cannot be within a building used for residential purposes or that contains another dispensary or production facility.

Off-street parking must comply with Section 42 of the zoning regulations. The final section of the proposed regulations (33.20.7) outlines the requirements for conditional approval.

Shelton is adjacent to the following municipalities in the South Central Region: Milford and Orange. The zones impacted by the proposed regulations are not within 500 feet of Milford or Orange.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

**PLANNING AND ZONING COMMISSION, CITY OF SHELTON**

54 Hill Street, Shelton, CT 06484 (203) 924-1555 EXT. 361

Ruth Parkins – Chairman

Richard D. Schultz, AICP – Planning and Zoning Administrator



**ZONING/PLANNING REFERRAL TRANSMITTAL**

Date: 3/20/14

TO: Carl Amento, Exec. Dir., South Central Reg. Council of Gov.

FROM: SHELTON PLANNING AND ZONING COMMISSION

BY: Richard D. Schultz, AICP

PROPOSAL/PROJECT: Text Amendment Initiated by the Shelton PZC; Medical

Marijuana Dispensary and Production: Section 33.20

The subject proposal/project is referred to you by the Shelton Planning and Zoning Commission in accordance with the indicated provisions of the Connecticut General Statutes. A general description of the proposal/project is enclosed, but should you require additional information, please contact this office at 924-1555, extension 361.

- (X) Section 8-3b Notice to Regional Planning Agency of Proposed Zone or Zone Use Change.
- ( ) Section 8-3h Applications for projects within 500 feet of the City Line or with significant impacts on adjacent Town (traffic, drainage, etc.).
- ( ) Section 8-26b Subdivisions abutting the City Line.
- ( ) Section 8-26f Projects within 500 feet of the City Line or with significant impacts on adjacent Town.
- ( ) Section 22a-104e Zoning Regulations, Plan of Development and other changes within the designated Coastal Area.
- ( ) Section 22a-105 Coastal Site Plan Reviews

A public hearing/meeting on the subject proposal/project has been scheduled for May 28, 2014 at 7:00 P.M. at the Shelton City Hall.

Attachments: Proposed Text Amendments

**DRAFT**

**Medical Marijuana Dispensary and Production Zoning Regulations**

**Initial Draft of 10/22/13; Rev. 11/22/13**

(Proposed Section 33.20) Medical Marijuana Dispensary and Production

Amend **SECTION 33 – SPECIAL EXCEPTIONS** by renumbering Section 33.20 as 33.21 and inserting a new Section 33.20 as follows:

**Section 33.20 Medical Marijuana Dispensary and Production:** The palliative use of marijuana for medicinal purposes has been authorized by the Connecticut General Statutes and is regulated by the State Department of Consumer Protection. It is the intent of these zoning regulations to accommodate the production and dispensing of such medical marijuana, with appropriate limitations to acceptable locations, conditions and standards applicable within the City of Shelton. The purpose of this Paragraph is to regulate the location and operation of medical marijuana dispensary facilities and production facilities in such a manner as to minimize any adverse impacts of such facilities, and to protect and preserve Shelton’s residential neighborhoods, commercial districts, property values and quality of life. Such limitations are in addition to all applicable requirements, criteria and standards set forth for the use in the State Statutes.

33.20.1 **Definitions.** For purposes of this Paragraph of the Regulations, the terms “Dispensary facility” and “Production facility” shall mean as described in the Statutes, which currently define them as follows:

- A** “**Dispensary facility**” means a placer of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-155 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

**B. “Production facility”** means a secure, indoor facility where the production of medical marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Public Act 12-155 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

33.20.2 **Applicability:** Such facilities shall only be located as follows:

A. Medical marijuana dispensary facilities shall be permitted only in the following zones, subject to Special Exception approval in accordance with Section 33.20 of these Regulations, and site plan approval in accordance with Section 31 of these Regulations, and the requirements of this section:

1. Commercial CB-2 and CA-3 Districts
2. Industrial IB-2 District

B. Medical marijuana production facilities shall be permitted only in the following zone, subject to Special Exception approval in accordance with Section 33.20 of these Regulations, site plan approval in accordance with Section 31 of these Regulations, and the requirements of this section:

1. Industrial IB-2 District

33.20.3 **Separation Requirements.** Uses identified in this section shall be subject to the following separation restrictions:

A. No entrance to a medical marijuana production and/or dispensary facility shall be allowed within three hundred (300) feet of any site occupied by a church, temple or other building used primarily for religious worship, private recreation area, or a school, playground, park or child day care facility.

- B. No entrance to a medical marijuana production and/or dispensary facility shall be allowed on a site that is less than 750 feet from any property that is zoned principally for single-family residential use as a permitted use. (i.e. R-1A, R-1, R-2 and R-3)
- C. No medical marijuana production and/or dispensary facility shall be allowed within any building, structure any portion of which is used for residential purposes, or that contains another medical marijuana dispensary facility or production facility. Such restriction shall not prevent the establishment of a combined production and dispensary facility, provided both are under a single ownership and permitted by the State.
- D. All distances contained in this section shall be measured by taking the nearest straight line between the facility entrance and the lot boundaries of any site containing the protected use.

33.20.4 **Sign and Exterior Display Requirements:**

- A. Exterior signage shall be restricted to a single sign no larger than 24" x 36". No graphics of any kind will be allowed, and the text will be limited to the street address of the facility and/or such other information as may be mandated by the State of Connecticut.

33.20.5 **Off-Street Parking Requirements:**

- A. Required off-street parking shall be in compliance with Section 42 of these Regulations.



33.20.6 **Security Requirements:**

- A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana, utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.

33.20.7 **Conditional Approval:**

- A. Special Exceptions shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).
- B. The conditional approval shall become automatically finalized upon the receipt by the Shelton Planning and Zoning Commission of a copy of the appropriate permit(s) issued by the Department of Consumer Protection.
- C. If the applicant fails to provide the Shelton Planning and Zoning Commission with a copy of the required permit(s) from the Department of Consumer Protection within six (6) months of the date of the Commission's conditional approval, such conditional approval shall automatically expire without further action by the Commission.

A six (6) month extension of such conditional approval shall be granted to the applicant upon written notification to the Shelton Planning and Zoning Commission that an application for a Department of Consumer Protection permit has been filed, indicating the expected decision date of the Department of Consumer Protection on said permit.

## **Referral 2.2: Town of Clinton**

### **Subject:**

Proposed Zoning Regulation Amendments to Sections 4, 26 and 31

### **Staff Recommendation:**

The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

### **Background:**

The Town of Clinton has proposed several Zoning Regulation Amendments in the following Sections 4, 26 and 31. The amendments in Section 4: changes references of CRERPA to RiverCOG. Language has been added to Section 4.14.3 which states that the Commission is not an applicant when it considers and acts upon changes to zoning district boundary lines (deleted from 4.14.5) and notification requirements have been developed when a Zoning Map Amendment is initiated by the Commission. In Section 4.24: Lighting Plan the following has been added to the title “when required to be submitted, shall confirm to the following standards:” (also 4.25 – Traffic Study and 4.26 – Landscaping Plan). Sections 4.24.1, 4.25.1 and 4.26.1 have been deleted; the sections stated that the plans are required with each application. New Sections 4.27 – Shopping Cart Management Plan, 4.28 – Site Access Plan and 4.29 – Viewshed Analysis have been proposed with applicable standards/conditions. Section 26.2.19 further explains what constitutes a home occupation and Section 31 contains a few minor edits.

### **Communication:**

In researching this proposal, I notified the adjacent municipality in the South Central Region.

**From:** Jullie Pudem [<mailto:jpudem@clintonct.org>]  
**Sent:** Wednesday, March 12, 2014 11:37 AM  
**To:** [ldudek@townofkillingworth.com](mailto:ldudek@townofkillingworth.com); [jangelini@westbrookct.us](mailto:jangelini@westbrookct.us); Town Clerk  
([keelers@madisonct.org](mailto:keelers@madisonct.org)); Eugene Livshits; JH Torrance Downes ([jhtdownes01@yahoo.com](mailto:jhtdownes01@yahoo.com));  
Carol Szymanski ([Carol.Szymanski@ct.gov](mailto:Carol.Szymanski@ct.gov)); David M. Royston ([droyston@dpapc.com](mailto:droyston@dpapc.com));  
TownClerk  
**Subject:** Proposed Amendments - Public Hearing on May 5, 2014

Please be advised that the above referenced amendments to the Zoning Regulations (please see attached text) will be heard at a public hearing on Monday, May 5, 2014 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall.

Please forward any comments that you may have to:

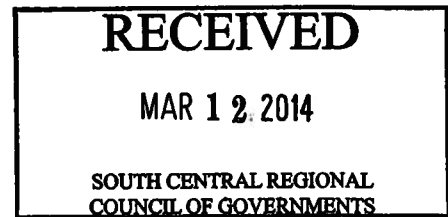
Planning and Zoning Commission  
54 East Main Street  
Clinton, CT 06413

Or

[zoningwetlands@clintonct.org](mailto:zoningwetlands@clintonct.org).

Please let me know if you have any questions.

Jullie Pudem  
Land Use Technician  
Planning & Zoning  
54 East Main Street  
Clinton, CT 06413  
(860) 669-6133 Fax: (860) 664-4469



## **Section 4**

### **Application Requirements, Procedures and Decision Process**

- 4.1 **Purpose:** The purpose of this Section is to provide a thorough explanation of the permit process, including pre-application procedures, information needed for a complete application, formal application procedures, decision making process and post approval requirements. Some uses require additional review processes and information. That is explained in the sub-sections that are pertinent.

This Section also provides the applicant with procedures that are recommended and procedures that are required. This Section covers applications to the Zoning Board of Appeals (herein after "Board"), the Planning and Zoning Commission (herein after "Commission"), and the Design Review Board (herein after "DRB").

The applications to the Commission are Site Plans (SP) and Special Exceptions (SE) as noted in Section 24 of these Regulations.

The applications to the Board are for Variances, Certificates of Approval of Location as required by the Connecticut General Statutes, and appeals of the decision of the ZEO.

The applications to the DRB include all new construction except single family homes unless located in a Village Zone, all projects to be reviewed by the Board or Commission which have changes to the façade of the existing structures, and all signs.

- 4.2 **Pre-Application Conference - Recommended for all Applications:** It is strongly recommended that the applicant request one or more pre-application conference(s) with Land Use Staff to discuss conceptual aspects of the proposed project. The pre-application conference is recommended to allow the general identification of factors and issues affecting the development of the subject site before the applicant proceeds with the application and the preparation of plans and documents for a Preliminary Review or formal submission of the application.

Proceeding without such a conference increases the likelihood of longer formal review times or denials based on insufficient information necessary for the Board or Commission to make an informed decision. No comments made during the pre-application conference with staff shall be deemed to substitute for any portion of the application or to be construed as a decision, prejudgment, or determination concerning the ultimate formal application.

No fee is required for a Pre-Application Conference.

- 4.3 **Preliminary Review - Recommended for all Applications to the Commission:** Applicants are strongly encouraged to present a preliminary conceptual plan for review by the Commission, prior to incurring costs for detailed engineering and for such other reports and information as may be required. Experience has indicated that alternatives or changes recommended by the Commission may be made more readily and economically prior to extensive engineering work.

A preliminary plan will be reviewed with a clear understanding that preliminary plans enjoy no official status and that consensus with regard to feasibility of preliminary plans on the part of the Commission in no way implies approval of the formal application.

No fee is required for Preliminary Review.

- 4.4 **Materials Required for Formal Submission of all Applications to the Commission or Board:** Applicants should begin the process necessary to obtain the reports of the agencies identified below prior to submitting a formal application to the Commission and Board for all applications. The applicant shall submit the following information for all applications, except for Appeals to the Board of the decision of the ZEO. The applicant shall ensure that all reports shall be in writing and include the project title, date prepared, and latest revision date of the plans or reports reviewed. These agencies may require more time than anticipated and compliance with the codes, regulations or policies they enforce may dictate plan changes.

- 4.4.1 A report from the Fire Marshal with respect to compliance with applicable Fire Codes.
- 4.4.2 A report from the Director of Health, or the authorized agent, with respect to compliance of the design of the subsurface sewage disposal system with the State of Connecticut, Public Health Code, where applicable.

- 4.5 **Referral to the Design Review Board (DRB) Mandatory:** All applications for new construction, except single family homes unless they are located in a Village Zone, all projects to be reviewed by the Board or Commission which has changes to the façade of an existing structure(s), and all signs are required to be reviewed by the DRB. As a report from the DRB is required to be submitted to the Board, or Commission prior to the first Regular Monthly Meeting at which the Board or Commission may consider the application, it is recommended that prior to the submission of an application to the Board, Commission or ZEO, the following steps should be taken:

- 4.5.1 **Preliminary DRB Review Meeting - Recommended:** It is recommended that the following is initiated at least three months prior to formal application to the Board, Commission or ZEO.
- (a) At the earliest point in the design process, the applicant should meet with the Land Use Staff, obtain the Design Review Regulations and Recommended Guidelines, and schedule a preliminary review with the DRB.

- (b) At the Preliminary DRB Review Meeting, the DRB will review the proposed design and discuss any design modifications that may be necessary in order for the development to better conform to the criteria and guidelines.
- (c) Three (3) copies of the following information should be submitted at least seven (7) days prior to the preliminary review:
  - (1) Photographs of existing site conditions, including properties within five hundred feet (500'), or more if needed to show the character of the surrounding area.
    - (i) Photographs of the site should be taken from all approaches on streets or public ways and from the site towards relevant streetscapes and adjacent structures in order to understand the immediate surroundings of the project.
  - (2) Conceptual or schematic sketches of the proposed building plans, building elevations, and plans of proposed site developments, demonstrating an understanding of the design compatible with the surrounding area.
  - (3) Historical information where appropriate, such as old photographs, etc.
- (d) At the conclusion of the Preliminary DRB Review Meeting, the DRB will determine if additional meetings are recommended before plans are ready for submission for the final review meeting of the DRB.

4.5.2 Subsequent DRB Review Meetings: It is recommended that this be done at least two months prior to submitting a formal application to the Board, Commission or ZEO, as determined by the DRB, at the Preliminary Review Meeting.

- (a) Materials requested at subsequent meetings should include:
  - (1) Final building floor and roof plans and exterior elevations that address the issues raised by the DRB at previous review meetings drawn at a minimum scale of 1/8"=1', or as determined by the DRB.
  - (2) Locations, appearances and sizes of visible utilities and mechanical systems, and service areas.
  - (3) Site plans, including plans for signage, landscaping, lighting, waste receptacles and parking areas with landscaping, showing improvements and an explanation for their relationship to adjacent

properties at a minimum scale of 1"=40', unless otherwise approved by the DRB.

- (4) Building and site materials catalog cuts and/or samples, preferably with the proposed color(s). (Submission of proposed color(s) shall be **mandatory** in a Village District adopted under CGS Section 8-2j, as amended.)

4.5.3 **Required DRB Review Meeting:** It is required that the applicant meet with the DRB prior to submitting an application to the Board, Commission or ZEO. In order to meet statutory time requirements:

- (a) The applicant shall submit to the DRB for final review and report on the compliance with the criteria and guidelines at least forty-five (45) days prior to the submission of an application to the Board, Commission or ZEO.
- (b) Eight (8) copies of all the information listed under the Preliminary and Subsequent Review shall be submitted, if it had not been previously submitted.
  - (1) **Additional Information:** Eight (8) reduced scale copies are desirable, but only one full scale copy is necessary:
    - (i) Artist's rendering of proposed structure and/or sign.
    - (ii) If available, a model or photographs of a model of the proposed structure.
- (c) The DRB shall make a final review and submit a written report to the Board, Commission or ZEO and to the Land Use Staff on the applicant's compliance with the criteria and guidelines in accordance with this Section and Sections 14 and 32.

4.5.4 **Report:** Prior to the first Regular Monthly Meeting at which the referring agency or official may consider the application, the Design Review Board shall report to the referring agency or official, whether it has conducted a review of the project, and if it has done so, the evaluation and recommendations which it has made.

- (a) The DRB shall make recommendations which are consistent with specific standards or design criteria as set forth in the Clinton Zoning Regulations.
- (b) The DRB report to the Board, Commission or ZEO is advisory but the Board, Commission or ZEO shall consider the DRB report prior to taking action on the application.

- (c) Failure of the DRB to make a timely review and report shall eliminate the requirement of consideration of the DRB report prior to taking action, and shall not require a delay in the action on the application by the Commission, Board or ZEO.
  - (d) Failure to submit an application to the DRB in such timeliness that would allow the applicant to receive a report from them prior to the submission of an application to the Board, Commission or ZEO shall be an incomplete application.
- 4.6 **Formal Submission of Applications to the Planning and Zoning Commission:** All applications for Site Plan or Special Exception, together with plans, documents and data required by these Regulations shall be submitted by mail or hand delivery to the Office for the Planning and Zoning Commission (also referred to herein as the "Land Use Department").
- 4.6.1 An application will be considered complete when the application form, fee, plans and other materials conforming to the requirements in this Section and any other applicable Sections of these Regulations (e.g. parking, soil erosion and sediment control, Special Exceptions, etc.) have been received. See Sections 4.20 through Section 4.36.
  - 4.6.2 The applicant shall provide the Commission with a list of the professional evidence by way of oral testimony, written report or by certification that it intends to submit as part of, or in support of, the application.
    - (a) In accordance with the current application fee schedule, applicants may be responsible for fees in addition to the base fees in order for the Commission to obtain additional technical assistance in reviewing and evaluating the application. (See Section 5)
    - (b) Failure to provide the statement required or to pay the additional fee(s) required may render the application incomplete and may be cause for denial.
  - 4.6.3 In order to receive prompt consideration of an application, the complete application shall be submitted by the deadline prior to the next regular meeting date as set by resolution of the Commission to allow sufficient time for staff review for completeness. Applicants should confirm with the Land Use Staff the deadline set by the current resolution.
  - 4.6.4 The Commission, or its delegated agent, shall determine that the information submitted is complete in accordance with the requirements of these Regulations.
  - 4.6.5 Applications shall be officially received by the Commission in accordance with the Connecticut General Statute, but failure to submit a complete application may be cause for denial based on insufficient information upon which to make an informed decision.
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- 4.7 **Formal Submission of Applications to the Zoning Board of Appeals:** All applications for Variance, Certificate of Location, or Dealer's and Repairer's License, together with plans, documents and data required by these Regulations for such applications shall be submitted by mail or hand delivery to the Office for the Zoning Board of Appeals, also known as the Land Use Office.
- 4.7.1 An application will be considered complete when the application form, fee, plans and other materials conforming to the requirements in this Section and any other applicable Sections of these regulations (e.g. parking, soil erosion and sediment control, etc.) have been received. See Section 4.19 through Section 4.33.
- 4.7.2 The applicant shall provide the Board with a list of the professional evidence by way of oral testimony, written report or certification that it intends to submit as part of, or in support of, the application.
- (a) In accordance with the current application fee schedule, applicants may be responsible for fees in addition to the base fees in order for the Commission to obtain additional technical assistance in reviewing and evaluating the application. (See Section 5)
- (b) Failure to provide the statement required or to pay the additional fee(s) required may render the application incomplete and may be cause for denial.
- 4.7.3 In order to receive prompt consideration of any application, the complete application shall be submitted no later than twenty-eight (28) calendar days prior to the public hearing to allow sufficient time for staff review and proper noticing.
- 4.7.4 The Board, or its designated agent, shall determine that the information submitted is complete and in accordance with all the requirements of these Regulations.
- 4.7.5 Applications shall be officially received by the Board in accordance with Connecticut General Statutes, but failure to submit a complete application may be cause for denial based on insufficient information upon which to make an informed decision.
- 4.8 **Formal Submission of an Appeal of the Zoning Enforcement Officer's Decision to the Zoning Board of Appeals:** An appeal of the decision of the ZEO under CGS Section 8-6 shall be submitted on the ZBA form *Appeal from the Decision of the Zoning Enforcement Officer*. The appeal must be filed within fifteen (15) days of the notice of the decision of the ZEO, per the "Rules of the Zoning Board of Appeals of the Town of Clinton, Connecticut", which Rules has been established by the ZBA. A copy of the Rules is available in the Land Use Office.
- 4.9 **Formal Submission of Applications to the Zoning Enforcement Officer:** Applications for Zoning and Sign Permits, together with plans, documents and data required by these

Regulations shall be submitted by mail or hand delivery to the Office of the Zoning Enforcement Officer (also referred to herein as the "Land Use Office").

- 4.10 **Establishing a Date of Receipt:** In accordance with the Connecticut General Statutes, the official date of receipt of an application shall be the date of the next regularly scheduled meeting of the Board or Commission immediately following the date of submission of the application to the appropriate office, or 35 days after submission, whichever is sooner.
- 4.11 **Site Inspection as a Part of Application Review:** Submission of an application confers the right to the Board, Commission and its authorized agent(s) to visit the site to review the physical characteristics of the site to assist in the determination of its suitability for the proposed use.
- 4.12 **Applications Involving Parcels with Inland Wetlands or Watercourses:** It is in the interest of the Town of Clinton to preserve wetlands and watercourses in their natural state to the greatest extent possible and to maintain purity and integrity of such wetlands and watercourses. In making its decision, the Commission shall give due consideration to the report and any recommendations of the Inland Wetlands Commission.
- 4.12.1 **Recommended:** Due to the potential for revisions to site design resulting from the Inland Wetlands Commission review or permit process, it is strongly recommended that applicants defer application to the Commission until they have obtained a Report from the Inland Wetlands Commission, including approval of such regulated activities as may be involved in the Application to the Board, Commission or ZEO.
- 4.12.2 **Application for Inland Wetland Permit:** When an application involves land regulated as an inland wetland or watercourse under the provisions of the Connecticut General Statutes, the applicant must file an application with the Inland Wetlands Commission as required under the Connecticut General Statutes.
- (a) At the time of formal application to a Board, Commission or the ZEO, evidence of submission to the Inland Wetlands Commission or approval of the Inland Wetlands Commission, if required, shall be provided by the Applicant.
- 4.12.3 **Referrals to the Inland Wetland Commission:** Applications for activities outside the Review Zone, but within proximity to, inland wetland and watercourse resources, including those inland wetlands and watercourses located on adjacent parcels may be referred to the Inland Wetlands Commission (IWC) for their comment even if such a referral is not required under the Connecticut General Statutes. The IWC may provide comment prior to the statutory time for the Commission to render a decision.
- 4.12.4 **Timing of Decision:**

- (a) Where a report from the Inland Wetlands Commission is required, the Commission shall not render a decision on the application until the Inland Wetlands Commission has submitted a report with its final decision to the Commission pursuant to CGS Section 8-7d(e).
- (b) The Commission shall render its decision within thirty-five (35) days of the date of decision of the Inland Wetlands Commission or within the statutory time limits for a Commission, whichever is later.

#### 4.13 Referrals and Review by Others:

4.13.1 Transmittal of Application Materials: Where the applicant is required by law or the provisions of these Regulations to transmit application materials to other officials and agencies, the applicant shall:

- (a) Submit a copy of the transmittal letter to the Commission or Board as part of the application.
- (b) When directed by Land Use Staff, the Commission or Board, submit the specified application materials to the following officials or agencies. Additional information may be requested or additional technical experts may need to review the application. The officials or agencies to whom application materials may need to be transmitted include:
  - (1) Town Engineer: Building and site plans, with engineering details for review in accordance with the "Town of Clinton, Connecticut, Construction and Development Standards", as may be amended and generally accepted engineering practices.
  - (2) Town, Board or Commission Attorney: Site plans, easements, deeds, agreements and other legal documents.
  - (3) Connecticut Department of Transportation: Location maps and plans with engineering details with particular regard to street and utility connections, or work within, State highways.
  - (4) Connecticut Department of Energy and Environmental Protection, Office of Long Island Sound Programs (CTDEEP/OLISP): Location denoted on Coastal Resources Map and plans with engineering details, with particular regard to coastal resources.
  - (5) Notice to the Connecticut Water Company In accordance with CGS Section 8-3i, any application within the watershed of a water company, written notice of the application must be provided to the water company.

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- (6) Notice to the State of Connecticut, Department of Public Health: In accordance with CGS Section 8-31, whenever Notice is made to the Connecticut Water Company, notice is required to be sent to the State of Connecticut's Department of Public Health.
  - (7) Department of Public Works: Site plans with engineering details, drainage calculations, when new streets or improvements to existing streets, new driveway curb cuts, drainage systems that are anticipated to tie into the existing catch basins are proposed.
  - (8) Tree Warden: Site plans, landscaping plans, when trees in the public right of way are proposed or are proposed to be removed.
  - (9) Other persons or agencies as appropriate: Including, but not limited to:
    - (i) Police Department;
    - (ii) Traffic Commission;
    - (iii) Municipal Historian;
    - (iv) Emergency Services Personnel;
    - (v) Other CT DEEP divisions;
    - (vi) ~~Connecticut River Estuary Regional Planning Agency (CERPA)~~ Lower Connecticut River Valley Council of Governments (RiverCOG), in addition to that required under Section 4.12.2 of these Regulations;
- (c) For a Certificate of Location (CAL) or the approval of a Dealer's or Repairer's License, the applicant shall also transmit a copy of the application to the Chief of Police. Prior to the decision by the Board, the Chief of Police shall review and approve the application for dealing in or repairing motor vehicles.
  - (d) As a result of the foregoing review, the Commission or Board, or its designated agent, may determine that clarification materials may be necessary in order for them to reach an informed decision.
    - (1) If this material is of a more technical or legal nature than Commission members consider themselves capable of analyzing, additional experts may be required to provide review and comment.

- (2) The fee(s) for such additional experts, based on a predetermined hourly rate set in the Fee Ordinance (See Section 5), shall be borne by the applicant.
- (3) Failure to pay said fee(s) may result in the application being rendered incomplete, and may be denied.

4.13.2 Referral to Lower Connecticut River Estuary Regional Planning Agency Valley Council of Governments (CRERPARiverCOG) and South Central Regional Council of Governments (SCRCOG):

- (a) Amendments to the Zoning Regulations or Map: Any application to amend the Zoning Regulations or the Zoning Map that would establish or change a zone or any regulation affecting the use of a zone or any portion thereof, which is within five hundred feet (500') of the boundary of another municipality located within the area of operation of a regional planning agency, the Commission shall give written notice of the proposal to CRERPA RiverCOG and/or SCRCOG, if necessary, in accordance with CGS Section 8-3b.
- (b) Notice shall be given not later than thirty-five (35) days before the public hearing to be held in relation thereto.

4.13.3 Notice to Adjoining Municipalities:

- (a) Notice shall be given by the Commission or Board to the Town Clerk of any adjoining municipality in accordance with CGS Section 8-3h, 8-7b and 8-7e for any application where required.

4.13.4 Notice to Connecticut Department of Energy and Environmental Protection, Office of Long Island Sound Programs: Any application for a parcel of land fully or partially within the Coastal Area Management boundary, as indicated on the Clinton Zone Map, shall be forwarded to the DEEP/OLISP for comment.

4.12.6 Other Notices or Referrals: The above list is to assist applicants, but may not be inclusive of all notices and referrals that may be required under other laws or regulations applicable to a particular proposal. The Applicant shall be responsible to provide such notices or make such referrals.

4.14 Public Hearings:

- 4.14.1 Site Plan Applications: The Commission may hold a public hearing on a proposed Site Plan subject to the time requirements of CGS Section 8-7d(b).
- 4.14.2 Special Exception Applications: The Commission shall hold a public hearing on such an Application in accordance with to the requirements of CGS Section 8-3c and CGS Section 8-7d.

4.14.3 Amendments to the Zoning Regulations or Map: The Commission shall hold a public hearing on a proposed amendment to the Zoning Regulations or Zoning Map, subject to the time requirements of CGS Section 8-3c and CGS Section 8-7d, exempts such actions initiated by the Commission from the time requirements. For the purposes of this Section, the Commission is not an applicant when it considers and acts upon changes to Zoning District boundary lines.

(a) For the designations of Village Districts:

(1) A sign shall be posted at the proposed district boundary beginning and ending where it abuts a public road. If the district is to be located on both sides of a public road, signs shall be posted on both sides of the road.

(i) The posting of notice shall conform to Subsections 4.14.5(a) and (b).

(ii) The sign shall contain the following text:

“This property is the boundary of a proposed Village District. A petition is before the Planning and Zoning Commission for which a public hearing is being held:

Time:

Date:

Place:           Town Hall  
                      54 East Main Street  
                      Clinton, CT 06413

For information, call (860) 669-6133”

(iii) The sign shall also contain a map depicting the following:

(I) The boundaries of the proposed Village District; and

(II) All property lines in and within eight hundred feet (800') of the boundaries of the Village District.

(iv) Failure to post the required notice will result in the public hearing being canceled and rescheduled at a later date.

(2) A notice shall be sent to all property owners within the proposed Village District.



- (i) The applicant shall mail notification of the scheduled public hearing, which may be in the form of the legal notice, to at least one owner of each property not more than twenty (20) days and not less than ten (10) days prior to the date of public hearing.
- (ii) The applicant shall submit proof of Delivery Confirmation to the Commission prior to the commencement of the public hearing.
- (iii) Failure to provide the required evidence of mailing will result in the public hearing being cancelled and rescheduled for a later date.

(3) When an amendment to the Zoning Map is initiated by the Commission, a notice shall be sent to all property owners of the affected parcels.

(i) Notification of the scheduled public hearing, which may be in the form of the legal notice, shall be mailed to at least one owner of each property not more than twenty (20) days and not less than ten (10) days prior to the date of public hearing.

~~(iv)~~(ii) Proof of Delivery Confirmation shall be placed on file prior to the commencement of the public hearing.

4.14.4 Requests for Certificate of Variance, Certificate of Approval of Location, Dealer’s and Repair’s Licenses: The Board shall hold a public hearing on the proposed projects subject to the time requirements of CGS Section 8-3c.

4.14.5 For any public hearing that is held for a specific property or properties, the applicant shall post a notice of the hearing on the property for which an application has been filed. ~~For the purposes of this Section, the Clinton Planning and Zoning Commission is not an applicant when it considers and acts upon changes to Zoning District boundary lines.~~

(a) The notice shall be posted at least fifteen days prior to the date of the public hearing and shall remain posted continuously thereafter until the close of the public hearing(s).

(1) Evidence of the notice’s posting shall be provided by the applicant, in the form of photographs, to the Land Use Office.

- (2) Failure to post the required notice or failure to provide the required evidence shall result in the public hearing being cancelled and rescheduled for a later date.
  - (3) If the required notice is removed from the site, either by natural or human forces beyond the control of the applicant, a new notice shall be posted within twenty-four hours of the removal of the original notice.
- (b) Said notice shall be in the form of a sign conforming to the following:
- (1) Facing the road frontage of the property in a location or locations approved by the Land Use Staff. In the event a property fronts on more than one road, a sign shall be required at each frontage in a location approved by the Land Use Staff.
  - (2) Clearly legible from the road.
  - (3) Produced of weather resistant material.
  - (4) Professionally lettered or manufactured lettering with a minimum letter size of two inches (2").
  - (5) Maximum size of twenty square feet (20 sq. ft.)
- (c) The sign shall contain the following text and the applicant shall fill-in the appropriate Board or Commission, the date and time of the hearing:
- (1) "Application pending on this property before the \_\_\_\_\_ for which a Public Hearing is being held:

Time:  
 Date:  
 Place:           Town Hall  
                     54 East Main Street  
                     Clinton, CT 06413

For information, call (860) 669-6133."

**4.15 Planning and Zoning Commission or Zoning Board of Appeals Decisions:**

4.15.1 Pursuant to the Connecticut General Statutes, within sixty-five (65) days after the close of the public hearing, or within sixty-five (65) days after the receipt of such application if no public hearing is held, the Board or Commission, by the majority, or supermajority vote of members present and voting, as specified by the applicable state statutes, shall render a decision on the application.



- 4.15.2 The applicant may consent to one or more extensions of any period required for commencing a public hearing, completing a public hearing or rendering a decision, provided that the total extension(s) of any such period(s) shall not be longer than a total of sixty-five (65) days, or the applicant may withdraw such petition, application, request or appeal.
- 4.15.3 Notwithstanding the above, where a report from the Inland Wetlands Commission is required, the Commission shall not render a decision on the application until the Inland Wetland Commission has submitted a report with its final decision to the Commission pursuant to CGS Section 8-7d(e).
- 4.15.4 The failure of an applicant to provide the statement required under Section 5.3, regarding professional evidence to be submitted, or to pay any additional fees required under Section 5.5, regarding fees in addition to base fees, shall render the application incomplete and shall provide a basis for the Commission to deny the application.
- 4.15.5 Modifications and Conditions:
- (a) During deliberations, the Board or Commission may require modifications of the plans and/or documents submitted, or may impose conditions to assure conformance with these Regulations.
  - (b) A final set of documents shall be submitted to the Land Use Office which shall include all such modifications or conditions to plans and/or documents required by the decision and shall be labeled "Final Approved Plans" with the application number and date of approval, within thirty (30) days of the decision.
- 4.15.6 In approving, modifying and approving, or denying an application, the Board or Commission shall state in its records the specific reasons for its action.
- 4.15.7 The decision of the Commission or Board shall be published in a newspaper having substantial circulation in the municipality within fifteen days after such action, in accordance with the Connecticut General Statutes.
- (a) Additionally, a letter delivered by certified mail to the applicant, by the Secretary or Clerk of the Commission or Board, under his, or her, signature in any written, printed, typewritten or stamped form, within fifteen days after such decision.
  - (b) In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter. Notice shall be given in the manner prescribed above or that required by state statutes.

#### 4.16 Post-Approval Procedures:

##### 4.16.1 Special Exceptions:

- (a) The applicant shall submit to the Land Use Office any revised plans and/or documents as required by the Board or Commission's decision under Section 4.15.5(b).
- (b) The Special Exception shall become effective upon filing a copy of the Certificate in the Office of the Town Clerk and in the Land Records of the Town of Clinton in accordance with the provisions of CGS Section 8-3d.
  - (1) The Certificate shall not be released for filing on the Clinton Land Records unless the applicant has submitted a final copy of the approved plans to the Office of the Commission as noted in Section 4.15.5(b), above.
  - (2) Any required bonds shall be posted by the applicant in accordance with Section 6 of these Regulations prior to the filing of the Certificate.

##### 4.16.2 Variances:

- (a) Once the ZBA grants a variance, the applicant must file the Certificate of Variance on the Clinton Land Records within six months of the expiration of the fifteen-day appeal period.
  - (1) Failure to timely file the Certificate of Variance shall render it null and void.
  - (2) One extension of the filing period, not to exceed an additional six (6) months may be granted by the Board for good cause.

#### 4.17 Termination of Approval:

- 4.17.1 Approval of an application for a Site Plan or a Special Exception shall constitute approval conditioned upon the commencement of the proposed improvements within a period of two (2) years following the date of approval and such physical improvements, or establishment of use, shall be completed within four (4) years from the date of approval.
- 4.17.2 Approval of an application for change of use only where the decision did not encompass change to the structure's footprint or to the ground coverage, shall constitute approval conditioned upon establishment of the use within one year following the date of approval of such Site Plan or Special Exception.

- 4.17.3 Failure to commence work within such two (2) year period or failure to complete all work within such four (4) year period shall result in automatic expiration of the approval of such Site Plan or Special Exception.
- 4.17.4 The proposed construction and/or use for which a variance is granted must commence within one year of the filing of the Certificate of Variance on the Clinton Land Records.
- (a) Failure to commence the proposed construction and/or use within one year of the filing shall render it null and void.
- 4.17.5 Failure to complete all work for which a variance was obtained within three (3) years from the approval date shall result in automatic expiration of the approval of such variance.
- 4.17.6 An extension of the commencement and completion periods, not to exceed one (1) year for each may be granted by the Board or Commission for good cause.
- 4.18 **Revisions:** Any revision materially affecting the project design, use or conditions of an approved Site Plan, Special Exception, or Variance application and any reconstruction, enlargement, extension, moving or structural alteration of an approved use of any building or structure in connection therewith shall require submission of a new application.
- If the applicant and the ZEO do not agree, the determination of “materially affecting” shall be made by the Commission at a Regular Meeting. The applicant shall request such determination by letter.
- 4.19 **As-Built Plans:** When applications involve new construction, grade changes to existing sites or other site modifications, or improvements or additions to existing sites, the applicant’s land surveyor, licensed to practice in the State of Connecticut shall submit construction plans depicting the post-construction “as-built” conditions.
- 4.19.1 Said “As-Built” plans shall bear the live signature and raised seal of such surveyor, certifying that all the required improvements have been completed in the location and at the elevation shown thereon.
- 4.19.2 Two (2) sets of prints shall be provided. In addition, a digital copy in a format conforming to the “Clinton Geospatial (GIS) Data Standard,” (which is available in the Land Use Office) shall be provided.
- 4.19.3 The Commission, in its sole discretion, may excuse the requirement for an As-Built Plan, upon written request of the applicant for good cause.

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- 4.20 Information Required for a Complete Application: The following Sections (4.20 through 4.33xx) set forth the information required for a complete application. The Sections also provide procedures for when an applicant may be excused from providing the information in whole or in part.
- 4.21 Statement of Use: A written statement describing the proposed use in sufficient detail to indicate compliance with the use provisions of these Regulations and the District, Performance Standards of Section 23. The following information shall also be included in the statement, if applicable:
- 4.21.1 Hours of operation
  - 4.21.2 Such information as necessary for the Commission to determine the appropriate number of parking spaces for the proposed use, such as number of employees, number of rooms, etc. [See Section 29]
    - (a) If there are multiple uses on the property, existing or proposed, the applicant must provide a sufficient description of the uses and the calculation for compliance with parking requirements for all uses, existing and proposed.
  - 4.21.3 The section number from the Schedule of Uses (Section 24)
  - 4.21.4 The scope of the project including the size of the building, proposed infrastructure, etc.
  - 4.21.5 Any structures that are to be moved or demolished
  - 4.21.6 Any variances that have been granted for the property, whether they apply to this application or not, including the date, application number and a brief summary of the decision.
- 4.22 Site Plan Specifications: A site plan that is submitted with an application needs to meet the following specifications:
- 4.22.1 The plan should be drawn on a sheet no larger than twenty-four inches by thirty-six inches (24"x36") and at a minimum scale of one inch equals forty feet (1"=40'), one inch equals twenty feet (1"=20') or such other scale as may be approved by the Commission.
  - 4.22.2 Boundary Survey Plan: All boundary and survey information contained on the site plan shall meet the requirements for accuracy to Class A-2 standards unless reference can be made to a previous A-2 survey on file in the Office of the Town Clerk or in the Land Use Office.
    - (a) An electronic or hard copy of such previous A-2 survey shall be provided to the Commission or Board.

- (b) The names of all current property owners abutting, or across a public or private access right of way, shall be shown on the plans.
- 4.22.3 **Location Map:** A Location Map of the site at a scale of at least one inch equals eight hundred feet (1"=800') but not more than one inch equals two thousand feet (1"=2,000') showing the following information within eight hundred feet (800') of the perimeter of the subject site, in such a way as to show the relationship of the site to the surrounding neighborhood and the street pattern:
- (a) All the land in the lot together with any adjacent or contiguous parcels in the same ownership
  - (b) All lot lines
  - (c) Zoning districts
  - (d) Public ways
  - (e) Lands reserved for public use
- 4.22.4 All site plans must show the following information, or have a note stating that the following features are not present or proposed on the site, or do not apply to the application:
- (a) Accurate location and size of all existing buildings and structures on the site
  - (b) A scaled, complete parking area layout showing the following:
    - (1) The location and size of all off-street parking and loading spaces
    - (2) Location of fire lanes
    - (3) Location of all traffic islands and barriers
    - (4) A diagram of the following:
      - (i) Traffic flow
      - (ii) Traffic signs
      - (iii) Road markings
      - (iv) Provisions for safe pedestrian movement
  - (c) The location and design of all sanitary disposal systems

- (d) Location of all outdoor fixed trash receptacles, enclosures and facilities
- (e) Location, size and design of all signs (a digital photograph of an existing sign can be provided in lieu of a diagram depicting the design)
- (f) Location, size and design of all lighting (a digital photograph of existing lighting can be provided in lieu of a diagram depicting the design)

4.22.5 Site plans for applications which involve alterations to the site shall include the following information, or have a note stating that the following features are not present or proposed on the site, or do not apply to the application:

- (a) Existing and proposed grades at two foot (2') intervals, referenced to an existing or established published benchmark.
  - (1) Topographical information shall meet the requirements for accuracy of Class T2 standards as contained in the Standard for Surveys and Maps in the State of Connecticut.
- (b) Accurate location and size of all proposed buildings and structures on the site.
- (c) Approximate location and size of all existing buildings and structures, wells and septic systems on the abutting properties, or across a public or private access right of way, which are within seventy-five feet (75') of the common lot line.
- (d) Proposed new street(s), street geometry and any improvements to existing streets.
- (e) All existing and proposed driveway entrances and exits including widths and curve radii.
- (f) Location of all existing trees eighteen inches (18") or greater, in diameter, measured at a point four feet (4') from the ground.
  - (1) Such trees are to be identified by species and indicated if it is to be removed.
- (g) Location of the clearing limit line (if appropriate) and the limit of disturbance line beyond which existing vegetation and terrain is to be left undisturbed.
- (h) Location of all tidal and inland wetlands, watercourses, Aquifer Protection Areas, Needs Areas as determined by the Clinton WPCC, Natural Diversity Database, Coastal Resources and Flood Hazard Areas, where applicable.

- (i) Location of the high tide line (CGS Section 22a-359(c)) and mean high water line data where a property is located adjacent to tidal, coastal and navigable waters of the state and to tidal wetlands, both as defined in the Connecticut Coastal Management Act (CCMA).
- (j) The proposed stormwater drainage system, including the location and elevations of all existing and proposed highway drainage facilities within one hundred feet (100') of the subject site.
- (k) Location of all water supply wells and water supply lines serving the site.
- (l) Location, date and results of all soil tests performed on-site.
- (m) Existing and proposed docks, wharfs, bulkheads and/or jetties.
- (n) Location of special site features such as vernal pools, ledge outcroppings, and the like which may impact the proposed use and site improvements.
- (o) The location, delineation and type of any existing or proposed easements or covenants running with the land.
- (p) Location and description of any known historical or cultural resources on the site, such as stone walls, old foundations, encampments, etc.

4.22.6 The Commission, at its sole discretion, may excuse the requirement for professionally prepared site plan, or deem acceptable drawings prepared by a designer, builder, building supplier, applicant or other, as may be appropriate to the proposed use, upon written request of the applicant.

4.22.7 Additionally, the Commission, at its sole discretion, may excuse an element(s) in Sections 4.22.2, 4.22.3, 4.22.4 and 4.22.5, above, if it is not required to determine compliance with the Standards of Sections 8, 9, and 10, upon written request from the applicant.

#### 4.23 Architectural Plans:

4.23.1 Architectural plans of all proposed buildings, structures and signs shall be submitted for all applications.

4.23.2 Such plans may be in preliminary form but shall include exterior elevation drawings with dimensions, generalized floor plans and perspective drawings, prepared, except for signs, by an architect or professional engineer licensed to practice in the State of Connecticut.



4.23.3 The drawings should include information which will demonstrate that the proposed design will have similar and compatible design characteristics to the existing development in the surrounding area of such building/structure.

- (a) Such characteristics shall include, but not be limited to, consideration of building bulk size, architectural features including windows/doors and façade lengths and heights as well as building finishes, lighting fixtures design and signage; and overall site design including landscaping.

4.23.4 The Commission, at its sole discretion, may excuse the requirement for professionally prepared architectural plans, or deem acceptable drawings prepared by a designer, builder, building supplier, applicant or other, as may be appropriate to the proposed use, upon written request of the applicant.

4.24 Lighting Plan: When required to be submitted, shall conform to the following standards:

~~4.24.1 A Lighting Plan shall be required with each application.~~

~~4.24.24.24.1~~ The Lighting Plan shall show all exterior lighting fixtures and their photometric characteristics and certification that lighting impacts on adjacent properties will be eliminated or minimized to the greatest extent possible.

~~4.24.34.24.2~~ The Commission, in its sole discretion, may excuse the requirement for a lighting plan if it is not required to determine compliance with the applicable Standards in Sections 8, 9, and 10, upon written request from the applicant.

4.25 Traffic Study: When required to be submitted, shall conform to the following standards:

~~4.25.1 A Traffic Study providing analysis of the impact of traffic to be generated as a result of the proposed development on current conditions shall be required for each application.~~

~~4.25.2~~

~~4.25.34.25.1~~ The analysis shall be prepared by a professional engineer licensed to practice in the State of Connecticut who is also a recognized Traffic Engineer. At a minimum it shall indicate the expected average daily vehicular trips, peak hour volumes, seasonal peak volume, access conditions at the site, distribution of traffic, types of vehicles expected and the effect upon the level of service of intersections along and the street or streets giving access to the site.

~~4.25.44.25.2~~ The Commission may excuse the submission of a Traffic Study entirely, or may require a traffic generation study only, or may excuse the submission of both, if at its sole discretion, the Commission determines that a traffic study or traffic generation study, or both, is not required to determine compliance with the applicable Standards in Sections 8, 9 and 10.

4.26 Landscaping Plan: When required to be submitted, shall conform to the following standards:

~~4.25.5~~ A Landscaping Plan shall be required with each application.

~~4.25.6~~4.26.1 The Landscaping Plan shall, at a minimum, include the following information:

- (a) The location, type, size and species of all existing and proposed shrubs, trees, and other plantings, screening or landscaping materials as required in Section 29, Off-Street Parking and Loading, or such other section as may be applicable.
- (1) Proposed plantings, or existing plantings, to be integrated into the plan, are to be numbered, and described in terms of common name, botanical name and whether they are on the Connecticut Department of Environmental Protection list of invasive species in a landscaping table on the plan.
- (2) Additionally, the plan should indicate the minimum size as is appropriate in terms of caliper, spread, pot size or root ball diameter, of the plantings at the time of installation.

~~4.25.7~~4.26.2 A statement which indicates that any plantings which die, or with 75% or more die-back, within the first year following planting shall be replaced by the property owner at their cost if not covered by a bond required, received and held by the referring authority.

~~4.25.8~~4.26.3 The Commission, at its sole discretion, may excuse the requirement for a Landscaping Plan if it is not required to determine compliance with the applicable Standards in Sections 8, 9, 10 and 29, upon written request from the applicant.

4.27 Shopping Cart Management Plan: When required to be submitted, shall conform to the following standards:

4.27.1 The Shopping Cart Management Plan shall specify the retail operation's shopping cart management program to prevent accumulation of carts in the parking lot.

4.27.2 The Commission, at its sole discretion, may excuse the requirement for a Shopping Cart Management Plan if it is not required to determine compliance with the applicable Standards in Sections 8, 9, 10, 20 and 239, upon written request from the applicant.

4.28 Site Access Plan: When required to be submitted, shall conform to the following standards:

4.28.1 The Site Access Plan shall address the following:

- (a) Limiting the number of driveways or curb cuts;
- (b) Locating the driveway or curb cut so as to reduce conflicts;
- (c) Designing the driveway or curb cut so as to reduce conflicts and the severity of conflicts;
- (d) Including roadway improvements that reduce or control conflicts if use will adversely impact off-site roadways; and
- (e) Providing areas for loading and unloading of bus riders.

4.28.2 The Commission, at its sole discretion, may excuse the requirement for a Site Access Plan if it is not required to determine compliance with the applicable Standards in Sections 8, 9, 10, 20 and 29, upon written request from the applicant.

4.29 Viewshed Analysis: When required to be submitted, shall conform to the following standards:

4.29.1 The Viewshed analysis shall address the following:

- (a) The range of the area which will be able to see the subject structure; and
- (b) The analysis of existing views that may be blocked or impaired by the subject structure.

4.29.2 The Commission, at its sole discretion, may excuse the requirement for a Viewshed Analysis if it is not required to determine compliance with the applicable Standards in Sections 8, 9, 10, and/or 20, upon written request from the applicant.

4.26.30 Plot Plan: A plot plan is required to be submitted with each application for a Zoning Permit and must contain the following information:

4.26.14.30.1 The area of the lot and the dimensions, radii and angles or bearings of all lot lines;

4.26.24.30.2 The location of all existing or proposed structures;

4.26.34.30.3 The height, dimensions, use, floor area of all proposed structures;

4.26.44.30.4 The existing and proposed ground coverage calculations;

4.26.54.30.5 The location of any existing or proposed on-site sewage disposal systems, leaching field expansion area and water supply wells or lines;

~~4.26.64.30.6~~ The location, area and dimensions of any off-street parking and loading spaces, signs and other facilities and improvements that are subject to these Regulations; and

~~4.26.74.30.7~~ Such additional information as may be necessary to determine compliance with the provisions of these Regulations.

~~4.274.31~~ Fees: Fees in accordance with the Fee Schedule (Section 5) shall be submitted with the application.

~~4.284.32~~ Soil Erosion and Sediment Control Plan: This plan shall be submitted as required under Section 30 of these Regulations.

~~4.294.33~~ Flood Hazard Areas: For all proposed developments that contain flood hazard areas and/or a regulated floodway, the site plan shall include information required under Section 17 of these Regulations.

~~4.304.34~~ Coastal Site Plan Review: An application and coastal site plan in accordance with Section 18 of these Regulations shall be provided for all sites lying partly or fully within the Coastal Boundary as delineated on the Coastal Boundary Map for the Town of Clinton.

~~4.314.35~~ Design Review: In accordance with Section 32, Design Review, all applications under these regulations shall have to demonstrate that the design of the site and/or buildings being proposed have achieved compliance with the general principles of design and required design review criteria.

~~4.324.36~~ Aquifer Protection Regulations: Application for development proposed in areas delineated as Aquifer Protection Areas on the Zoning Map of the Town of Clinton, Connecticut shall comply with the requirements of the Town of Clinton Aquifer Protection Regulations.

~~4.334.37~~ Digital Data:

~~4.33.14.37.1~~ Applicants shall submit plan data in electronic format conforming to the "Clinton Geospatial (GIS) Data Standard" (available in the Land Use Department) in addition to the required hard copies.

~~4.344.38~~ Additional Information for Special Exceptions: All applications for Special Exceptions shall include the following information:

~~4.34.14.38.1~~ A current Certificate of Zoning Compliance demonstrating that there are no zoning violations existing on the property as of the date of the application.

~~4.34.24.38.2~~ The Commission may request the applicant to submit additional information that it deems necessary in order to decide on the Special Exception.

4.354.39 Additional Information for Petitions to Amend the Zoning Regulations or Map:

4.35.14.39.1 For petitions concerning the text of the Regulations, the existing and proposed text of the Regulations shall be submitted with the appropriate application.

4.35.24.39.2 For petitions concerning the Zoning Map, a map shall be submitted, drawn to a scale of not less than one inch equals two hundred feet (1"=200'), covering the area of the proposed change and all areas within five hundred feet (500') of the proposed change and includes the following information:

- (a) The existing and proposed zoning district boundary lines;
- (b) The existing property lines;
- (c) The names of the current property owners from the records of the Clinton Tax Assessor.

4.364.40 Contents of a Sign Permit Application:

(Amended 11/1/2012)

4.36.14.40.1 A complete sign permit application shall be submitted on the required sign permit application form and separate from other pending zoning applications.

4.36.24.40.2 The following materials shall include scale drawings and photographs as follows:

- (a) Elevations View Drawings
  - (1) Proposed sign or signs with dimensions
  - (2) Lettering style
  - (3) For a freestanding sign, the height of the sign and sign support structure above grade and, for projecting signs attached to a wall, the façade or wall to which the sign is attached and the clearance from pedestrian areas below the sign
  - (4) Notes indicating proposed materials and colors
  - (5) Notes indicating the method of sign mounting
  - (6) Title block which includes:
    - (i) Name of applicant
    - (ii) Name of designer



- (iii) Property location
- (iv) Zoning district
- (v) Date of submission
- (vi) Graphic scale

(b) Plan View Drawings

- (1) Property lines for the proposed site
- (2) Existing and proposed on-site structures, existing and proposed signs, parking areas, curbed and non-curbed islands and sidewalks

(c) Photograph(s): Photographs of the proposed site showing area where the proposed sign(s) will be located.

~~4.36.34.40.3~~ 4.40.3 A report from the Design Review Board must be submitted with the Sign Permit application.

~~4.374.41~~ 4.41 Contents of a Temporary Sign Application:

~~4.37.14.41.1~~ 4.41.1 In addition to information required pursuant to Subsection 28.4.1 above, an application for a temporary sign shall include specific information regarding the dates the sign is to be erected and removed and the name, address and telephone number of the person responsible for erecting and removing the sign.

~~4.37.24.41.2~~ 4.41.2 The ZEO may at his/her discretion require less information than outlined in Subsection 4.37 for a temporary sign application if the ZEO finds that some or all of the information is not necessary in order to determine compliance with these Regulations.

~~4.384.42~~ 4.42 Contents of a Sign Design Plan:

~~4.38.14.42.1~~ 4.42.1 An overall design plan of all proposed exterior shopping center signs which are to be attached in full view of a public street or right-of-way and all freestanding signs.

~~4.38.24.42.2~~ 4.42.2 Elevation view drawings as specified in Section 4.37.1 above.

~~4.38.34.42.3~~ 4.42.3 The applicant shall submit eighteen (18) copies of the design plan and elevations.

~~4.38.44.42.4~~ 4.42.4 A report from the Design Review Board must be submitted with the Sign Design Plan.

## **Section 26**

### **Accessory Uses, Home Occupations and Alternate Energy Systems**

#### **26.1 Accessory Uses:**

- 26.1.1 An accessory use is an additional use for which a Zoning Permit is required.
- 26.1.2 It shall be accessory only to a permitted use.
- 26.1.3 The accessory use shall be located on the same lot with the permitted use to which it is accessory.
- 26.1.4 Accessory uses may include the following and shall be subject to all applicable Regulations and the additional specific standards set forth below:
  - (a) Off-street parking.
  - (b) In non-residential zones, storage of contractors' equipment, building supplies or similar material.
    - (1) Such outside storage shall not to be located within twenty feet (20') of any property line.
  - (c) In non-residential zones, storage of a commercial vehicle exceeding one and one-half (1½) tons gross vehicle weight.
  - (d) In residential zones, off-street parking spaces.
    - (1) No more than one commercial vehicle, not to exceed one and one-half (1½) ton gross vehicle weight is permitted.
      - (i) Any such vehicle shall not be parked within any setback area on any lot.
  - (e) Facilities for the storage of a reasonable quantity of retail merchandise and supplies.
  - (f) A kennel for three (3) or more dogs owned by the occupant of the dwelling unit and not used for boarding or other commercial services, provided that any run, building, or enclosures connected therewith shall not be less than fifty feet (50') from any property or street line.
  - (g) Fruit, vegetable or farm stands with a footprint of less than one hundred square feet (100 sq. ft.) for the seasonal sale of merchandise produced on the premises.

- (h) Livestock:
- (1) All livestock shall be kept in a building, stable or enclosure, not less than the legal setback for the appropriate zone for any abutting residential or Village Zone property and one hundred feet (100') from any well or water body from which water is taken for human consumption.
  - (2) Manure shall be kept in a covered, watertight pit or chamber and shall be removed at least once a week during the period from May 1 to October 1 and during such other months at intervals sufficiently frequent to maintain sanitary conditions satisfactory to the Director of Health.
  - (3) There shall be no more than one horse, pony, sheep, cow, goat, pig, burro, donkey, mule, llama or other similar animal for personal or family purposes as a pet per forty thousand square feet (40,000 sq. ft.) of land.
  - (4) There shall be no chickens, or other small animals kept on any lot that does not meet the minimum lot size requirement for the zone it's located in.
  - (5) All chickens and other small animals shall be confined to an enclosure or building, not less than the legal setback for the appropriate zone for any abutting residential or Village Zone property.
- (i) Swimming pools, in-ground and above ground.
- (j) The storage of travel trailers/campers provided that the vehicle shall not be stored in any front or side yard on any lot within the town of Clinton.
- (1) In addition, no travel trailer/camper vehicle may be occupied as an accessory use for more than fourteen (14) days in any one (1) calendar year.
- (k) Storage trailers, subject to the following conditions:
- (1) The storage trailer must be structurally sound and pose no detriment to public health, safety or property value.
  - (2) The storage trailer must meet the same standards as a conventional structure.



- (3) The storage trailer shall be located so that it does not take up parking spaces required for other uses on the site and does not obstruct emergency access or other essential circulation patterns.
- (4) Any landscaping or natural vegetation disturbed by the placement of a storage trailer shall be restored immediately upon removal of the trailer.
- (5) The ZEO may require that storage trailers be screened from the public right-of-way and adjacent properties and that appropriate landscaping, fencing or other screening be provided.
- (6) The aggregate area covered by storage trailers shall not exceed ten percent (10%) of the total floor area of all buildings on the site.
- (l) Incidental retail use in approved warehouses, provided that no more than 10% or 2,500 sq. ft., whichever is less, of the total floor area is used for the retail use.
- (m) Outside storage areas, including the outside storage or display of merchandise, supplies, machinery and solid wastes, but not including areas used for parking of registered motor vehicles in daily use, shall not extend into the areas required for setbacks from a property line or Residential District boundary line.
- (1) Any outside storage area shall be enclosed except for necessary access drive, by building and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street. Outside storage areas shall be limited in extent on any lot as follows:

District	Percentage of Lot Area
B-1, B-2, B-3, IP, VZ	10%
B-4, M	75%
I-1, I-2	25%

- (2) In areas that have been approved for outside storage, there shall be no servicing of vehicles, machinery or other items stored outside, except in Marine Zones.

- (n) Outdoor Entertainment: Outdoor entertainment, limited to musical concerts, performing arts recitals, exhibitions, fairs/festivals and arts and crafts shows, are permitted subject to the following:

- (1) Outdoor entertainment events shall be held only in the Business, Marine and Village Zone Districts.

- (2) Outdoor entertainment events shall end prior to 10:00 p.m. There shall be no more than two events, which may last up to three days, per property, per calendar year.
  - (i) Any property owned by a philanthropic, governmental, educational or religious entity is exempted from the number of events provision.
- (3) The facilitators of outdoor entertainment events shall obtain a Zoning Permit from the ZEO at least two weeks prior to the event.

26.1.5 In addition to the requirements of Section 4 of these Regulations for a Zoning Permit, the following information shall be submitted:

- (a) A Statement of Use describing the accessory use and stated the permitted use to which it is accessory.

26.2 Home Occupations: A home occupation or professional office in a dwelling unit is an additional use for which a Zoning Permit is required.

- 26.2.1 Occupations shall be subordinate and incidental to residential use of the lot.
- 26.2.2 There shall be only one (1) home occupation per residential unit.
- 26.2.3 The personal conducting the home occupation shall reside in the principal residential structure on the lot.
- 26.2.4 There shall be no more than one (1) non-resident persons employed in connection with such occupation.
- 26.2.5 The area of the home occupation may be located in the principal or an accessory structure, provided that the floor area used for the home occupation shall not exceed the equivalent of twenty-five percent (25%) of the floor area of the principal residential structure.
- 26.2.6 There shall be no indication on the lot, except for permitted signs and required off-street parking, that a home occupation is being conducted on the premises.
- 26.2.7 Articles sold on the premises, as part of a customary home occupation, must be only those created thereon.
- 26.2.8 There shall be no display of merchandise, either exterior or interior, visible from any public way or adjacent property, on the premises in connection with the occupation.

- 26.2.9 All licensed professionals, including, but not limited to, doctors, dentists, lawyers, real estate brokers, architects, engineers, land surveyors, and the like, shall conduct business on an appointment-only basis. No clients/patients shall be housed overnight.
- 26.2.10 The home occupation and there conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.
- 26.2.11 Such occupation shall not create any objectionable noise, smoke, odor, toxic fumes, vibration, radio interference, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
- 26.2.12 The home occupation shall be operated in its entirety within an enclosed structure.
- 26.2.13 Deliveries of materials or products that are related to the home occupation shall not be made prior to 8:00 a.m. or after 6:00 p.m. and the trucks shall not block the roadway.
- 26.2.14 There shall be no outside storage of materials or product.
- 26.2.15 The area used for the home occupation shall meet all applicable ADA (Americans with Disabilities Act) requirements.
- 26.2.16 In addition to the requirements of Section 4 of these Regulations for a Zoning Permit, the following information shall be submitted:
- (a) A Statement of Use describing the accessory use and stated the permitted use to which it is accessory.
  - (b) All appropriate State and Federal licenses and permits shall be obtained by the owner/operator prior to any application under this Regulation.
- 26.2.17 By November 1<sup>st</sup> of each calendar year, the owner/occupant of the premises shall file with the ZEO an affidavit of residency and continuation of the Home Occupation in accordance with the original Zoning Permit that was approved.
- 26.2.18** Each Zoning Permit shall automatically terminate when the applicant no longer resides in the dwelling unit.
- ~~26.2.18~~ **26.2.19** Nothing in Section 26.2 is intended to assume that the existence of a computer or other communication devices constitutes a home occupation. Qualifying factors for a home occupation include signage, off-street parking, display of merchandise, delivery of materials or products, client traffic, filing of

trade name certificate or personal property taxes, advertising or factors that would negatively impact the residential properties.

26.3 **Alternate Energy Systems:** Solar collectors and wind generators are an additional accessory use for which a Zoning Permit is required.

26.3.1 The applicant shall demonstrate to the ZEO that this alternate energy system complies with the lot standards specified in the Schedules.

26.3.2 For wind generators, the applicant shall demonstrate that the tower and rotor are engineered and commercially available.

(a) For those that are designed by a professional registered in the State of Connecticut, the applicant shall demonstrate that the system is designed to prevent over-speeding and excessive pressure on the tower structure.

## Section 31

### Storage Tanks

- 31.1 **Scope:** The purpose of this Section is to regulate all underground and aboveground storage tanks that hold fuel oil and chemicals, and which are currently excluded from regulations of the State Department of Energy and Environmental Protection (DEEP).
- 31.2 **Definitions:** The following words, terms and phrases when used in this Section shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:
- 31.2.1 **Aboveground:** Any facility or component of a facility that has ninety-one percent (91%) or more of its capacity at or above the surface of the ground.
  - 31.2.2 **Aboveground Tanks:** All aboveground containers used for residential fuel oil storage and nonresidential fuel oil as well as those for storing hazardous materials.
  - 31.2.3 **ASTM:** American Society for Testing Materials.
  - 31.2.4 **CFR:** Code of Federal Regulations.
  - 31.2.5 **Fuel Oil:** Oil or petroleum-based liquids used for heating or cooking purposes, including, but not limited to diesel fuel, #2 fuel oil., propane or kerosene.
  - 31.2.6 **Hazardous Materials:** Any material defined by 40 CFR Part 261, Subpart C as may be amended from time to time, generally having the characteristics of one (1) or more of the following: ignitability, corrosivity, reactivity or toxicity, but not including a hazardous waste currently regulated by the State Department of Energy and Environmental Protection.
  - 31.2.7 **Listed:** Approved by the Commissioner of Energy and Environmental Protection in accordance with Section 22a-449(d)-1 of the Regulations of Connecticut State Agencies, as may be amended from time to time.
  - 31.2.8 **NFPA:** National Fire Protection Association.
  - 31.2.9 **Nonresidential Fuel Oil Storage:** Storage of less than twenty-one hundred (2,100) gallons of fuel oil at nonresidential locations.
  - 31.2.10 **Piping:** Any pipes intended to regularly hold or convey fuel oil or hazardous materials.
  - 31.2.11 **Residential Fuel Oil Storage:** Storage of fuel oil at any residential building, regardless of volume stored.

31.2.12 **Underground**: Any facility or component of a facility that has ten percent (10%) or more of its capacity below the surface of the ground and not readily visible for inspection.

31.2.13 **Underground Tanks**: All underground containers used for residential fuel oil storage and nonresidential fuel oil storage as well as those for storing hazardous materials.

31.3 **Registration of Existing Tanks**:

31.3.1 Owners of all existing underground tanks shall register the tanks with the ZEO on a form provided by the ZEO. Information to be provided shall include, but is not limited to:

- (a) Address of tank location
- (b) Approximate location of a tank in relation to nearby building(s)
- (c) Approximate date of installation
- (d) Type of material tank consists of and approximate volume
- (e) Diameter and length of all buried piping
- (f) Copy of manufacturer's warranty, if available
- (g) Type of material tank contains
- (h) Such other information as may be required

31.3.2 This registration shall be complete by ~~January~~ July 1, 20xx2014.

31.4 **New Installations**: No underground or aboveground tanks shall be installed at any facility, such as a home or business, unless the installation complies with the requirements in this Section.

31.5 **Permits**: A permit to install an underground or aboveground tank must be completed by the applicant and approved by the ZEO prior to the initiation of any work. The permit shall contain the tank's street address, location on the property and the type of tank, as well as other information deemed appropriate by the ZEO.

31.6 **Tank Types**:

31.6.1 All new underground tanks shall be listed, double-walled steel or single-walled fiberglass reinforced plastic tanks. Steel tanks must be cathodically protected for a minimum of thirty (30) years, and equipped with a permanent cathodic protection monitoring device and be externally coated with a factory-applied coating designed to retard corrosion in underground locations. Fiberglass-reinforced plastic tanks must be chemically compatible with the material to be contained, as determined by the tank manufacturer.

- 31.6.2 All new aboveground tanks shall be UL approved tanks installed in accordance with all state and local building codes. The tanks shall be installed inside of a secondary containment unit that is equal to or greater than one half of the capacity of the primary storage tank.
- 31.7 **Installation:** Installation of all tanks and related components shall conform to NFPA 30, as amended, and the manufacturer's installation specifications; whichever imposes the most stringent requirements. Within thirty (30) days after the completion of the installation, but prior to the use of the tank, the owner of the tank must submit a statement to the ZEO, signed by the tank installer, certifying that the installation has been carried out in accordance with the provisions of this Section.
- 31.8 **Piping:** All piping must be installed by a plumber licensed in the state. Sleeving shall be provided at all points where the supply or return piping is underground, as well as through the foundations all or if this piping is to be buried in or below a concrete floor, it shall be sleeved in at least a four-inch diameter schedule 40 plastic conduit meeting the requirement of ASTM D-1785 or equivalent, with appropriate tight joints. All piping and the tank shall hold an air pressure of five pounds per square inch gauge (5 psig) for at least ten (10) minutes after backfilling, but prior to use. A statement certifying the successful completion of this air test must be signed by the plumber and submitted to the ZEO within thirty (30) days of the test, but prior to use of the piping.
- 31.9 **Inspection:** As further assurance that installations are performed in accordance with applicable requirements, as detailed above, an inspection of all installations must be made by the ZEO and Fire Marshal, who must be notified at least twenty-four (24) hours prior to an installation.
- 31.10 **Life Expectancy:**
- 31.10.1 The life expectancy of all fiberglass-reinforced plastic underground tanks installed after ~~January-July 1, 2007-2014~~ shall be indicated in the manufacturer's corrosion warranty. The life expectancy for all cathodically protected underground tanks installed after ~~January-2July 1, 2007-2014~~ shall be as that indicated in the tank manufacturer's corrosion warranty.
- 31.10.2 This life expectancy can be extended for up to five (5) additional years beyond this life expectancy if no leaks have been detected previously and no leaks are detected in this extended life expectancy, as detailed in Subsection 31.13 of these Regulations.
- 31.11 **Leaks:** If any tank or piping is determined to have a leak at any time, use of the tank shall be immediately discontinued, the tank shall be emptied and the ZEO notified within two (2) business days.
- 31.11.1 The ZEO, in consultation with the Department of Energy and Environmental Protections, shall have the right to require that reasonable efforts be taken to

recover lost products and remove and properly dispose of contaminated materials, such as soil.

31.11.2 If only the piping is leaking, it may be replaced or repaired as necessary, in general conformance with the requirements for piping in the "New Installation" section of these Regulations.

31.11.3 If the tank leaks before the life expectancy has been reached or in the extended life expectancy, it shall be substantially emptied and removed or abandoned in accordance with NFPA-30. This removal or abandonment must be done within ninety (90) days of the detection of a leak.

31.12 Abandonment or Removal: After the life expectancy, or the extended life expectancy, has been reached, the tank shall be substantially emptied and removed or abandoned in accordance with NFPA-30. This removal or abandonment must be achieved within six (6) months after reaching the life expectancy or extended life expectancy, whichever is applicable.

31.13 Leak Detection:

31.13.1 All underground tanks shall be monitored by the tank owner for excessive, unanticipated product loss on a regular basis. This monitoring shall consist of the following minimum procedures, or an equivalent method approved by the ZEO.

(a) Records shall be kept of average product use per degree-day for each heating fuel tank. If this ration shows and increase or decrease greater than ten percent (10%) in any single monitoring period, further investigation shall be initiated to determine the cause.

(1) Such further investigation may include but not be limited to review of product use at location of tank, visual inspection of the tank components or the use of more sophisticated leak detection methods.

(2) If this further investigation fails to identify the cause of the product loss, the ZEO shall be notified within two (2) business days. The ZEO shall exercise general oversight in the determination and investigation of any apparent leaks at this stage. The ZEO shall have the right to require precisions hydrostatic testing and/or partial or entire excavation of the tank and related components, if necessary.

(b) These monitoring reports and any supporting documentation of product use shall be submitted to the ZEO annually on ~~January 1<sup>st</sup> and~~ July 1<sup>st</sup> or upon his request.



- 31.14 **Appeals**: Any person aggrieved by a decision of the ZEO in relation to the provisions of this article may appeal to the Zoning Board of Appeals. The Board shall schedule a public hearing after proper notice to investigate into the facts and vacate, modify or affirm the decision of the ZEO. Any such action by the Board shall be recorded on the permit and/or registration form for such tank.
- 31.15 **Penalties**: Any person who violates any provision of this article including the failure to register an underground tank pursuant to section 31.3.1 shall be subject to a fine of not more than one hundred dollars (\$100.00) per day or portion thereof during which a violation is maintained. The ZEO may also enforce the provisions of these Regulations by seeking injunctive relief in a Court of competent jurisdiction.