

## Section 4

### Application Requirements, Procedures and Decision Process

4.1 Purpose: This Section covers the recommended and required procedures for applications to the Planning and Zoning Commission, the Zoning Board of Appeals, and the Design Review Board. It also explains the permitting process, including:

- Pre-application procedures
- Information required for a complete application
- Formal application procedures
- Decision-making process, and
- Post-approval requirements

The Planning and Zoning Commission (hereinafter, “the Commission”) acts upon:

- Coastal Site Plan Review (CAM)
- Site Plans (SP)
- Special Exceptions (SE),

as noted in Section 27 of these Regulations.

The Zoning Board of Appeals (hereinafter, “the Board”) acts on:

- Variances
- Certificates of Approval of Locations, as required by the Connecticut General Statutes
- Appeals of decisions by the Zoning Enforcement Officer (ZEO)

The Design Review Board (hereinafter, “the DRB”) reviews:

- All new construction, exception single-family homes located outside a Village Zone
- All signs
- Any project requiring review by either the Commission or the Board that involves changes to the façade of an existing structure.

4.2 Pre-Application Conference - Recommended for all Applications: Pre-application conferences with the Land Use Staff (Zoning Enforcement Officer, Land Use Technicians, etc.) are optional, but at least one is strongly recommended for all applications to the Commission, Board, or DRB. Such conference allows early identification of issues before an applicant incurs the expense and effort required for a formal application. Proceeding to a formal application without such a conference increases the likelihood of an unfavorable review. However, no comments made by staff during the pre-application conference shall be deemed to substitute for any portion of the formal review, or to be construed as a decision, prejudgment, or determination of the final formal application.

No fee is required for a pre-application conference. Such conferences are arranged by appointment with the Land Use Staff.

- 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 other reports required for a final application. A preliminary plan will be reviewed with a clear understanding that preliminary plans enjoy no official status, and that the Commission's consensus on feasibility of approval of a preliminary plan does not necessarily imply approval of the formal application.

No fee is required for Preliminary Review. The Land Use Staff will schedule a preliminary review for a regular meeting of the Commission, subject to the deadline set by resolution of the Commission. The applicant shall provide preliminary materials by this deadline for Commission.

- 4.4 Information Required for a Complete Application: The following Sections (4.5 through 4.30) 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.

- 4.5 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 31. The following information shall also be included in the statement, if applicable:

4.5.1 Hours of operation

4.5.2 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 33]

- (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.

4.5.3 The section number from the Schedule of Uses (Section 27)

4.5.4 The scope of the project including the size of the building, proposed infrastructure, etc.

4.5.5 Any structures that are to be moved or demolished

4.5.6 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.

- 4.6 Site Plan Specifications: A site plan that is submitted with an application needs to meet the following specifications:
- 4.6.1 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 *so that the plan fits on a single page*.
- 4.6.2 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.
- 4.6.3 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) 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:
- (1) All the land in the lot together with any adjacent or contiguous parcels in the same ownership
- (2) All lot lines
- (3) Zoning districts
- (4) Public ways
- (b) Accurate location and size of all existing buildings and structures on the site
- (c) 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
  - (d) The location and design of all sanitary disposal systems
  - (e) Location of all outdoor fixed trash receptacles, enclosures and facilities
  - (f) 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)
  - (g) Location, size and design of all lighting (a digital photograph of existing lighting can be provided in lieu of a diagram depicting the design)
  - (h) The names of all current property owners abutting, or across a public or private access right of way, shall be shown on the plans.
- 4.6.4 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 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 Water Pollution Control Commission (WPCC), Natural Diversity Database, Coastal Resources and Flood Hazard Areas, where applicable.
  - (i) Location of the Coastal Jurisdiction 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 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 cultural resources on the site
- 4.6.5 The Commission 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.
- 4.6.6 Additionally, the Commission may excuse an element(s) in Sections 4.6.2, 4.6.3, 4.6.4 and 4.6.5, above, if it is not required to determine compliance with the Standards of Sections 10, 11, and 12, upon written request from the applicant.

#### 4.7 Architectural Plans:

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

(a) If the application is for a change of use, only floor plans showing the existing use and the proposed use shall be submitted.

4.7.2 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.

4.7.3 If Design Standards apply, 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.

4.7.4 The Commission 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.

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

(Amended 6/1/2014)

4.8.1 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.

4.8.2 The Commission may excuse the requirement for a lighting plan if it is not required to determine compliance with the applicable Standards in Sections 10, 11, and 12, upon written request from the applicant.

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

(Amended 6/1/2014)

4.9.1 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.

(Amended 6/1/2014)

- 4.9.2 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 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 10, 11 and 12.
- 4.10 Landscaping Plan: When required to be submitted, shall conform to the following standards:  
(Amended 6/1/2014)
- 4.10.1 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 xx, Off-Street Parking and Loading, or such other section as may be applicable.  
(Amended 6/1/2014)
- (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.
- 4.10.2 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.
- 4.10.3 The Commission may excuse the requirement for a Landscaping Plan if it is not required to determine compliance with the applicable Standards in Sections 10, 11, 12 and 33, upon written request from the applicant.
- 4.11 Soil Erosion and Sediment Control Plan: When required to be submitted, the plan shall conform to the following standards:
- 4.28.1 Said Erosion Plan shall show the name and address of the proposed use, the name and address of the owner/agent of the property, and the name and address of the developer, if different from the owner, and shall contain, but not be limited to:
- (a) Narrative:
- (1) Proposed alteration of the area to be developed.
- (2) The schedule for grading and construction activities, including:

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- (i) Start and completion dates
  - (ii) Sequence of grading and construction activities
  - (iii) Sequence for installation and/or application of soil erosion and sediment control measures
  - (iv) Sequence for final stabilization of the project site
- (3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
  - (4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
  - (5) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
  - (6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
  - (7) A contingency or revisited Erosion Plan when inspection of the site indicates unforeseen erosion or sedimentation problems.
  - (8) The name and address of the engineer or contractor responsible for the monitoring of operational and maintenance procedures for erosion and sediment control. Provided it is practical to do so, the narrative may be printed on the site plan.
- (b) Site Plan Map: Drawn at a scale of one inch equals forty feet (1"=40'), showing the name and address of the owner of the lot, the name and address of the developer, if different from the owner, date and scale and including, without being limited to, the following:
- (1) The location of the proposed development and adjacent property owners.
  - (2) Existing structures on the project site, if any.
  - (3) Contours at two-foot (2') intervals.
  - (4) Existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
  - (5) Proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.



- (6) Location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.
  - (7) Sequence of grading and construction activities.
  - (8) Sequence for installation and/or application of soil erosion and sediment control measures.
  - (9) Sequence for final stabilization of the development site.
- (c) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or ZEO.
- 4.12 Shopping Cart Management Plan: When required to be submitted, shall conform to the following standards:
- (Added 6/1/2014)
- 4.12.1 The Shopping Cart Management Plan shall specify the retail operation's shopping cart management program to prevent accumulation of carts in the parking lot, including the provision that carts cannot be stored outside overnight.
  - 4.12.2 The Commission may excuse the requirement for a Shopping Cart Management Plan if it is not required to determine compliance with the applicable Standards in Sections 10, 11, 12, 20 and 31, upon written request from the applicant.
- 4.13 Site Access Plan: When required to be submitted, shall conform to the following standards:
- (Added 6/1/2014)
- 4.13.1 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.
  - 4.13.2 The Commission may excuse the requirement for a Site Access Plan if it is not required to determine compliance with the applicable Standards in Sections 10, 11, 12, 20 and 33, upon written request from the applicant.

- 4.14 Viewshed Analysis: When required to be submitted, shall conform to the following standards:  
(Added 6/1/2014)
- 4.14.1 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.
- 4.14.2 The Commission may excuse the requirement for a Viewshed Analysis if it is not required to determine compliance with the applicable Standards in Sections 10, 11, 12, and/or 20, upon written request from the applicant.
- 4.15 Plot Plan: A plot plan is required to be submitted with each application for a Zoning Permit.
- 4.15.1 The area of the lot and the dimensions of all lot lines;
- 4.15.2 The location of all existing or proposed structures;
- 4.15.3 The height, dimensions, use, floor area of all proposed structures;
- 4.15.4 The existing and proposed ground coverage calculations;
- 4.15.5 The location of any existing or proposed on-site sewage disposal systems, leaching field expansion area and water supply wells or lines;
- 4.15.6 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
- 4.15.7 Such additional information as may be necessary to determine compliance with the provisions of these Regulations.
- 4.16 Additional Information for Special Exceptions: All applications for Special Exceptions shall include the following information:
- 4.16.1 A current Certificate of Zoning Compliance demonstrating that there are no zoning violations existing on the property as of the date of the application.
- 4.16.2 The Commission may request the applicant to submit additional information that it deems necessary in order to decide on the Special Exception.
- 4.17 Reports:
- 4.17.1 A report from the Fire Marshal with respect to compliance with applicable Fire Codes.

- 4.17.2 A report from the Fire Chief.
  - 4.17.3 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.
  - 4.17.4 A report from the Design Review Board, per Section 4.29, where applicable.
  - 4.17.5 A report from the Water Pollution Control Commission, per Section 4.30, where applicable.
  - 4.17.6 A report from the Inland Wetlands Commission, per Section 4.37, where applicable.
  - 4.17.7 A report from any of the agencies or officials listed in Section 4.38, as may be applicable.
- 4.18 Fees: Fees in accordance with the Section x: Fees and Appendix A: Land Use Applications Ordinance shall be submitted with the application.
- 4.19 Digital Data:
- 4.19.1 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.
  - 4.19.2 Applicants shall submit .pdf files of all applications and information submitted in addition to the required hard copies and the GIS Data Standard.
- 4.20 Additional Information for Petitions to Amend the Zoning Regulations or Map:
- 4.20.1 For petitions concerning the text of the Regulations, the existing and proposed text of the Regulations shall be submitted with the appropriate application.
  - 4.20.2 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.

#### 4.21 Contents of a Sign Permit Application:

(Amended 11/1/2012)

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

4.21.2 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.

4.21.3 A report from the Design Review Board must be submitted with the Sign Permit application.

4.22 Contents of a Temporary Sign Application:

4.22.1 In addition to information required pursuant to Subsection 4.22 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.

4.22.2 The ZEO may at his/her discretion require less information than outlined in Subsection 4.21.2 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.

4.23 Contents of a Sign Design Plan:

4.23.1 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.

4.23.2 Elevation view drawings as specified in Section 4.21.2 above.

4.23.3 The applicant shall submit fifteen (15) copies of the design plan and elevations.

4.23.4 A report from the Design Review Board must be submitted with the Sign Design Plan.

4.24 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.

4.25 Coastal Site Plan Review: An application and coastal site plan in accordance with Section xx 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.

4.26 Design Review: In accordance with Section 6, 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.

4.27 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.

4.28 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.

4.29 Referral to the Design Review Board (DRB) Mandatory: The following applications are required to be reviewed by the DRB:

- New construction, except single family homes located outside the Village Zone;
- Any projects to be reviewed by the Board or Commission that changes the façade of an existing structure(s); and
- Signs except temporary signs and signs within Special Use Categories that have an approved Sign Design Plan.

4.29.1 Preliminary DRB Review Meeting - Recommended: It is recommended that the following is initiated at least two 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) Three (3) copies and a digital file of the following information should be submitted at least two (2) 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 showing all approaches on streets or public ways and from the site towards relevant streetscapes and adjacent structures.

(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.

(c) 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 and will determine if additional meetings are recommended before plans are ready for submission for the final review meeting of the DRB.

4.29.2 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 and a digital file 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 and a digital file 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 6 and 30.

4.29.3 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.

4.30 Referral to the Water Pollution Control Commission (WPCC): If a property is located within a "Structural Needs Area" and the proposed use increases the flow to the subsurface

wastewater septic system, the applicant shall present the application to the WPCC for review at a public meeting attended by the applicant. The WPCC shall make a written report to the Board or Commission.

- 4.31 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”).
- 4.31.1 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 4.5 through Section 4.30.
- 4.31.2 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 Appendix A)
- (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.
- 4.31.3 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.
- 4.31.4 The Commission, or its delegated agent, shall determine that the information submitted is complete in accordance with the requirements of these Regulations.
- 4.31.5 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.
- 4.32 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.



- 4.32.1 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 4.5 through Section 4.30.
- 4.32.2 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 Appendix A)
- (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.
- 4.32.3 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.
- 4.32.4 The Board, or its designated agent, shall determine that the information submitted is complete and in accordance with all the requirements of these Regulations.
- 4.32.5 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.
- 4.33 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.
- 4.34 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").
- 4.35 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.

- 4.36 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.
- 4.37 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.
- 4.37.1 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.
- 4.37.2 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.
- 4.37.3 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.
- 4.37.4 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.

#### 4.38 Referrals and Review by Others:

4.38.1 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, Land and Water Resources Division (CTDEEP/LWRD): 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.
  - (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) Lower Connecticut River Valley Council of Governments (RiverCOG), in addition to that required under Section 4.38.2 of these Regulations;
- (Amended 6/1/2014)
- (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 Appendix A), 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.

4.38.2 Referral to Lower Connecticut River Valley Council of Governments (RiverCOG) and South Central Regional Council of Governments (SCRCOG):

(Amended 6/1/2014)

- (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 RiverCOG and/or SCRCOG, if necessary, in accordance with CGS Section 8-3b.

(Amended 6/1/2014)

- (b) Notice shall be given not later than thirty-five (35) days before the public hearing to be held in relation thereto.

4.38.3 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.

4.38.4 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/LWRD for comment.

4.13.5 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.

4.39 Public Hearings:

4.39.1 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).

4.39.2 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.

4.39.3 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.

(Amended 6/1/2014)

(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 4.39.5(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.
  - (b) 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.  
(Amended 6/1/2014)
    - (1) 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.
    - (2) Proof of Delivery Confirmation shall be placed on file prior to the commencement of the public hearing.
- 4.39.4 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.
- 4.39.5 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.
- (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."

#### 4.40 Planning and Zoning Commission or Zoning Board of Appeals Decisions:

- 4.40.1 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.
- 4.40.2 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.
- 4.40.3 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).
- 4.40.4 The failure of an applicant to provide the statement required under Appendix A, regarding professional evidence to be submitted, or to pay any additional fees required under Appendix A, regarding fees in addition to base fees, shall render the



application incomplete and shall provide a basis for the Commission to deny the application.

4.40.5 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.

4.40.6 In approving, modifying and approving, or denying an application, the Board or Commission shall state in its records the specific reasons for its action.

4.40.7 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.

4.41 Post-Approval Procedures:

4.41.1 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 4.40.5(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 4.40.5(b), above.
- (2) Any required bonds shall be posted by the applicant in accordance with Section 8 of these Regulations prior to the filing of the Certificate.

#### 4.41.2 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.

#### 4.42 Termination of Approval:

- 4.42.1 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.
- 4.42.2 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.
- 4.42.3 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.
- 4.42.4 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.

- 4.42.5 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.
- 4.42.6 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.
- 4.43 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.

- 4.44 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.
- 4.44.1 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.
- 4.44.2 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.
- 4.44.3 The Commission, in its sole discretion, may excuse the requirement for an As-Built Plan, upon written request of the applicant for good cause.