



## Town of Clinton

Zoning & Wetlands Enforcement Officer

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To: Clinton Planning and Zoning Commission

From: Eric Knapp, Zoning Enforcement Officer

Re: 18 Nod Road, SE 18-007

Date: April 3, 2018

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I have gone through each of the remaining special exceptions requested by the applicant to see which of them are at least theoretically possible under their existing site plan as proposed. Note, I am working from the presumption that the following items are no longer being requested: 27.2.28 – massage establishments; 27.2.66 – sale of boats and marine equipment; 27.2.70 – just the outside storage provisions of the contractor’s storage yard SE; 27.2.73 – research laboratories.

Based on my review of the Regulations, my conclusions are as follows:

1. Sections 27.2.22 (c) and (d): Business and professional offices. The special exception for these uses requires 6’ fencing along the sides and rear, which is not shown on the plan. The applicant did commit during the public hearing to add this to the plans as a condition of approval. It also requires 5’ vegetative buffers along at the side property lines and a 25’ vegetative buffer along the rear property line. No room has been left on the plans for these plantings to be placed in those locations. There does appear to be room for the 25’ landscaped front yard, but the plan does not appear to show much landscaping in this location. The plans as submitted **do not** allow for this special exception to be granted.
2. Sections 27.2.50 (a) through (d), Section 27.2.51, Section 27.2.52. The Regulations have separate categories for nonprofits versus governmental agencies. For governmental agencies, all that is required is a lighting plan and a landscaping plan. Once we have the landscaping plan, the special exception for governmental agencies can be granted. For nonprofits, the requirements include the lighting and landscaping plans, but also a traffic generation study, which has not been done, as well as proof of the organization’s non-profit status, which would presumably be demonstrated at the time of the tenancy. So much of the special exceptions requested for non-profits **cannot** be granted at this time, absent a traffic study. The special exception as relates to the governmental bodies **can** be granted.

3. Section 27.2.55. Communication towers. The applicant has not met the basic requirements of this special exception. The applicant has not provided evidence regarding why co-location on an existing tower would not be possible, providing descriptions of existing towers in the vicinity and their capacities. The applicant has not provided evidence regarding whether a proposed tower meets FAA or FCC standards or other regulatory standards. The applicant has not demonstrated that it can meet the fall zone requirements for the site. None of the application requirements of Section 12.43.6 have been met. (There are 15 of them. I will not detail them all here.) The special exception for this use **cannot** be granted.
4. Sections 27.2.60 (1 – 3) and 27.2.61 (a) and (b). Manufacturing, processing or assembling of goods. Section 12.44.2 (a) states that “(b)uildings shall be oriented in such a manner that the truck bay doors and/or delivery entrances are to be located on the opposite side of the building from adjacent residential uses and/or districts. The doors facing 16 Nod Road may violate this provision. Section 12.44.2 (c) requires a 50’ vegetative buffer along all property lines that abut residential uses and/or districts. No buffer along 16 Nod Road has been provided. Subsection (d) states that there will be no outside storage of equipment or materials except for motor vehicles for the transportation of vehicles over public roads. No evidence has been provided that the entrance of this facility is within a 1,200 foot radius of the entrance to another facility of this sort. Given the 50’ buffer is not provided for on this plan, the special exception for this use **cannot** be granted under the plans as submitted.
5. Section 27.2.62 (a) and (b). Warehousing and wholesale business. All comments set forth regarding Manufacturing above also apply to these sections. The special exceptions for this use **cannot** be granted under the plans as submitted.
6. Section 27.2.63. Self-storage warehousing. Section 12.46.2 (a) requires that none of the units exceed 200 square feet in size and cannot have any other use permitted in the district. Subsection (b) requires a 25’ landscaped strip of a dense evergreen barrier of a height to obscure the units. This has not been provided. The 6’ fence required around the perimeter of the site as required by subsection (c) has not been shown on the plan, although the applicant has committed to placing it along the side and rear, as noted above. Subsection (e) states that no outside storage is allowed. Per subsection (g), no individual utility service can be provided to individual units, which is not what was represented at the public hearing. The special exception for this use **cannot** be granted under the plans as submitted.
7. Section 27.2.62. Manufacturing and rebuilding of boats. While nearly all of the requirements of Subsection 12.49 have been met, the plans do not show a 14’ high fence around the perimeter of the outside storage area, if it is to be for boats. Additionally, the statement of use was required to specify the manufacturing facility’s operating procedures and best management practices. Arguably, these could be

handled by conditions of approval, although I would much have preferred to see them during the public hearing so the Commission could review them. Subject to several conditions of approval, this special exception can be granted.

8. Section 27.2.70. Contractor's business and associated buildings. The applicant has indicated that it will not be seeking storage under this Subsection. That eliminates many of the requirements of Subsection 12.52. The only conditions to be required on this use would be that storage of hazardous materials would require a separate special exception, all maintenance work must be performed indoors or on an impervious surface, all fuel storage tanks must have self-containment capabilities, and the processing or stockpiling of earth products would require a separate special exception. With those conditions, this special exception can be granted.
9. Section 27.2.75 (a) through (c). Printing establishments. Similar to manufacturing of boats, above, there are items which should have been submitted with the application and have not been. Theoretically, they could be handled through conditions of approval. These items include: (1) demonstration of a zero discharge/closed loop system; (2) no production discharges to the subsurface sewage disposal system or ground/surface water; (3) no outside storage of materials; (4) no retail sales of products; (5) a submitted list of all chemicals with estimated storage quantities that are to be kept on premises. With those items handled by conditions of approval, this special exception can be granted.
10. Section 27.2.81. Motor vehicle detailing and car-washing facilities. Subsection 12.63.3 contains several requirements which cannot be met under the application as submitted. The site plan does not show a 100' foot setback for all structures containing a facility from all residential zoning districts and structures. No facility must discharge its wastewater effluent into its own reclamation system, including a holding tank with an audio/visual alarm system to warn operating personnel of high level conditions requirement removal by proper means. The applicant would need to demonstrate that no portion of the drainage for the site would discharge directly into any stormwater drainage collection system. The applicant would need to provide a plan for queuing cars to access the site entirely off the highway. The plan would need to provide for security fencing around the entire site. Additionally, the applicant was supposed to submit lists of chemicals being stored on site, the fire suppression, ventilation, inventory monitoring and leak detecting systems, as well as a narrative at the time of the application, detailing spill incident procedures, standard operating or management procedures, employee training and how they store, handle, transport and dispose of materials. The applicant was also supposed to provide a layout of the storage area, the name and contact information for the responsible party and a schedule for when site inspections are to be done. Even assuming that much of this can be handled by condition of approval, the 100' setback is not provided for by the plans. The special exception for this use cannot be granted under the plans as submitted.