



SECTION 51

Site Plans

51.0 PURPOSE

Pursuant to C.G.S. §8-3(g), a Site Plan is required for certain uses permitted within these regulations, to determine the conformity of a proposed building, use or structure with the provisions of these regulations. This section establishes procedural and informational requirements for Site Plans. These requirements are in addition to other applicable standards and requirements of these regulations.

51.1 PROCEDURE

Where a Site Plan is required, the Site Plan will be prepared in accordance with the purpose and intent of these regulations, including protection of public health, safety, comfort and convenience; coordination with and improvement of vehicular and pedestrian access; provision of adequate drainage and utilities; appropriate lighting and landscaping; protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical and maintenance of architectural harmony with the surrounding area.

51.2 ACTIVITIES FOR WHICH A SITE PLAN IS REQUIRED

Where required by these regulations, no *building* or *structure* will be erected, altered or enlarged, nor *building, use* or *structure* will be used, nor *use* altered in space, time or intensity, and no permit will be issued by the Enforcement Officer, until a Site Plan meeting all applicable requirements of this section has been approved by the Commission.

Unless otherwise specified in these regulations, a Site Plan is required for all proposed *uses* or of *use*, except the following:

- A. Single *family* residential *use* on a previously approved and buildable *lot*. A Plot Plan as detailed in Section 8.2 is adequate for most single *family uses*; provided, however, that a Site Plan may be required by the Commission or the Enforcement Officer, acting on behalf of the Commission, when topography, *soils*, existing development, mixed *uses* or other factor make it infeasible to properly determine conformance with the Zoning Regulations without a Site Plan.
- B. Within Business (B-1, B-2, B-3, and B-4) Districts and Industrial (I) Districts, a change from an existing permitted use located within a structure to another permitted use located within the same structure, provided that the Commission determines that the new use will not result in either the alteration of the exterior of the structure, or in an intensification of the use of the structure. Intensification will be defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than that which existed prior to the change of use. A Plot Plan and written statement of use must be submitted for the change of use. The Commission may delegate the responsibility for determination of

applicability of this subsection the Enforcement Officer, who will periodically report the determinations to the Commission.

C. Any *use* for which the Commission approves a waiver of Site Plan requirements under Section 51.2.1.

51.2.1 **Waiver of Site Plan Requirements.** In addition to *uses* and activities specifically exempted from Site Plan requirements by these regulations, the Commission may waive requirements for a Site Plan if it determines that a proposed activity will not affect existing traffic circulation, or result in an increase in the need for parking, nor will it entail any significant exterior change to a *building* or site, nor will the new activity have an impact substantially different from the existing *use* from which the change is requested. A request for a waiver of Site Plan requirements will be submitted in writing by the property owner or owner's agent. A Commission decision to waive Site Plan requirements may be made based on informal discussion of the activity at a regular or special Commission meeting. Coastal Site Plans, where applicable, will not be waived.

51.2.2 **Partial Waiver of Site Plan Information Requirements.** To avoid unnecessary delay and expense for an Applicant whose proposed activity is minor in nature and limited in its impact on the surrounding area, the Commission may, at its sole discretion, exempt any application from specific information requirements as set forth in this section. The exemption may be approved if the Commission finds that the information would not aid the Commission in its determination of the application's compliance with these regulations. A request for a partial waiver of Site Plan requirements will be submitted in writing by the property owner or owner's agent. A Commission decision to waive Site Plan requirements may be made based on informal discussion of the activity at a regular or special Commission meeting.

Coastal Site Plans, where applicable, will not be waived.

51.3 INFORMAL DISCUSSION OF SITE PLANS

Any Applicant for a *use* requiring Site Plan approval may request the placement of the proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and receiving preliminary comments, observations, and questions, and identifying areas of concern. At this time, the potential Applicant should request the placement of the potential application for Site Plan approval on the agenda of a regular or special meeting of the Architectural Review Board for the purpose of obtaining guidance in the aesthetic design criteria prior to a formal application for Site Plan approval. The purpose of the informal discussion(s) is to minimize delay, expense, and inconvenience to all interested parties and to assist a potential Applicant in understanding appropriate design parameters desired by the Town). At the informal discussion of the Commission, the Applicant may request a full or partial waiver of Site Plan requirements under Section 51.2.1 or 51.2.2 of the Zoning Regulations above. Following informal discussion, the Commission may suggest that the proposal or certain aspects, be referred to other Municipal State or Federal agencies for review and comments or may advise the potential Applicant that additional information will be required prior to action on a formal application for Site Plan approval.



51.4 FORMAL APPLICATION FOR SITE PLAN APPROVAL

51.4.1 **Submission of Formal Application.** All applications for Site Plan approval, including application form, fee, maps, reports, legal documents and other information required under Section 51.5, will be submitted to the Enforcement Officer or other designated agent of the Commission. To receive prompt consideration, a complete application should be submitted no later than 14 days before a regularly scheduled Commission meeting.

An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of these regulations have been received. Failure to submit a complete application may be cause for disapproval of the application.

51.4.2 **Official Date of Receipt of Application.** The official date of receipt of an application for Site Plan approval will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Enforcement Officer or other designated agent, or thirty-five (35) days, whichever is sooner.

51.4.3 **Statutory Requirements.** The Commission will act upon applications for Site Plan approval, except those accompanying an application for a Special Exception, in accordance with the provisions of C.G.S. §8-7d(b). The Commission may hold a public hearing on any Site Plan. In the case of a site plan accompanying an application for Special Exception, the Commission considers site plans as part of the application for Special Exception and action on the plan will be taken in accordance with Section 52 and 53 of these regulations.

51.4.4 **Inland Wetlands Report and Permit Required.** If any part of the site is within the jurisdiction of the Inland Wetlands & Watercourses Commission under provisions of the Connecticut General Statutes, then the report of the Inland Wetlands & Watercourses Commission, together with any permit issued for regulated activities, will be submitted with the application for Site Plan approval. In accordance with State Statutes, the Commission will not act on an application for Site Plan approval until the report of Inland Wetlands & Watercourses Commission has been received and considered.

51.4.5 **Architectural Review Board Advisory Report Findings Required.** For all commercial, industrial, and multi-*family* applications for Site Plan approval required pursuant to the Zoning Regulations, the Commission will transmit sufficient copies of site plans or elevation drawings to the Architectural Review Board for an advisory report of its findings.

51.4.6 **Referrals.** The Commission may transmit copies of Site Plan materials to other officials and agencies for advisory reports and consultation or for approval as may be required by law. The referrals may include, but are not limited to, the following: Planning Commission, Architectural Review Board, Conservation Commission, Parks and Recreation Commission, Harbor Management Commission, Economic

Development Commission, Board of Selectmen, Commission's attorney, Connecticut River Area Health District, Fire Marshal, Commission Engineer, Connecticut Department of Transportation (DOT), CT River Counsel of Governments (RiverCOG), Connecticut River Gateway Commission, Connecticut River Coastal Conservation District, or any other regulatory or advisory body of local State or Federal government from which the Commission wishes to seek advice and counsel in reaching its decision.

- 51.4.7 **Procedure.** Upon receipt, the Land Use Department will transmit the application form and accompanying plans and documents to the Commission; will also transmit sufficient copies to the Architectural Review Board. A copy of any Site Plan and *Soil Erosion & Sediment Control Plan* may be transmitted by the Land Use Department to the Connecticut River Coastal Conservation District with a request for its technical review and advisory opinion, and for certification; a copy of any *Soil Erosion & Sediment Control Plan* pertaining to the *lot* in the *Gateway Conservation Zone* will also be transmitted to the District for the review and opinion. Within forty-five (45) days after the receipt of a copy of the application form, plans and documents, the Architectural Review Board may and the Planning Commission will submit advisory reports of their recommendations to the Commission.

51.5 SITE PLAN OBJECTIVES

In reviewing an application for Site Plan approval, the Commission will take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may approve the modifications as are necessary to assure that the Site Plan complies with the requirements of these regulations. In particular, the Commission will assure that the Site Plan meets the following objectives:

- 51.5.1 **Complete Application.** That the application is complete and includes all material and information required by the Commission under these regulations to reach the findings contained herein.
- 51.5.2 **Conformance with Zoning Regulations.** That the application conforms to all relevant provisions of these regulations.
- 51.5.3 **Town Plan of Development.** That the proposed Site Plan is in general conformance with the intent of the Town Plan of Development, however the Plan of Development will not take precedence over the specific provisions of these Zoning Regulations.
- 51.5.4 **Emergency Services.** That all *buildings, structures, uses*, equipment or material are readily accessible for fire, police and emergency medical services, and are protected against hazards from fire and flood and from other hazards to public safety.
- 51.5.5 **Traffic Access.** That all proposed traffic access ways do not create traffic hazards and are adequate in width, grade, alignment, and visibility; and that the capacity of adjacent and feeder *streets* is adequate to accommodate peak and average traffic volume and any special traffic characteristics of the proposed *use*.



- 51.5.6 **Circulation and Parking.** That adequate off-street parking and loading spaces are provided to prevent on-street congestion, that the interior circulation system is adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians through the parking area and to all *uses, structures* and parking spaces.
- 51.5.7 **Landscaping and Screening.** That the landscaping of the site complies with the intent and purpose of these regulations, that existing trees are preserved to the maximum extent possible, that parking and service areas are suitably screened and buffered during all seasons of the year from adjacent residential areas and public *streets*, and that creation of impervious surfaces is minimized to protect water quality and maintain the character of the surrounding area.
- 51.5.8 **Lighting.** That glare from the installation of outdoor lighting and illuminated *signs* is properly shielded from the view of adjacent property and public *streets*; keeping with the character of the surrounding area, that intensity of lighting is in keeping with the character of the surrounding area.
- 51.5.9 **Public Health.** That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed *uses*, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.
- 51.5.10 **Natural and Historical Resources.** That the development of the site will preserve sensitive environmental land features, such as steep slopes, *wetlands*, and large rock outcroppings, and preserve scenic views or historically and archaeologically significant features.
- 51.5.11 **Neighborhood Character.** That the location, size, scale, and overall architectural character of any proposed *use, building* or *structure*, as well as the nature and intensity of operations involved in or conducted in connection will be in general harmony with the character of the surrounding neighborhood and consistent with the recommendations of the Architectural Review Board), and will not be detrimental to the appropriate and orderly development or *use* of any adjacent land, *building* or *structure*.

51.6 CONTENTS OF SITE PLAN SUBMISSION

Unless waived by the Commission, each application for Site Plan approval will include all information required below. Additional information and reports may be required.

- 51.6.1 **Number of Copies.** The applicant will submit copies of each application for Site Plan approval sufficient for review by the Commission and its staff. Additional copies of Site Plan materials, for review by other agencies or officials, will be provided by the Applicant upon request from the Commission or the Enforcement Officer.
- 51.6.2 **Form.** Formal application for Site Plan approval will be requested on a form provided by the Commission, available from the Enforcement Officer.

51.6.3 **Fee.** The application form will be accompanied by a fee as may be established by the Commission in accordance with State statues and applicable town ordinances.

51.6.4 The following information will be submitted as part of all applications for Site Plan approval:

A. **Statement of Use.** A written statement, signed by the Applicant, and by the owner if different from the Applicant, describing the nature and extent of the proposed *use* or occupancy in sufficient detail to determine compliance with the *use* provisions of these regulations. The written statement will include a declaration as to the nature and extent of the proposed *use* or occupancy; a description of provision for water supply, sewage disposal, solid and liquid waste, drainage and other utilities; the number of persons estimated to occupy or visit the premises on a daily basis; the basis for determining parking and loading requirements, and an estimate of the type of vehicular traffic and number of vehicles generated on a daily basis and at peak hour; and disclosure of any toxic or hazardous substances used, stored or processed in connection with the proposed *use* or occupancy.

B. **Maps.** All maps will be drawn on one or more sheets measuring 24" x 36". If more than one sheet is required, each sheet will be sequentially numbered, and an index of all supporting detail map sheets will be included on the first sheet. For more efficient presentation, any information required in Section 51.6.4(2) may be combined on plan sheets, if the information is presented in a clear and understandable manner. All prints of maps and plans will be clear, legible, and bound along the left side with required identifying data on each sheet. To the extent practical, north arrows will be consistent from one map to the other. Maps will be dated, and revision dates will be shown if plans are updated or revise during the review process.

1. **Location Map** – An accurate map at a scale of one inch equals one thousand feet (1"=1,000') will be submitted showing the subject property and all property and *streets* within one thousand feet (1000') of any part of the subject property, including all *lots* and *lot* lines, all zoning *district* boundaries and all existing *streets* and roads. The location map may be included on the Site Plan (the location map may be derived from the Town's base map.)

2. **Site Development Plans** – Site development plans will include a Class A-2 survey of the property and all improvements, prepared by a land surveyor registered in the State of Connecticut.

All site development plans will be prepared, signed and sealed with a live seal by a professional engineer, architect or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the information and design. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems and water systems will be prepared, signed and sealed by a licensed professional engineer.

Site development plans will be prepared at a scale of not more than one inch equal to fifty feet (1"=50'), or other appropriate scale as authorized by the Commission, and will indicate the following information, where appropriate. At



the discretion of the Commission or its agent, site development plans will include a minimum of four (4) points and their Connecticut State Plane Coordinate Grid System locations (NAD83) distributed on the perimeter of the property.

a. **General Information**

- (1) Name and address of the Applicant and owner of record and all adjoining property owners as listed on the Town tax roles;
- (2) Date, north arrow, and numerical and graphical scale on each map;
- (3) A brief written description of the proposed *use* or *uses*;
- (4) A table or chart indicating existing zoning and the proposed number or amount and types of *uses*, *lot area*, *lot width along building lines*, *setbacks*, *building height*, *building/structure coverage*, *gross floor area*, *total lot coverage*, parking spaces and landscaping, as they relate to the requirements of the zoning regulations;
- (5) The words, “Approved by the Old Saybrook Zoning Commission”, with designated places for the title and signature of the Commission and the date.

b. **The Property**

- (1) Boundaries of the property;
- (2) Location, width, and purpose of all existing and proposed easements and rights-of-way on the property;
- (3) Existing and proposed contours at intervals of two feet (2') or less, or equivalent ground elevations, based on datum satisfactory to the Commission, including identification of a bench mark at the site;
- (4) Location of all existing wooded areas, *watercourses*, *wetlands*, rock outcrops, and other significant physical features; and where appropriate, mean high water line, *wetlands* boundary, *Special Flood Hazard Areas*, and channel encroachment lines.

c. **Buildings and Uses**

- (1) Location, design and *height* of all existing and proposed *buildings*, *signs*, *fences* and walls;
- (2) Architectural elevations and floor plans for all *buildings*; architectural plans will include all proposed *buildings*, *structures* and *signs* and all existing *buildings*, *structures* and *signs* proposed to be reconstructed, enlarged, extended, moved or structurally altered. Architectural plans may be in preliminary form but will include exterior elevation drawings, generalized floor plans and perspective drawings.

- (3) Location of all existing and proposed *uses* and facilities not requiring a *building*, such as tennis courts, light standards, tanks, *fences*, transformers, dumpsters, and the like;
 - (4) Location and design of all existing and proposed *uses* not requiring a *structure*;
 - (5) Demonstration that proper provision is made for access and *use* by physically handicapped persons, including walks and ramps of suitable width and grade, inclined curb approaches or curbs cut flush with parking areas, reserved parking spaces and ground level *building* entrances.
- d. **Off-Street Parking and Loading, Access and Circulation**
- (1) Location, arrangement, and dimensions of all existing and proposed paved areas, including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps;
 - (2) Location, arrangement and dimensions of loading and unloading areas;
 - (3) Location and dimensions of pedestrian walkways, entrances, exits and walks;
 - (4) All off-street parking and loading, access and circulation will meet the requirements of these regulations.
- e. **Landscaping, Screening, and Buffer Areas**
- (1) Percentage, size, arrangement, *uses*, and dimensions of *open space* on the site;
 - (2) Location and design of all required buffer strips and screening, interior landscaped areas; plant materials, fencing, screening devices, decorative paving or other materials proposed;
 - (3) Location of existing trees with a trunk caliper of more than six inches (6"), except in densely wooded areas where the foliage line will be indicated;
 - (4) All landscaping, screening and buffer areas will meet the requirements these regulations.
- f. **Signs and Lighting**
- (1) Location, size, *height* orientation, and plans of all existing and proposed *signs* and outdoor lighting.
- g. **Utilities and Drainage**
- (1) Location and design of all existing and proposed sanitary subsurface sewage disposal systems, storm water drainage, water supply facilities, and refuse collection areas, including provisions for recycling, as well as other underground and above ground utilities.



- (2) Storm water drainage system details, including location, size, and elevations of all catch basins, dry wells, pipes, culverts, drainage swales, detention or retention basins and other features.

h. **Sedimentation and Erosion Control Measures**

- (1) Location and design of all proposed sedimentation control measures;

i. **Other Information as Appropriate.** In addition to other requirements of this section, other plans and reports may be required under these regulations, including, but not limited to:

- (1) Coastal Site Plan;
- (2) Special requirements for flood hazard areas;
- (3) Erosion and sedimentation control plan, when the disturbed areas of the development are cumulatively more than one-half (1/2) acre;
- (4) A *noncommercial tree cutting plan*, if the proposed development is located within the *Gateway Conservation Zone*;
- (5) Any permits required from any State or Federal agencies;
- (6) Riparian Access Plan for accessing the waterfront;
- (7) **Non-Commercial Tree Cutting Plan.** For any *lot* in the *Gateway Conservation Zone*, a plan showing the existing mix of tree species, their approximate *height*, age and density; a description of the cutting or removal activities to be undertaken; and any other information necessary and reasonably required;
- (8) Any other information the Commission deems necessary to determine conformity with the intent of these regulations.

51.6.5 **Additional Site Plan Submission Requirements.** The Commission may require that written reports be prepared and submitted as part of any Site Plan submission. Reports which may be required include reports on sewage disposal, water supply, fire protection measures, management of stormwater runoff, traffic generation, storage of hazardous materials, protection of significant archeological sites, or any other aspect of existing and proposed development as the Commission may deem necessary to determine conformance with the intent of these regulations.

A. The following written reports may be required by the Commission where appropriate:

1. **Water and Sewer Service.** The Applicant will submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply and method of sewage disposal for the proposed development. The engineer will certify that the proposed water supply and method of sewage disposal comply with all applicable sanitary codes, rules, and regulations. Before submission of the report to the Commission, the Applicant will secure the endorsement of the report by the Connecticut River Area Health District.

- a. **Sewage Disposal** – The report will contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal. When the site is to be served by public sewers, the Applicant will provide evidence from the Water Pollution Control Authority (WPCA) or its agent that the site can be adequately served by public sewers;
 - b. **Water Supply** – Where public water is available within two hundred feet (200') of the property line of a proposed development site, the Applicant will provide evidence from the Connecticut Water Company that the site can adequately be served by public water. Where public water is not available and cannot be provided, the Commission may require that the Applicant retain the services of a licensed water analyst who will perform the chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests will be submitted to the Connecticut River Area Health District for review and written approval. In accordance with Section 8-25a of the Connecticut General Statutes, any development providing water by means of a “water company,” as that term is defined in Connecticut General Statutes section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Public Utilities Regulatory Authority (PURA) and the Department of Health Services (DHS). No application for Special Exception involving a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Old Saybrook Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. The Commission may condition approval of an application on receipt of a Certificate of Public Convenience and Necessity where Phase I-A approval, as defined by Connecticut State Agency Regulations sections 16-262m-1 and 16-262m-5, has been granted by PURA and DHS.
2. **Fire Protection** – The Applicant will identify the source of water for fire protection, and will where necessary, after consultation with the fire marshal provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location, and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report will include evidence that the comments of the Fire Marshal have been solicited and received.
 3. **Traffic Generation** – For all new non-residential development, and for residential development proposals when required by the Commission, a written report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit



the premises on a daily basis, including parking and loading requirements for the proposed *use* or *uses*. For site plans involving thirty (30) or more parking spaces, or for any *use* which, in the judgment of the Commission, may have a significant traffic impact, a traffic impact analysis, prepared by a recognized traffic engineer, will be submitted as part of the application. The traffic report will include a discussion of the plan's compliance with these regulations concerning on-site and off-site traffic impacts.

4. **Stormwater Management** – The Applicant will provide a mapped and written description of all storm drainage measures, prepared by a professional engineer licensed in the State of Connecticut. The written description will identify the method used to calculate runoff, runoff characteristics of the property before and after development, drainage calculations, structural elements of the proposed drainage design, maintenance procedures, safety measures, including fencing and trash racks, proposed landscaping and vegetation measures used to stabilize slopes and bottom surfaces, and proposed ownership of any structural elements. The Applicant will obtain written endorsement of the mapped and written drainage plan from the engineer designated to review the report on behalf of the Commission.
5. **Hazardous Materials and Wastes** – The Applicant will identify any hazardous materials and wastes to be associated with the proposed occupancy and *use* of the property. Hazardous materials and wastes are defined as materials included in Section 3001 of the Federal Resource Conservation and Recovery Act (PCRA), Connecticut Hazardous Waste Regulations, the Federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the Applicant will present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The Applicant will demonstrate that the hazardous materials or wastes will be contained or managed in the manner that the substances will not specifically pollute or degrade natural resources or the surrounding environment.
6. **Staging Plan** – In cases where the Applicant wishes to develop in stages, an overall site and staging plan indicating the ultimate development will be submitted, including the estimated cost of site improvements for each individual stage.
7. **Protection of Significant Historical and Archaeological Sites** – When a site plan submission is made for a site that includes an historic *structure*, or which is adjacent to or nearby a *lot* that includes an historic *structure*, or is located in an historic *district*, or has been identified by the State Historic Preservation Officer or State Archaeologist as historically or architecturally significant, the Applicant will identify on the plans the nature and location of the historic or archaeological resource and will indicate what measures are being taken to protect the resource.

51.7 COMMISSION ACTION ON SITE PLAN APPLICATION

The Commission makes its decision to approve, modify and approve or deny an application for Site Plan approval within the period specified by the Connecticut General Statutes. The Commission states its reason or reasons for its decision on the record. The Commission publishes a notice of its decision in accordance with the Connecticut General Statutes. If the Commission grants approval, then the applicant forwards one (1) mylar and four (4) copies of the approved plan (on which all modifications approved by the Commission as part of its approval are clearly indicated) to the Commission for its endorsement.

51.8 POSTING A BOND

The Commission may require as a condition of Site Plan approval that the Applicant post a bond or other surety to assure conformance with all proposed improvements to be conveyed or controlled by the town which are shown on the approved site plan. The bond will be in a form, amount and duration, not to exceed one year, acceptable to the Commission and its legal counsel. No bond shall be required to be posted prior to an Applicant's seeking a certificate of zoning compliance or occupancy. Should the site developer be unable to complete the required site improvements, the bond will be used by the Town to complete work necessary for protection of public health, safety and welfare. A separate bond may be required for installation of sedimentation and erosion controls.

51.9 APPEALS

The Commission will give notice of its decision as required by law. The decision of the Commission may be appealed in accordance with the Connecticut General Statutes. The Commission will not endorse the plan until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal promptly upon termination of the appeal by dismissal, withdrawal or judgment in favor of the Applicant.

51.10 FILING THE PLAN

Following completion of the appeal period or resolution of the appeal in favor of approval and upon receipt of one (1) mylar and four (4) print copies of the approved plan, including any required modifications, and upon receipt of any required bond, the Chairman or Secretary of the Commission will endorse the site plan, and a signed copy of the plan map will be filed with the Enforcement Officer. The Commission may also require the applicant to file a copy of the approved plan in the Office of the Town Clerk.

51.11 COMMENCEMENT AND COMPLETION OF CONSTRUCTION

Construction will commence on any site plan in accordance with the final plans within one (1) year of the date of the Commission approval. Any plan not commenced within one (1) year will be invalid, and no *building* permit will be issued until a new site plan is approved. Any site not completed within five (5) years (or other time as may be authorized by the Connecticut General Statutes) of the date of the Commission approval will likewise become null and void, and no



Certificate of Occupancy will be issued, except upon the approval of a new site plan. A notice of approval of a site plan will include a statement of the date on which the five-year period (or other authorized period) expires.

51.12 CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy will be issued by the Building Official until the Commission or its agent has determined that the site has been completed in accordance with the approved site plan and has been issued a final Certificate of Zoning Compliance. No Certificate of Zoning Compliance will be issued until the Commission or its designated agent has received written certification from the project architect, engineer or land surveyor, if one has participated in the preparation of application materials, to the effect that the project has been completed in accordance with the approved plan. If amendments have been approved, “as-built” drawings will be submitted, as well. The Commission or its agent will consider written certification and “as built” drawings, along with any Sections of the site. If the Commission or its agent finds that the project is complete in accordance with the approved plan, issuance of a Certificate of Occupancy will be authorized. If the Commission or its agent finds that the project is incomplete, a Certificate of Occupancy will not be issued.

51.13 AMENDMENTS TO AN APPROVED SITE PLAN

51.13.1 **Minor Amendments.** Minor amendments to an approved site plan may be approved by the Commission, provided the amendments do not alter the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan as approved. Minor changes will include, but are not limited to, slight relocation of paved areas, utilities, landscaped areas, lighting, and other site features because of unforeseen topographic or other field conditions.

51.13.2 **Major Amendments.** Major amendments will be treated as new applications for site plan approval in accordance with these regulations. Major amendments will include, but are not limited to, any significant alteration in the square footage or location of landscaped areas; any alteration in residential density; any increase in *building floor areas* or *height*, and any other alteration which significantly affects the overall character, quality, density or intensity, *uses*, amenities, parking or other major features of a site plan. The Commission will decide, on cases of question, whether a change will be designated major or minor.