



SECTION 52

Special Exception

52.0 [RESERVED]

52.1 GENERAL

In accordance with the procedures, standards and conditions specified, the Commission may approve a Special Exception in a *district* where the *uses* are permitted. All requirements of this section are in addition to other requirements applicable in the *district* in which the Special Exception *use* is to be located.

52.2 PURPOSE

Uses permitted by Special Exception subject to the approval of the Commission are permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special Exception uses that may be permitted in a district are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess special qualities requiring that each use should be considered as an individual case.

52.3 APPLICATION

Application for a Special Exception *use* will be submitted in writing to the Enforcement Officer and will be accompanied by an application for Certificate of Zoning Compliance and will also be accompanied by the following:

- 52.3.1 **Statement of Use.** A written statement describing the proposed *use* in sufficient detail to determine compliance with the *use* provisions of these regulations and the performance standards of Section 61; sufficient copies will be submitted.
- 52.3.2 **Site Plan.** Sufficient copies of a site plan;
- 52.3.3 **Architectural Plan.** Sufficient copies of architectural plans, which may be in preliminary form;
- 52.3.4 **Soil Erosion & Sediment Control Plan.** Sufficient copies of a Soil Erosion & Sediment Control Plan;
- 52.3.5 **Modification of Submission.** The Commission, upon written request by the Applicant, may by resolution:
 - A. Determine that the required submission of all or part of the information required under Paragraph 52.3.2 and 52.3.3 is not necessary to decide on the application and need not be submitted, or
 - B. Determine that the information is deferred for submission and decision at a later date.

52.4 PROCEDURE (SPEX)

Upon receipt, the Land Use Department will transmit the application and accompanying plans and documents to the Commission; and may transmit sufficient copies to each the Planning Commission and 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 a lot in the Gateway Conservation Zone will be so transmitted to the District for the review and opinion. The Commission may request the Applicant to submit the additional information that it deems necessary to decide on the application. The Commission will hold a public hearing on the application, will decide, and give notice of its decision as required by law. The Applicant may consent in writing to any extension of the time for public hearing and action on the application.

52.5 APPROVAL

After the public hearing, the Commission may approve a Special Exception if it finds that the proposed *use* and the proposed *buildings* and *structures* conform to the General Standards, in addition to any Special Standards for particular *uses*. Approval of an application constitutes approval conditioned upon completion of the proposed development in accordance with plans as approved, within a period of five (5) years after the date of approval of the Special Exception permit. The Commission may grant for good cause one extension of the period for an additional period not to exceed five (5) years. All Special Exceptions may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

52.6 GENERAL STANDARDS

The proposed *use* and the proposed *buildings* must conform to the following General Standards:

- 52.6.1 **Historic Preservation.** The location, type, and extent of any *use*, *building* or *structure* will be in harmony with and conform to the appropriate and orderly development of the Town and will not hinder or discourage the appropriate development and *use* of adjacent property or impair the value. *Buildings* or *structures* fifty (50) years old or more, or which otherwise contribute to the Town's history, will be preserved, restored, and adaptively re-used rather than being demolished or replicated. Relocation of a historic building or structure on the lot will be a last resort and such relocation will be to a visually prominent location on the site. The Commission may condition any Special Exception approval on the retention and maintenance of a historic *building* or *structure*. If a historic *building* or *structure* is effectively demolished, either by neglect or affirmative act, prior to the filing of the application with the apparent intent to avoid its preservation, the Commission may require that the *building* or *structure* be exactly replicated in every exterior detail.
- 52.6.2 **Fire Protection.** The nature and location of *use*, *building* or structure will have adequate access to it for fire protection purposes.



- 52.6.3 **Access.** Provision will be made for vehicular access to the *lot* in such a manner as to avoid undue hazards to traffic or pedestrians and undue traffic congestion on any *street*. Provision will be made for appropriate continuation and improvement of *streets* terminating at the *lot* where the *use* is to be located.
- 52.6.4 **Lot Size.** The lot on which the use is to be established will be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in a manner that will not be detrimental to the neighborhood or adjacent property.
- 52.6.5 **Neighborhood.** The site plan and architectural plans will harmonize with the neighborhood, to accomplish a transition between unlike areas, to protect property values and to preserve and enhance the appearance and beauty of the community.
- 52.6.6 **Other.** The site plan and architectural plans will also conform to the applicable standards of Section 51.