

Town of Tolland, Connecticut

Plan of Conservation & Development – Implementation

Meeting 1 – Site Plan & Special Permit Criterion:
A Review of Application Considerations



February 19, 2020

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Permitted and Conditional Uses (Revisited):

Permitted Uses: are uses that are allowed as-of-right (by staff zoning permit or by commission site plan) and by law do not require a public hearing. Permitted uses are (and should be) the uses we most want to encourage in our community—investment flows in the path of greatest certainty and least resistance. Permitted uses (by zoning permit or site plan) are as-of-right uses, which indicates that if the use complies with the requirements of regulations (i.e. bulk, area, site design, etc.), then the use should be approved. Therefore, permitted (as-of-right) uses should include subjective provisions and conditional criterion.

Conditional Uses (special permits): are uses that are allowed via a conditional permitting process (by commission) and such process requires a public hearing, by law. Section 8-2 of the Connecticut General Statutes (CGS) states that the zoning commission:

“may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit...subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.”

The law governing conditional uses (special permits) recognizes that while a use may be desired and acceptable in a certain zoning district, the use (the character and qualities of the use) may not be suitable in all locations within said district. Therefore, the Commission may establish specific standards in the regulation that must be demonstrated (by the applicant) and complied with before the conditional use (special permit) is approved.

When considering any application for special permit, the Zoning Commission: “must determine that;

- (1) the proposed use of the property is expressly permitted under the zoning regulations,
- (2) the standards in the regulations are satisfied, and
- (3) any conditions necessary to protect public health, safety, convenience and property values as provided by Section 8-2 of the CGS can be established”

If all three requirements are satisfied, the Commission must approve the application.



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Tolland Zoning Regulations – Site Plan Criterion

A. Conformity with Section 1-1.

B. **Traffic considerations.** Vehicular access shall be provided to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot to avoid traffic congestion on any street. At least the following items of the site plan shall be evaluated to determine the conformity of the site plan with this standard:

1. The effect of the proposed development on traffic conditions on abutting streets.
2. The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
3. The visibility in both directions of all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.
4. The location, arrangement and adequacy of off-street parking facilities.
5. Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts and encourage safe and convenient traffic circulation.
6. The location, arrangement and adequacy of truck loading and unloading facilities.
7. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system.
8. The location, arrangement and adequacy of facilities for the physically handicapped in accordance with state requirements.
9. The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.

C. **Environmental considerations.** For the protection of environmental quality and the preservation and enhancement values, at least the following items of a site plan shall be evaluated by the Commission to determine the conformity of a site plan with these standards:

1. The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, the screening of parking and loading areas and the concealment of storage areas, utility installations and other such features.



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2. The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
3. The preservation of natural attributes and major features of the site, such as wetlands, easily eroded soils, historic structures, major trees, unique topographical formations, notable rock outcrops and scenic views both from the site and onto or over the site.
4. The design and arrangement of buildings and necessary facilities and the installation of proper shielding so as to minimize noise levels at the property boundary.
5. The use of Low Impact Development strategies to maintain the existing site hydrology to minimize downstream impacts while maintaining the pre-development water quality from the site.
6. The location, height and materials of walls, fences, hedges and plantings to minimize artificial light levels at the property boundary.

D. Preparer.

E. Architectural plans.

F. Off-site information.

G. Impact analysis.

H. Additional information.

I. Referrals.

J. Sites of Archaeological Significance.

K. Procedure. The Commission may hold a public information meeting on an application for site plan approval.

L. Additional standards for approval. In reviewing and acting upon an application for site plan approval, the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:

1. The general conformity of the site plan with the intent of the town's Plan of Development; however, the Plan of Development shall not take precedence over specific provisions of these regulations.
 2. The arrangement of buildings, structures and uses on the site.
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3. The adequacy of design of the interior vehicular circulation system to provide safe and convenient access to all structures, uses, parking spaces and loading spaces.
4. Provision for safe pedestrian movement within and adjacent to the site.
5. The adequacy of access for fire, police and ambulance services.
6. The adequacy of design of the storm drainage system to accommodate any increase in stormwater runoff and to minimize soil erosion and sedimentation.
7. The adequacy of water, sewage disposal/treatment and other public facilities to accommodate the development.
8. The location, intensity and direction of outdoor lighting and the proposed times for its use.
9. The size, location and type of any outdoor storage facilities, including dumpsters.
10. The size, location and type of signs and their appropriateness to the neighborhood.
11. The adequacy of the landscaping treatment, including any buffers and other screening.
12. The impact of noise, odors, lighting, dust and smoke.

M. Phasing.



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Tolland Zoning Commission – Special Permit Criterion

- A. Standards for approval.** Except as otherwise provided herein, a use allowed by special permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein. The Commission may grant a special permit after considering the health, safety and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:
1. The location and size of the proposed use; the nature and intensity of the operations associated with the proposed use; the size, shape and character of the site in relation to the proposed use; and the relationship of the proposed use and site to the adjacent and local land uses and sites.
 2. The location, type, size and height of buildings and other structures associated with the proposed use in relation to one another and in relation to nearby development.
 3. The impact of the proposed use on traffic safety and circulation on nearby streets and the ability of such streets to adequately accommodate the traffic to be generated by the proposed use.
 4. The existing and future character of the area in which the use is proposed to be located and the compatibility of the proposed use with the area.
 5. The impact of the proposed use on the natural characteristics of the site and the surrounding environment.
 6. The adequacy of and impact on water supply, sewer or septic facilities, drainage and other public facilities to accommodate the proposed use.
 7. Where the proposed use involves the conversion of a structure designed and built originally for other uses, the adaptability of the structure to the proposed use, particularly in relation to the public health and safety.
 8. The proposed use shall preserve important open space, views or vistas and other significant features of the natural environment.
- B. Conditions and safeguards.** In granting a special permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these regulations. Such conditions and safeguards may include, but shall not be limited to:
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1. A maximum number of employees;
2. Hours of operation;
3. Periodic review and renewal of the special permit by the Commission to determine continuing compliance therewith;
4. A date of expiration of the special permit;
5. Improvements to existing public facilities to accommodate the use allowed by the special permit;
6. Conservation restrictions necessary to protect and permanently preserve unique natural site features;
7. Soil erosion and sediment control measures in accordance with the provisions of Article IV; or
8. A bond in accordance with the provisions of Section 22-7.N.