

**Agenda**  
**Tolland Design Advisory Board**  
**21 Tolland Green, Tolland, Connecticut**  
**Thursday, August 5, 2021 at 7:00 p.m., 2<sup>nd</sup> floor, Conference Room C**

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1. Call to Order
2. New Business
3. Old Business
4. Approve Minutes – March 4, 2021 Regular Meeting
5. Other Business
  - 5.1: Discuss Proposed TVA/TCZ Updates
6. Adjournment

**Design Advisory Board**  
**Remote Meeting Minutes**  
Tolland, Connecticut  
Thursday, March 4, 2021

**Members Present:** Sudhakar Nagardeolekar (Chair), Vikas Nagardeolekar (Vice Chair), Bill Byers, and Cheryl Nicholas

**Members Absent:** James Gorman and Kimberly Rogers

**Others Present:** Michael D'Amato (Director of Planning & Development), Allan Borghesi (applicant's engineer)

1. Call to Order – S. Nargardeolekar called the meeting to order at 7:05 p.m.

2. New Business

**2.1. PZC #20-15, 154 Hartford Turnpike:**

The Board reviewed the application materials that were provided by Borghesi Building & Engineering Co, Inc. The Board reviewed the site plan and architectural plans provided. The members expressed concerns over the lack of continuity between the existing building to remain and the portion of the building to be reconstructed, particularly in relation to the variation in rooflines. The Board also questioned the materials and general color scheme proposed for the building and if roof mounted utilities were planned. The Board discussed other site and building components and agreed to send any comments or ideas via email to the Town Planner so they could be communicated to the applicant. The applicant will provide a conceptual drawing to show how the new portion of the building could be constructed with an alternate roofline to blend more cohesively with the existing building prior to the next meeting and indicated he would seek an extension for his PZC application to allow the Board to meet again to discuss the application.

3. Old Business –None

4. Approval of Minutes – A motion was made and seconded (B. Byers / V. Nagardeolekar) to approve the minutes of the December 3, 2020 and February 6, 2020 meetings. The motion passed.

5. Other Business – None.

6. Adjournment – The meeting adjourned at 8:06 p.m.

Respectfully submitted,  
Michael D'Amato, Interim Director of Planning & Development

Town of Tolland, Connecticut

Plan of Conservation & Development – Zoning Implementation

Proposed Text Amendment

**DRAFT** – Tolland Village Area – Gateway District



June 11, 2021

Prepared by:  
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June 11, 2021

Andrew Powell, Chair  
Planning & Zoning Commission  
21 Tolland Green  
Tolland, CT 06084

Re: Proposed Tolland Village Area – Gateway District (TVA-GD) - Revised

Dear Chairman Powell:

The following is the proposed (revised) draft text amendment to repeal Article 7, the existing Tolland Village Area (TVA) zone and replace it a new Article 7, the proposed Tolland Village Area – Gateway District (TVA-GD). This text amendment, and the creation of the new TVA-GD zoning district is designed to implement the recommendations of the 2019 Plan of Conservation and Development and results from a series of Commission work-sessions and a virtual public forum hosted with residents.

The proposed uses for the Tolland Village Area Gateway District (TVA-GD) appear on pages 9 and 10. The uses are my recommendation to the Commission for allowable uses and permitting requirements. My recommendations are based the many discussions with the Commission, the input from residents, and my professional experience. I look forward to discussing this text amendment and the uses with you and the Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP  
Planning Consultant



**P&Z #00-20** - Proposed Amendments to Zoning Regulations to implement the recommendations of the 2019 Plan of Conservation and Development regarding the replaced of the Tolland Village Area (TVA) district with the Tolland Village Area – Gateway District (TVA-GD). Amended Zoning Regulation Articles include: Article 7: Tolland Village Area (TVA).

For Public Hearing, **Month Date**, 2021, at a meeting starting at 7 p.m.

The Tolland Planning and Zoning Commission proposes the following amendments:

The repeal of Article 7: Tolland Village Area (TVA), including sections 7-1 through 7-10 and replaced with the proposed Article 7: Tolland Village Area – Gateway District (TVA-GD).



## **Article 7: Tolland Village Area – Gateway District (TVA-GD)**

### **Section 7-1. Purpose**

The Tolland Village Area Gateway District (TVA-GD) zone is a gateway to Tolland’s historic town center and green. The purpose of the TVA-GD is to create an attractive entrance to Tolland and the Town Green while encouraging coordinated commercial retail, service, office, hospitality, multi-family, and mixed-use residential development that incorporate high standards of design at the interchange gateway entrances to the community. The goal is to promote walkable compact development—while recognizing auto-oriented utility and character of the area—having scale and form consistent with the natural landforms of the site, the character of the town, and is sensitive to the historic character of the Town Green area.

### **Section 7-2. General Concepts/Design Guidelines**

These standards and guidelines require a basic level of architectural variety, compatible scale, and mitigation of negative impacts. They are not intended to limit creativity. The purpose of these standards and guidelines is to augment existing criteria with more specific interpretations that apply to the design of commercial developments. This district is intended to encourage smaller sites to combine with other sites in order to provide larger-scale sites and developments.

#### **A. Siting**

1. Depending on the overall site design, and where otherwise practicable, buildings should be sited toward the front of the lot and should maintain a pleasing spatial relationship with other buildings and public and interior-access roadways.
2. Structures should be sited in small groups wherever feasible.
3. The use of additive massing (the bulk of the building is broken into smaller sections and horizontally offset) to provide visual interest is desired.
4. All effort should be made to preserve and enhance historic structures, unique landforms, rock outcrops, stone walls, vegetation, views, etc. and incorporate them into site design.
5. Siting should not be detrimental to scenic vistas of the gateway from any public street including I-84. Items of special concern include the placement of dumpsters, loading docks, roof-mounted mechanical units, and antennas.
6. The design of the storm water treatment system shall contain strategies associated with low impact development to the maximum extent possible (MEP) as outlined in the Town of Tolland Design Manual. This provision shall also apply to improvements or redevelopment of existing commercial sites. If stormwater detention/retention basins are necessary,



provisions shall be made for shared structures and shared maintenance to the maximum extent feasible.

#### **B. Access**

1. Access management will be required on all sites, in order to reduce the number of driveway cuts onto adjacent roads and mitigate the deterioration of traffic flow generally caused by driveways on public roads. Access management techniques include shared driveways (or provisions for future shared driveways for the first site in the area) or interconnected driveways.
2. Use shared parking with abutting properties wherever feasible.
3. Provide safe, convenient pedestrian circulation, which also provides access to off-site sidewalks, trails, parks and other public places.
4. Locate large parking areas at the side or rear of building where practical with landscaping designed to create visual assets.

#### **C. Site Amenities**

1. Create pedestrian spaces such as plazas, “greens”, commons and terraces within the development.
2. Add or create amenities such as benches, fountains, sculptures, art, bike racks, sitting walls, planters, period-style lighting or banners.
3. Use creative landscaping design, with plantings of sufficient size and quantity to clearly enhance the site.

#### **D. Architectural Guidelines**

The purpose of architectural design review is to provide insights regarding Tolland’s design objectives, to encourage aesthetically pleasing commercial structures, to reduce massive scale and uniform impersonal appearance, to provide visual interest and scale consistent with the Town’s identity, size and character. All applications for Special Permit shall require design review with consideration given to the following guidelines:

1. Facades.
  - a. No uninterrupted length of any facade shall exceed 100 feet and shall incorporate wall plane projections or recesses.
  - b. The ground floor facade facing a public street should incorporate display windows, awnings or other such features to create visual interest.



- c. Windows should be recessed and should include visually prominent sills, shutters or other such forms of framing.
  - d. All building facades that are visible from a public street, including I-84 and its ramps, should be attractively designed with windows and other architectural elements so that no visible elevations look like the back of a building.
2. Roofs.
- a. Variations in roof lines should be used to add interest and complement the character of the Town.
  - b. Rooftop equipment such as HVAC units shall be screened from public view with parapets featuring three-dimensional cornice treatments.
3. Materials, colors and detail features.
- a. Building facades should include a repeating pattern including color, texture or change of materials.
  - b. Predominant exterior building materials should be high quality materials such as brick, wood, sandstone and other native stone or tinted textured, concrete masonry units.
  - c. Facade colors should be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged.
  - d. Predominant exterior building materials should not include smooth-faced concrete block or pre-fabricated steel panels.

### **Section 7-3. Uses**

#### **A. Permitted Uses**

The Table of Uses identifies those uses permitted by zoning district. All commercial, mixed-use, residential uses, developments, and new construction, except for changes in use and minor changes specified in Section 20-8 and 20-9, require approval by the Commission. Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, makes a finding of similar use to other uses permitted in the zone. The Commission retains the right to determine if any use meets the intent of the regulations.

#### **B. Allowable Uses.**

The uses allowed in the TVA-GD are provided in the Table of Uses in Section XX.XX.

#### **D. Accessory Uses**





Customary accessory uses shall be subject to the provisions of Article 17.

## **Section 7-4. Requirements**

### **A. Dimensional Requirements**

1. Minimum lot area: one (1) acre.
2. Minimum lot frontage on a public street or private street with legal access and maintenance rights: 50 feet to 200 feet depending on existing or proposed development pattern and ability to provide safe access. The frontage of two (2) or more lots, which share a single joint entrance and a single joint exit to a public street, may be computed as a single frontage.
3. Minimum front yard setback: 50 feet from existing public streets.
4. Maximum lot coverage: 50%, including principal and accessory structures and impervious surfaces. The Commission may, by four (4) concurring votes:
  1. Permit lot coverage up to 65%. This increased coverage shall be permitted only in special instances where special attention has been given to access management through linkages to abutting properties, special provisions for non-motorized transportation or site sensitivity.
  2. Permit lot coverage up to 80%, not including the area of public access management roadways. This increased coverage shall be permitted in unique circumstances where a public roadway will be provided to link abutting properties to promote public safety and meeting the lot coverage requirement limits lot development design.
5. Minimum side yard setback: 50 feet. The side yard for parking areas and driveways may be reduced depending on the nature of the adjacent land-uses and the proposed landscaping/screening plan, by four (4) concurring votes of the Commission, per Section 10-4.B. Required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities and do not contain a residential use.
6. Minimum rear yard setback: 35 feet.
7. Minimum separation between buildings on the same site: 20 feet, unless sharing a common wall.
8. Minimum distance from residential zones (RDD & VCZ). All buildings, structures and uses shall be located at least 100 feet from the boundary of any residential zone, unless modified by a majority vote of members present due to the nature of adjacent land uses and the proposed landscaping/screening plan. The Commission shall require screening and landscaping of the setback area.



9. Minimum building floor area: 1,000 square feet.
10. No individual retail business establishment may exceed 20,000 square feet. The Commission may, by four (4) concurring votes, increase the maximum size up to 45,000 square feet, not including mezzanines that comprise no more than 10% of the total square footage, if the applicant provides one (1) or more of the following criteria:
  - additional buffering,
  - linkages to abutting properties,
  - minimum front-field parking,
  - special site sensitivity, and
  - a special architectural design.

#### **B. Reductions in Dimensional Requirements**

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area.
2. Improve overall compatibility of the site to surrounding or connecting property.,
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

#### **C. Other Requirements**

1. All business establishments shall conform to the environmental and performance standards specified in Section 19-7 and to the requirements of all other applicable town regulations.
2. Except as otherwise permitted, all production, repair, treatment, storage and display of goods shall be accessory to the principal use of the premises.
3. No outside storage of goods or merchandise and no goods or merchandise shall be sold from a trailer or truck situated on a lot unless permitted by the Commission.
4. Loading docks and receiving areas shall be carefully located for accessibility and designed as an integral part of the building and shall not detract from the building and site.
5. All dumpsters shall be placed on a concrete pad, and suitably screened with trees, shrubs, fencing or other appropriate means (e.g., the building itself). Their placement with respect to buildings shall be as approved by Public Safety personnel.
6. Areas for truck parking, recycling, trash collection and compaction shall not be visible from abutting streets including I-84 and the ramps.



7. The areas and facilities listed in 4, 5 and 6 above, if not totally enclosed, shall be at least 50 feet from any public road, public sidewalk or pedestrian way.
8. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction and other service functions, shall be incorporated into the overall design of the building and landscaping.

### **Section 7-5. Consolidated Parcels**

For the purpose of integrated development, any number of contiguous parcels may be consolidated and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:

1. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
2. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading, landscaping and common areas, etc.
3. The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in accordance with access management policies and plans.



**Table of Proposed Uses**

P = Permitted – Site Plan	SP = Special Permit	--- = Prohibited
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Retail, Personal, & Professional Service Uses	TVA-GD
Retail & Service Establishment	P
Retail & Service Establishments – Over 20,000 sf.	SP
Financial Institution	P
Drive-Thru Service – Pharmacy & Financial Institutions	P
Child & Adult Day-Care Centers, or Group Day-Care Homes.	---
Veterinary Hospital (without outdoor animals)	SP
Veterinary Hospital, Commercial Kennels & Stables (5-acre min.)	---
Laundromat (public sewer required)	P
Self-Storage Facility	---
Roadside stand, regional.	---
Funeral Home	---
Adult-Oriented Establishment	---

Hospitality Uses	TVA-GD
Restaurant (without liquor sales)	P
Restaurant (with liquor sales)	P
Restaurants (with outdoor dining)	P
Drive-Thru Service – Fast Food & Fast-Casual	SP
Restaurant – Brewpub	P
Micro-Brewery, Micro-Distillery, or Micro-Winery	SP
Brewery, Distillery, or Winery	---
Hotel (internal access guest rooms)	SP
Bed & Breakfast Establishment	P
Retail Food Service Establishment	P
Catering Facilities	SP
Banquet Facilities	SP
Commercial/Shared Kitchen	P
Food Trucks	SP

Commercial Office Uses	TVA-GD
Office (Professional & General)	P
Office (Medical)	SP

Commercial Laboratory & R&D Uses	TVA-GD
Medical, Dental, & Optical Laboratory	---
Laboratory (Research, Experimental, & Development)	---
Technology or Computer-Based Facilities (Data Processing Center)	--
Manufacturing (Biotechnology, Medical, & Pharmaceutical)	---
Educational, Scientific, & Research Activity	---
Training and/or Conference Center	SP
Licensed Medical Marijuana – Dispensary	---



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Licensed Medical Marijuana Production Facility	---
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Residential & Mixed-Use Developments	TVA-GD
Mixed Use – Commercial & Residential	SP
Multi-Family Residential	SP

Institutional, Public, & Recreational Uses	TVA-GD
Cultural Institution, Art or Music Center, & Museum	P
Public & General Assembly	SP
Places of Worship & Religious Institution	P
Utilities – Public/Private: Structures, Substation, or Office	SP
School – Private	---
Hospital, Nursing or Convalescent Facility	---
Assisted Living Facility	---
Club/Civic Organization	SP
Commercial Recreation Facilities	---

Automotive Uses	TVA-GD
Motor Vehicle Sales (licensed by State)	---
Trailer & Recreational Vehicles Sales	---
Motor Vehicle Repair (licensed by State)	---
Gasoline Station & Convenience Store	SP
Car Wash	---
Parking Facilities (public/private parking serving off-premises)	SP

Agriculture & Natural Resources	TVA-GD
Agriculture, Nurseries, Forestry, Forest Management	P
Excavation and/or Removal of Earth Products; Filling Operations	---
Excavation – Pre-Development Site Grading	SP
Solar Array – Ground Mounted as a principal use	---

Industrial & Manufacturing Uses	TVA-GD
Manufacturing	---
Wholesaling, Warehousing, or Storage	---
Distribution Center	---
Transportation Facility	---
Printing, Lithography, Photocopy/Graphic Arts Services; Publishing.	---
Heavy Equipment – Repair or Restoration	---
Building Supply – Contractors	---
Building Supply – Public Wholesale	---
Contractor's Materials, Supplies, Equipment, Service, & Storage.	---

Town of Tolland, Connecticut

Plan of Conservation & Development – Zoning Implementation

Proposed Text Amendment

**DRAFT** – Tolland Village Area – Gateway District



June 11, 2021

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June 11, 2021

Andrew Powell, Chair  
Planning & Zoning Commission  
21 Tolland Green  
Tolland, CT 06084

Re: Proposed Tolland Village Area – Gateway District (TVA-GD)

Dear Chairman Powell:

The following is the proposed (revised) draft text amendment to repeal Article 7, the existing Tolland Village Area (TVA) zone and replace it a new Article 7, the proposed Tolland Village Area – Gateway District (TVA-GD). This text amendment, and the creation of the new TVA-GD zoning district implements the recommendations of the 2019 Plan of Conservation and Development and is the result of a series of Commission work-sessions and a virtual public forum hosted with residents.

The proposed uses for the Tolland Village Area Gateway District (TVA-GD) appear on pages 9 and 10. The uses are my recommendation to the Commission for allowable uses and permitting requirements. My recommendations are based the many discussions with the Commission, the input from residents, and professional experience. I look forward to discussing this text amendment and the uses with you and the Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP  
Planning Consultant



**P&Z #00-20** - Proposed Amendments to Zoning Regulations to implement the recommendations of the 2019 Plan of Conservation and Development regarding the creation of the Tolland Village Area – Gateway District (TVA-GD). Amend Zoning Regulation Article 16 Special Provisions: Section 16-16. Motor Vehicle Sales and Repair, Section 16-17. Affordable (Inclusionary) Housing, and Section 16-18. Outdoor Dining.

For Public Hearing, **Month Date**, 2021, at a meeting starting at 7 p.m.

The Tolland Planning and Zoning Commission proposes the following amendments:

The amending of Article 16 Special Provisions: Section 16-16. Motor Vehicle Sales and Repair, Section 16-17. Affordable (Inclusionary) Housing, and Section 16-18. Outdoor Dining.





## **Tolland Village Area – Gateway District (TVA-GD): Related Amendments**

The follow amendments have resulted from discussions and concerns related to the proposed TVA-GD. Said amendments are designed to address specific concerns.

### **Section 16: Special Provisions**

#### **Section 16-16. Motor Vehicle Sales & Repair**

Motor Vehicle Sales and Motor Vehicle Repair establishments are not permitted in the TVA-GD zone and such uses cannot be applied for in the TVA-GD zone. However, for the purpose of the TVA-GD zone, an existing Motor Vehicle Sales or Repair use or structure in existence as of July 1, 2011, when the original TVA zone became effective, shall be considered conforming uses and structures after the effective date of this Section. Changes in use or modifications to existing structures shall be subject to Section 3-8 of these regulations. Site Plan and or Special Permit shall be required under the following conditions:

1. Expansions equal to or less than 10% of the gross floor area in existence as of July 1, 2011 shall require a Site Plan.
2. Expansions that result in a gross floor area that is 10% greater than the gross floor area in existence as of July 1, 2011 shall require a Special Permit.
3. Major site or building exterior renovations to the extent that more than 10% of the site will be modified or where more than 10% of the building exterior will be structurally altered shall require the submittal of a Special Permit application.

#### **Section 16-17. Affordable (Inclusionary) Housing**

To forward the recommendations of the Plan of Conservation and Development, to promote the development of affordable housing to meet local and regional housing needs as required by Connecticut General Statutes (CGS) Section 8-2 and Section 8-23, and to promote and increase housing choice, housing diversity, and economic diversity in Tolland, this section requires the inclusion of affordable housing units in all residential developments.

In accordance with CGS, Section 8-2i (Inclusionary Zoning), all residential development of five unit or more that requiring site plan, special permit, or subdivision approval shall include a minimum of 5% of the proposed units as Qualified Affordable Housing. Said Qualified Affordable Housing shall be sold or rented to households with incomes at or below 80% median household income as determined and defined in CGS Section 8-30g and RCSA (Regulations of CT State Agencies) 8-30g-8.

Any application including affordable housing shall be accompanied by a Housing Affordability Plan, prepared in accordance with CGS 8-30g and RCSA 8-30g-7. The Plan shall provide all the necessary



information and documentation to ensure the construction and continued operation of the Qualified Affordable Housing units.

In accordance with CGS, Section 8-2i (Inclusionary Zoning), the applicant can satisfy the inclusionary affordability requirements by:

1. Providing 5% of the total proposed units as Qualified Affordable Housing units.
2. Paying a fee-in-lieu of affordable housing equal to \$50,000 per each required unit of Qualified Affordable Housing that is not to constructed. Said fee shall be deposited in the Town of Tolland Affordable Housing Trust Fund.
3. Providing more than 10% of the total proposed units as Qualified Affordable Housing to receive a density bonus equal to one additional market-rate unit for each unit of Qualified Affordable Housing provided.

If a minimum of 10% Qualified Affordable Housing units are to be constructed, the applicant may request to purchase a density bonus up to 10% of the total proposed units, by paying a fee-in-lieu equal to \$50,000 per unit for each additional market rate unit. The Commission reserves the right not to accept a fee-in-lieu of affordable housing or not to grant a density bonus and require that the 5% Qualified Affordable Housing units, as required by this Section, be constructed.

In the interest of Fair Housing and the need to promote and encourage affordable housing, the Commission may modify specific requirements of the Zoning Regulations, as part of an application for site plan, special permit, or subdivision, that would otherwise prevent the density bonus from being realized. In doing so, the applicant must make specific request for the necessary modification and list said modifications on the approved plans of the density bonus is accepted.

This inclusionary zoning provision, once adopted, shall become effect once the Tolland Town Council establishes an Affordable Housing Trust Fund or on January 1, 2022, whichever comes first.

### **Section 16-18. Outdoor Dining**

Outdoor dining areas that are accessory to restaurants can create a vibrant, unique, and enjoyable environment that is an asset to the restaurant and Town. Diversity in the design of the furniture and outdoor dining areas is encouraged, therefore, provided they complement the overall establishment and site. While the operation of outdoor dining areas should contribute to the vibrancy of the area, they must not be allowed to create a nuisance, either by loud music, unruly customers, or disorderly premises. Where outdoor dining areas will further these goals without unduly impacting upon adjoining businesses or residential properties and neighborhoods, they may be permitted as an



accessory use on the premises of an existing or proposed restaurant, subject to the following requirements:

1. Space definition/location.

- Outdoor dining areas shall be identified by a barrier, such as fencing or planters to define their boundaries. Barriers that preserve the open appearance of outdoor dining areas should be used whenever possible. The use of permanent structural walls or any vertical screening device of more than four feet in height to define the boundaries of outdoor dining areas is discouraged but may be approved where necessary to attenuate noise reaching residential neighborhoods or in other unique circumstances.
- When an outdoor dining area is located on property adjoining a residential district, it shall be subject to a minimum setback of 50 feet from that district and a screening, fencing, or landscape buffering is required to mitigate potential impacts on residential properties.
- Where outdoor dining areas abut the public street, no permanent structure shall be erected between the building that houses the restaurant and the abutting street except a retractable awning located at least seven feet above the ground. In all other locations, permanent structures may be used to provide shade or shelter from inclement weather. In such cases, structures that preserve an open appearance should be used to the extent possible.
- Fire hydrants and fire hose couplings and/or connections on buildings shall not be obstructed. Underground utility facilities such as cabinets or vaults shall be identified on all plans, and arrangements shall be made to ensure continued access to utility providers for maintenance of any such facilities.
- If alcoholic beverages are to be served at the outdoor dining area, the enclosure of the outdoor dining area must also meet the requirements (if any) of any agency having jurisdiction over the service of such beverages.
- When an outdoor dining area is located adjacent to a public pedestrian walkway, it shall be maintained flush with said walkway.

2. Operations.

- Outdoor seating capacity cannot exceed 40% of the indoor seating capacity.
- Outdoor dining areas shall be ADA accessible.
- Any door used to deliver food from the restaurant to an accessory outdoor dining area shall be self-closing.
- Cooking and food preparation shall not be permitted outside.
- Any applicant seeking approval of an outdoor dining area shall demonstrate to the Planning and Zoning Commission—with written assurance from the Health District, if need be—that:



- The kitchen facilities in the restaurant are adequate to service the entire restaurant, including the outdoor dining area.
  - Any outdoor service areas, including storage areas for both clean and dirty plates and utensils, condiments, drinking water and similar supplies, are appropriately protected.
  - Refuse receptacles appropriate to the use shall be provided for patrons and/or wait staff.
  - No heaters may be installed or used without the prior approval of the Planning and Zoning Commission. If an applicant seeking approval of an outdoor dining area proposes to provide any source of heat for the benefit of patrons, it shall so state in its application and shall provide the Commission with a plan, approved by the Fire Marshal, for the placement and operation of said heaters as well as for the storage of fuel for the heaters.
  - Public address systems or other systems intended to convey verbal messages using amplified sound shall be prohibited. If an applicant seeking approval of an outdoor dining area proposes to provide any form of music for the benefit of patrons, it shall so state in its application and shall provide the Planning and Zoning Commission with specific details regarding the way music is to be provided. The Commission may impose any restrictions upon the playing of music which it deems to be appropriate given the location of the proposed outdoor dining area or any other circumstances that the Commission deems to be relevant.
  - Restaurant management shall ensure that the patrons of the outdoor dining area do not disturb persons beyond the premises of the restaurant through loud, boisterous or unreasonable noise, offensive words or disruptive behavior.
  - Patrons must be seated at tables.
  - Bar service, whether patrons are standing or seated at stools, is not permitted.
  - The service of alcoholic beverages must be adjunct to the service of food.
  - Outdoor dining activities are prohibited between the hours of 10:00 p.m. and 7:00 a.m.
  - Animals shall not be permitted within outdoor dining areas, except for service animals.
  - Lighting shall be limited to that level which is necessary to illuminate the outdoor dining area for patrons and staff. Flashing/blinking lights are prohibited.
3. Maintenance.
- During the season when the outdoor dining area is in operation (April 1 – November 15), it shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public or



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- private streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor dining area which are traversed by restaurant staff and/or patrons.
- Trash receptacles shall be emptied whenever full and shall be emptied at the end of each business day.
  - Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground and further provided that they shall not be used to advertise the restaurant or any other product or service.
  - Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.
  - Where outdoor dining areas abut the public street, all furniture, fencing, shrubbery and other fixtures associated with outdoor dining areas shall be removed and stored indoors during months when the outdoor dining area is not in use. No permanent structures shall be permitted to remain between the building that houses the restaurant and the abutting street except retractable awnings located at least seven feet above the ground. In all other locations, a storage plan for all furniture, fencing, shrubbery and other fixtures associated with the outdoor dining area shall be submitted for review and approval by the Planning and Zoning Commission.



**Sample Ordinance – Town of Sample, Connecticut  
Affordable Housing Trust Fund**

**§ 0-0. Purpose.**

Pursuant to C.G.S. § 7-148(c)(2)(K), the Town of Sample does hereby create a special fund to provide affordable housing for the Town of Sample. The Fund shall be known as the "Affordable Housing Trust Fund," hereinafter the "fund." Such fund shall not lapse at the end of the municipal fiscal year.

**§ 0-0. Sources of funding; investments; limitations on use of fund.**

- A. In addition to such sums as may be directly appropriated by the Town for deposit into said fund (if any), the Town is authorized to and shall deposit all other monies received by it for the purposes of affordable housing, from whatever source such monies are received (the "sources"). The sources may include, but are not limited to, Building Department fees, inclusionary zoning fees, monetary gifts, grants, loans, and monies received from state and federal agencies.
- B. Said fund shall be in the custody of the Town of Sample. All or any part of the monies in said fund may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.
- C. No sums contained in said fund, including interest and dividends earned, shall be transferred to any other account within the Town budget. However, in the event that work is performed by departments of the Town of Sample pursuant to this chapter, the cost of said work may be reimbursed from the fund under § 7-3B. No expenditures shall be made from said fund except in accordance with the provisions of this chapter. No expenditures shall be made from the fund in excess of the available balance in the fund.

**§ 0-0. Expenditures from fund.**

- A. The continuation of the fund shall be perpetual, notwithstanding that from time to time said fund may be unfunded.
- B. Expenditures shall be made from the fund only in accordance with the following procedures and requirements:
  - (1) Said expenditures shall be made exclusively for the costs associated with the investigation, appraisal, acquisition, constructing, rehabilitating, repairing, administration, fees and maintenance costs relating to parcels of land, both improved and unimproved, or development rights, easements, deed restrictions, options, interests or rights therein, the use of which shall be limited to retention or designation of parcels for their long-term use in providing affordable housing within the meaning of C.G.S. § 8-30g.
  - (2) Recommendations for any and all proposed expenditures from the fund shall be submitted to the Affordable Housing Committee (AHC) and the Director of Planning and Development for approval. Recommendations from AHC and the Director of Planning



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and Development for expenditures from the fund shall be submitted, including the sum to be expended, to the Town Council for approval.

- (3) The AHC will provide an annual report of the amount in the Housing Trust Fund and the expenditures to members of the

Town of Tolland, Connecticut

Plan of Conservation & Development – Zoning Implementation

Proposed Text Amendment

Master Plan Overlay Zone (MPOZ) – TCZ



June 11, 2021

Prepared by:  
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June 11, 2021

Andrew Powell, Chair  
Planning & Zoning Commission  
21 Tolland Green  
Tolland, CT 06084

Re: Text Amendment – Master Plan Overlay Zone TCZ

Dear Chairman Powell:

The following is the proposed draft text amendment to create a Master Plan Overlay Zone that will be available for use in the Technology Campus Zone (TCZ). The Master Plan Overlay Zone is intended to create an innovative and flexible alternative to the TCZ and to provide a new approach to zoning for the Town of Tolland. I submit this proposed draft in preparation for a future public hearing for consideration by the Planning and Zoning Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP  
Planning Consultant



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**P&Z #00-20** - Proposed Amendments to Zoning Regulations to implement the recommendations of the 2019 Plan of Conservation and Development regarding the creation of a Master Plan Overlay Zone for the Technology Campus Zone (TCZ). This proposed text amendment will create a new zoning district (floating zone) and regulation article: Article 11-A Master Plan Overlay Zone (MPOZ).

For Public Hearing, **Month Date**, 2021, at a meeting starting at 7 p.m.

The Tolland Planning and Zoning Commission proposes the following amendments:

The proposed text amendment will create a new zoning district (a floating zone at the time of adoptions) in the Zoning Regulations. The proposed amendment is for a new Article 11-A Master Plan Overlay Zone (MPOZ) and will contain Section 11-A-1 through 11-A-9.



## **ARTICLE 11-A: MASTER PLAN OVERLAY ZONE (MPOZ)**

### **11-A-1 PURPOSE & INTENT**

The intent and purpose of the Master Plan Overlay Zone (MPOZ) is to create a flexible zoning mechanism designed to enable the land area within the designated areas or zoning districts to be developed in a responsible and efficient manner consistent with the Plan of Conservation and Development. The MPOZ requires the submission and approval of a conceptual master plan as part of the zone change application. The MPOZ can be utilized for any property or properties located within the Technology Campus Zone (TCZ). The MPOZ is proposed to create comprehensively designed site developments, including industrial, commercial, multi-family residential, and mixed-use developments. When the MPOZ is applied to a parcel or parcels of land, the underlying zoning designation remain intact and existing properties are not required to utilize the MPOZ designation and related provisions and requirements, unless specifically stated.

### **11-A-2 GENERAL REQUIREMENTS**

The following are general requirements for proposed MPOZ master plan development applications.

- A. It is the intent of these regulations that standards pertaining to the MPOZ shall be those specifically set forth in these MPOZ regulations and those which are approved as part of the Master Development Plan (MDP) and Site Plan hereunder. Accordingly, the provisions of these Tolland Zoning Regulations, including, without limitation, those set forth in the underlying zone shall continue to govern any MPOZ adopted by the Commission unless otherwise addressed by a specific standard contained in these MPOZ regulations or a standard approved by the Commission as a part of an approved MDP or Site Plan. If any provision of MDP or Site Plan for a MPOZ as approved by the Planning and Zoning Commission conflicts with other provisions of these Tolland Zoning Regulations, the provisions of the approved Master Development Plan and/or Site Plan shall govern.
- B. The MDP as approved shall set forth the permitted uses of the specific MPOZ approved by the Commission and in approving the MDP, the Commission is authorized to regulate and promulgate standards to which an approved MDP shall be subject. The approved uses in the MDP shall be consistent with Section 11-A.5.D *Permitted Uses*.
- C. All buildings, structures and site improvements in a MPOZ shall conform to all applicable dimensional standards proposed in the Master Development Plan, Site Plan, Parking Demand and Management Study, and should seek to achieve high quality site and architectural design standards.
- D. All site improvements, unless otherwise modified by the Commission as part of the MDP approval, shall comply with the requirements of Article 19 (Basic Standards).
- E. All development in MPOZ(s) shall be served by public water and sanitary sewer facilities.
- F. All new utilities shall be installed underground, unless demonstrated as not feasible by the applicant, and so may be waived by the Commission due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes and other facilities, are not required to be installed underground.



### **11-A-3 SUBMISSION REQUIREMENTS**

The Master Development Plan for a parcel or combination of parcels within the proposed MPOZ shall include the submission requirements as set forth herein and once approved, shall require the submission and approval of a Site Plan (Section 20.9). Each parcel or combination of parcels included in the Master Development Plan shall be conceptually presented and later developed in accordance with an approved Site Plan. The proposed Site Plan for any parcel or combination of parcels shall be in the level of detail necessary to demonstrate compliance with the Master Development Plan for the area submitted by the Applicant.

The following are procedural requirements for development applications within the MPOZ(s):

- A. *Pre-Application Conference:* Applicants are required to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan. All pre-application conferences are intended to be informal and consist of non-binding discussions that establish a dialogue about the proposed development aimed at creating high quality design and investment that meet the needs of community and applicant.
- B. *Application for Master Development Plan (GDP):* For any development proposing to establish an MPOZ, the applicant shall submit a Zone Change application in accordance with Section 20.7 of the Zoning Regulations. The application for Zone Change shall include a Master Development Plan in accordance with the requirements set forth in Section 11-A-4 below. The MDP, when approved, will supersede any provision of the underlying zones and regulations where the MDP describes or delineates their subject matter. If the MDP does not delineate or describe the subject matter of the regulations for the MPOZ, the provisions of the underlying Zone shall apply.
- C. *Site Plan Approval:* If the application establishing the MPOZ and Master Development Plan are approved, the applicant may proceed to the submission of a Site Plan application in accordance with Section 20.9. The Site Plan shall provide, in greater detail, the specific development and uses approved in the MDP. After the approval of the MPOZ and MDP, no permits shall be issued for uses permitted therein until the Commission has approved a Site Plan for the uses and development approved in the MDP.
- D. *Special Permit Uses:* A Master Development Plan (MDP) can be approved for general use categories (i.e. commercial, residential, mixed-use, etc.) without any specific uses based on permitted uses and permit type. However, if specific uses are known, they should be included in the MDP. Any special permit use or uses requested as part of the Zone Change and MDP application shall not require a special permit application and approval in accordance with Section 20.8. Once an MPOZ and MDP are approved, any subsequent use requiring a Special Permit in the underlying Zone or the MPOZ zone, shall require a Special Permit application in accordance with Section 20.8 of these Regulations.

### **11-A-4 MASTER DEVELOPMENT PLAN**

The purpose of the Master Development Plan submission is to determine whether the proposed uses, architectural massing, and site design conform to the intent and requirements of the MPOZ and to the Plan of Conservation and Development. The Master Development Plan, once adopted, shall establish the use or uses and the dimensional requirements of MODZ.



The MDP shall consist of one or more maps (conceptual plans) at a scale of not less than 1" = 100', prepared by the applicable State certified design professional, and supportive documents, and shall show or indicate:

- A. Existing structures, existing topography at ten-foot contours, existing roads and paths, major topographic features, slopes of greater than 10% grade, the location points of scenic interest, and wooded and open areas.
- B. The location of adjoining properties, the names of the owners of such properties as these appear on the latest records in the office of the Assessor, and the existing structures and land uses within 500 feet of the boundaries of the proposed development.
- C. Present and proposed land uses within the boundaries of the entire proposed MPOZ zone/development, whether residential, commercial, industrial, mixed-use, open space, or other, and the acreage assigned to each. Proposed square footage of building or floor area for all proposed uses shall be shown and described in sufficient detail to clearly indicate the nature and scale of the proposed uses. The proposed square footage as shown shall establish the maximum building sizes and the areas within which it will be permissible to construct such buildings. As part of the site plan application, minor modifications of not more than 10% increases or decreases in building sizes and areas may be approved by the Commission. Major modification, as determined by the Commission, shall require a Zone Change application in accordance with Section 20.7 of the Zoning Regulations to modify the MDP.
- D. Architectural renderings of the proposed development and buildings. Renderings should include three dimensional images that provide context to massing and form.
- E. The location of proposed public and private road, proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets, and proposals for linkage of roads within the zone to the Town and State Highway system, accompanied by a traffic impact and access analysis study.
- F. Dimensional requirements of the underlying zones shall be shown on the MDP and a zoning table including existing and proposed dimensional requirements shall be provided. This comparison shall include all parking, loading, buffer, and signage requirements. The intent of this zoning table is to show the differences between existing and proposed requirements and to establishment the proposed requirements as the approved dimensional requirements for the approved MDP and MPOZ.
- G. Whether property within the entire zone is to be developed in phases, and if it is to be so developed the anticipated location and acreage of such phases, and a proposed timetable for development.
- H. The intended means of providing utility services to the development, including domestic water supply and fire protection, stormwater drainage management (including area for detention, if applicable), sanitary sewage disposal, and solid waste disposal.
- I. All site design shall be consistent with Article 19 (Basic Standards). This does not mean that such designs shall be done to the scale, detail, or completeness of the requirements for Site Plan (Section 20-9).
- J. The location of any "flood zone" as defined and regulated in these Regulations.
- K. A statement regarding anticipated municipal fiscal impacts to the Town of the proposed land uses and development.
- L. Such other relevant information as the applicant may wish to submit or may be requested by the Commission.



**11-A-5 SITE DESIGN REQUIREMENTS**

- A. *Site Design:* The general requirements of Article 19 (Basic Standards) shall govern the conceptual design of the Master Development Plan and the specific design of the Site Plan (Section 20-9).
  
- B. *Dimensional Requirements:* The following standard shall apply to MPOZ:

<b>Requirements</b>	<b>MPOZ (TCZ)</b>
Minimum lot area:	1 acre
Minimum lot frontage:	125 feet
Minimum front yard setback:	30 feet
Maximum lot coverage:	70%
Minimum side yard setback:	25 feet
Minimum rear yard setback:	25 feet
Minimum Building Separation:	Flexible
Minimum Distance to Residential:	Flexible
Minimum building floor area:	Flexible
Retail Maximum:	Flexible
Maximum building height:	38 feet, modified up to 58 feet

- C. *Building Height Adjustments:* Buildings shall conform to the height requirements of the underlying zone unless the applicant makes a specific request to the Planning and Zoning Commission for flexibility in the height requirements. The granting of such a change to the height requirement is part of the legislative authority of a zone change application and is at the sole discretion of the Planning and Zoning Commission, where unique features of the site and location (such as topographical considerations) permit a change in height requirement and negative impacts on surrounding properties can be mitigate. The Commission limits their own authority to permit an increase in the building height to a maximum of 58 feet. In those instances where an increase in building height is requested, the applicant shall demonstrate a corresponding reduction in lot coverage.
  
- D. *Permitted Uses:* The Master Plan Overlay Zone allows for more flexibility in uses than is permissible in the underlying zone. These uses are intended to be in harmony with the natural features of the land, economic conditions, and the needs of the community, both present and future. Any uses permitted in the underlying zone, as a permitted use, a special permitted use, or otherwise as specified herein, shall be permitted to continue, and shall not be considered non-conforming regarding the MPOZ requirements. All new development proposals in MPOZ shall comply with the uses permitted below.  
  
Single-family detached residential uses are not permitted in the MPOZ unless they are part of a mixed-use development and account for no more the 10% of total residential units. Mixed-use developments are encouraged and favored for proposed MPOZ development but are not required. Proposed uses within the



MPOZ shall be located with consideration for compatibility and reasonable transition between such uses and other uses existing in areas adjacent to or in the immediate vicinity of the proposed MPOZ.

Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, and as part of its legislative authority decides that the use is like (similar) a use expressly permitted in underlying zone or the MPOZ. Customary and incidental accessory uses are permitted.

The allowable uses in the MPOZ-TCZ district are shown in the Use Tables in Section XX.XX.

- E. *Circulation*: No interior street or drive shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with the Town of Tolland road specifications. Sidewalks are encouraged and may be required if the Commission deems them necessary.
- F. *Utilities and Public Improvements*: Public water and sewage shall be provided, except that alternate sewage disposal systems may be considered and permitted by the Commission upon favorable recommendation of the Health District.

Public improvements, such as traffic improvements, drainage improvements, water and sewer improvements, utility installation and similar improvements shall be designed in accordance with the provisions of Article 19 (Basic Standards). Such improvements may be phased in as distinct phases of an approved Master Development Plan are implemented. Each Site Plan submitted pursuant to an approved Master Development Plan shall state specifically what, if any, portion of the public improvements are to be constructed in connection with such Site Plan and shall contain such information necessary to confirm that the improvements to be constructed will be adequate to support the development set forth in the site plan.

G. *Subdivision into Lots*:

1. A MPOZ may be subdivided or re-subdivided into lots by an applicant in accordance with the requirements of the Tolland subdivision regulations.
2. Nothing in the subdivision regulations or process shall restrict or prevent the lot from being developed in accordance with the intent of MPOZ.

**11-A-6 ACTION ON MASTER DEVELOPMENT PLAN**

The Commission shall approve, modify and approve, or deny applications for the MPOZ and the MDP. No permits shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved MDP until such time as a Site Plan or other required permits have been approved.

The Commission may approve, approve with minor changes or modifications, or deny any Site Plan required as part of an approved MDP within the MPOZ. In considering any site plan approval within the MPOZ, the Commission shall make a finding that the MDP, Site Plan, and Parking Demand and Management Study are consistent with the intent of the MPOZ Regulations and are adequate to ensure safe and appropriate implementation of permitted uses.

The Commission may impose conditions on the MDP, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.



### **11-A-7 SITE PLAN APPROVAL REQUIRED**

In addition to the MDP approval, no building shall be constructed or altered, and no land shall be used prior to approval of a Site Plan which shall be consistent with the conceptual design of the approved MDP. The Site Plan application shall comply with Section 20-9 of these regulations and, without duplication, the following:

- A. Architectural renderings and perspectives of all proposed structures and their interaction with existing on and off-site structures;
- B. Proposed use categories of all proposed buildings. When multiple uses are proposed, percentages of floor area for each use shall be shown;
- C. Concept building plans, including schematic floor plans and exterior elevations;
- D. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut;
- E. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives;
- F. Location of proposed on and off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, and walkways;
- G. Proposed pedestrian walks, malls, and other paths, public and private;
- H. Priority schedule of construction of the building's landscaping, infrastructure, and other elements of the plan;
- I. A proposed utility service concept plan including electric, telephone, sanitary sewage disposal system, storm drainage, potable water supply, and water supplies for fire protection.
- J. Landscaping (including the number, sizes, and species of proposed trees and/or shrubs, lawn and other groundcover, and other landscape features and natural terrain not to be disturbed). Existing tree growth shall be shown on the plan and preserved to the maximum extent possible.
- K. All other requirements for Site Plans in accordance with Section 20-9.

### **11-A-8 PARKING DEMAND & MANAGEMENT STUDY**

A statement, prepared by a licensed or certified professional with expertise in parking and parking demand, shall be provided to determine and demonstrate the need for required parking. The methods, standards, and approach shall be reasonable consistent with the following documents that are to be considered as part of the site plan approval process:

- A. Parking Demand and Management Study developed in accordance with the standards set forth in the following documents: (a) the Urban Land Institute, Shared Parking; 2<sup>nd</sup> Edition, as amended; (b) the Urban Land Institute, the Dimensions of Parking, 4<sup>th</sup> Edition, as amended; or (c) Institute of Transportation Engineers, Parking Generation Manual, 4<sup>th</sup> Edition, as amended, (or) other standard reference agreed to and approved by the Town Engineer.





- B. Such a study and proposed parking, if specifically requested and approved by the Commission, may establish the required parking for the MDP and Site Plan at levels above or below those required in Section 19-1 (Parking).
- C. On-street parking may account for up to 15% of required parking on local street contained within the development.
- D. Parking structures, preferable below grade, are permitted, provided they are included in Parking Demand and Management Study.

#### **11-A-9 GENERAL REVIEW CRITERIA**

- A. *Site Appropriateness*: In considering the appropriateness of development within the MPOZ, the Commission shall consider the following:
  - 1. The proposed use, density, and intensity of development and that the designs are reasonably compatible with the character of the area, adjacent properties, and purpose and intent of the MPOZ regulation.
  - 2. That all development exhibits a high standard of quality in construction detail materials, design, and appearance. That development reflects accepted professional standards of architecture and site design.
  - 3. That quality site planning is an essential criterion of the MPOZ. Sites developed in the MPOZ(s) are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
  - 4. That all development be sensitive to environmentally regulated areas within the MPOZ. That effort be made to retain and integrate significant natural features into the development proposal wherever possible.
  - 5. The Commission may impose conditions on the Site Plan, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.
- B. *Site Appearance*: Development proposals for the MPOZ will be reviewed for appearance and compatibility with surrounding areas. The following are general guidelines:
  - 1. Development is encouraged (when appropriate) to conform to the principles of traditional neighborhood design (higher density, mixed use, and pedestrian friendly).
  - 2. Relationships to land uses in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers (e.g. vegetative, topographic, and architectural), building scale/massing/configuration/ height, light spill, emissions, noise, use intensity/frequency, and signage.
  - 3. Building height, size, and scale shall be considered as part of the overall design and should be designed in such a way that is compatible with the site and general area, even if the buildings are taller than those of the surrounding properties.



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- C. *Recording the Master Development Plan:* The applicant shall, within sixty (60) days of approval of MDP, record notice thereof in the Tolland land records under the name of the record owner of land affected thereby giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall comply with all other applicable requirements of the Tolland Zoning Regulations and Connecticut General Statutes regarding the filing of approved applications. The Commission may grant an extension up to sixty (60) days for the filing.
- D. *Changes to the Master Development Plan:* Changes or modifications to an approved MDP may be subject to the approval of the Commission. Material changes to any plan shall require a Special Permit in accordance with Section 20-8 of the Tolland Zoning Regulations. A material change shall be (a) a 15% or more change in land use types or (b) a 10% or more increase in floor area, or (c) a 10% increase in parking. Non-material changes shall include changes in the location of buildings, parking areas, landscaped areas, or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded. Non-material changes may be permitted by the Commission or staff as an administrative matter provided the general intent and scope of the MDP has not been changed.

Town of Tolland, Connecticut

Plan of Conservation & Development – Zoning Implementation

Proposed Zoning Text Amendment:  
Commercial and Industrial Uses



June 11, 2021

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June 11, 2021

Andrew Powell, Chair  
Planning & Zoning Commission  
21 Tolland Green  
Tolland, CT 06084

Re: Commercial and Industrial Use Tables

Dear Chairman Powell:

The following is the proposed draft text amendment to for the modernization and update of the commercial and industrial zone uses. The proposed text amendment repeals Article 14 Aquifer Protection Overlay Zone (AP) and replaces it with a new Article 14 Commercial and Industrial Uses. The new Article 14 contains the Table of Uses for the commercial and industrial zones, including the proposed Master Plan Overlay Zone (MPOZ) for the TCZ area and the proposed Tolland Village Area – Gateway District (TVA-GD). The proposed Tables of Uses are the result of many work-session and countless hours of discussion about the various zones, uses, and permitting requirements. The proposed text amendment and uses implement the recommendations of the 2019 Plan of Conservation and Development.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP  
Planning Consultant



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**P&Z #00-20** - Proposed Amendments to Zoning Regulations to implement the recommendations of the 2019 Plan of Conservation and Development regarding the allowable uses in Commercial and Industrial Zoning Districts. Amended Zoning Regulation Sections include: 6-2, 8-2, 9-2, 10-3, 12-2, 11-2, 12-2, and 13-2. In addition, Article 14 Aquifer Protection Overlay Zone (AP) is repealed and replaced the Article 14 Commercial and Industrial Uses.

Article 14 Aquifer Protection Overlay Zone (AP) does not meet the statutory authority for the regulation of aquifer area through local zoning. Therefore, it is illegal and acts as barrier to investment and economic development and should be removed, as proposed. This is consistent with the recommendations of the 2019 Plan of Conservation and Development to encourage economic development.

For Public Hearing, **Month Date**, 2021, at a meeting starting at 7 p.m.

The Tolland Planning and Zoning Commission proposes the following amendments:

The existing provisions of Section 6-2, 8-2, 9-2, 10-3, 11-2, 12-2, and 13-2 shall be deleted and replaced with the following: “The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.”



## Article 14: Commercial and Industrial Uses

### 14-1 ALLOWABLE USES

The table in Section 14-2 identifies those uses permitted within each of the commercial and industrial zoning district. All commercial and industrial uses, developments, and new construction, except as explicitly stated otherwise, require site plan approval by the Commission. Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, makes a determination of similar use (that the use is similar to uses permitted in the zone). In addition, the Commission retains the right to determine if any use meets the intent of the regulations.

### 14-2 TABLE OF USES

The following table provides the uses allowed in each of the commercial and industrial zoning districts.

P = Permitted – Site Plan	SP = Special Permit	--- = Prohibited
---------------------------	---------------------	------------------

Retail, Personal, & Professional Service Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ	CIZ-A	CIZ-B	TBP
Retail & Service Establishment	P	P	P	P	P	SP	P	P	P	---
Retail & Service Establishments – Over 20,000 sf.	SP	P	P	P	P	SP	P	P	P	---
Financial Institution	P	P	P	P	P	SP	P	P	P	---
Drive-Thru Service – Pharmacy & Financial Institutions	P	P	P	P	P	---	P	P	P	---
Child & Adult Day-Care Centers, or Group Day-Care Homes.	---	P	P	P	P	---	P	SP	SP	---
Veterinary Hospital (without outdoor animals)	SP	P	P	P	P	---	P	P	P	P
Veterinary Hospital, Commercial Kennels & Stables (5-acre min.)	---	---	---	P	---	---	SP	---	---	---
Laundromat (public sewer required)	P	P	P	P	P	P	P	P	P	---
Self-Storage Facility	---	P	P	P	---	---	SP	P	P	---
Roadside stand, regional.	---	P	P	P	P	---	P	P	P	---
Funeral Home	---	SP	SP	SP	SP	---	SP	---	---	---
Adult-Oriented Establishment	---	---	---	---	SP	---		---	---	---



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<b>Hospitality Uses</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>MPOZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Restaurant (without liquor sales)	P	P	P	P	P	SP	P	P	P	---
Restaurant (with liquor sales)	P	SP	SP	SP	P	---	P	P	P	P
Drive-Thru Service – Fast Food & Fast-Casual	SP	SP	SP	---	SP	---	SP	SP	SP	---
Restaurant – Brewpub	P	---	---	---	P	---	P	SP	---	SP
Micro-Brewery, Micro-Distillery, or Micro-Winery	SP	---	---	SP	SP	---	P	---	---	P
Brewery, Distillery, or Winery	---	---	---	---	---	---	---	SP	---	P
Hotel (internal access guest rooms)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Bed & Breakfast Establishment	P	P	P	P	SP	---	---	P	P	---
Retail Food Service Establishment	P	P	P	P	P	---	P	P	P	---
Catering Facilities	SP	P	P	P	SP	---	P	---	P	P
Banquet Facilities	SP	SP	SP	SP	SP	---	P	---	---	---
Commercial/Shared Kitchen	P	P	P	SP	P	---	P	---	P	P
Food Trucks	SP	P	SP	P	P	---	P	---	P	3

<b>Commercial Office Uses</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>MPOZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Office (Professional & General)	P	P	P	P	P	P	P	P	P	P
Office (Medical)	SP	SP	SP	SP	SP	SP	P	P	P	SP

<b>Commercial Laboratory &amp; R&amp;D Uses</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>MPOZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Medical, Dental, & Optical Laboratory	---	---	---	---	---	P	P	P	P	P
Laboratory (Research, Experimental, & Development)	---	---	---	---	---	P	P	P	P	P
Technology or Computer-Based Facilities (Data Processing Center)	--	---	---	---	---	P	P	P	P	P
Manufacturing (Biotechnology, Medical, & Pharmaceutical)	---	---	---	---	---	SP	SP	SP	SP	SP
Educational, Scientific, & Research Activity	---	---	---	---	---	P	P	P	P	P
Training and/or Conference Center	SP	SP	SP	SP	SP	SP	P	SP	SP	SP
Licensed Medical Marijuana – Dispensary	---	---	---	SP	---	---	---	SP	SP	---
Licensed Medical Marijuana Production Facility	---	---	---	---	---	SP	SP	SP	SP	SP

<b>Residential &amp; Mixed-Use Developments</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>MPOZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
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Mixed Use – Residential	SP	---	---	P	P	SP	SP	---	P	---
Multi-Family Residential	SP	SP	SP	SP	SP	---	SP	---	---	---

<b>Institutional, Public, &amp; Recreational Uses</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>MPOZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Cultural Institution, Art or Music Center, & Museum	P	P	P	P	P	---	---	P	P	---
Public & General Assembly	SP	SP	SP	SP	SP		---	---	---	---
Places of Worship & Religious Institution	P	P	P	P	P	P	P	P	P	SP
Utilities – Public/Private: Structures, Substation, or Office	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
School – Private	---	---	---	P	---	SP	P	SP	SP	---
Hospital, Nursing or Convalescent Facility	---	---	---	P	---	---	---	---	---	---
Assisted Living Facility	---	SP	---	---	SP	---	---	---	---	---
Club	SP	---	---	---	---	---	---	P	P	---
Commercial Recreation Facilities	---	SP	SP	SP	SP	---	---	SP	SP	SP

<b>Automotive Uses</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Motor Vehicle Sales (licensed by State)	---	---	SP	---	SP	---	SP	SP	---
Trailer & Recreational Vehicles Sales	---	---	SP	SP	---	---	SP	SP	---
Motor Vehicle Repair (licensed by State)	---	---	SP	SP	P	---	SP	SP	---
Gasoline Station & Convenience Store	SP	---	SP	---	SP	---	SP	SP	---
Car Wash	---	---	---	---	SP	---	SP	SP	---
Parking Facilities (public/private parking serving off-premises)	SP	---	---	---	---	---	---	---	---

<b>Agriculture &amp; Natural Resources</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>MPOZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Agriculture, Nurseries, Forestry, Forest Management	P	P	P	P	P	P	P	P	P	P
Excavation and/or Removal of Earth Products; Filling Operations	---	---	---	---	SP	---	---	SP	SP	---
Excavation – Pre-Development Site Grading	SP	---	---	---	SP	SP	SP	SP	SP	SP
Solar Array – Ground Mounted as a principal use	---	---	---	---	---	---	---	SP	SP	SP





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<b>Industrial &amp; Manufacturing Uses</b>	<b>TVA-GD</b>	<b>NCZ-G</b>	<b>NCZ-T</b>	<b>CCZ</b>	<b>GDD</b>	<b>TCZ</b>	<b>CIZ-A</b>	<b>CIZ-B</b>	<b>TBP</b>
Manufacturing	---	---	---	---	---	---	P	P	P
Wholesaling, Warehousing, or Storage	---	---	---	---	---	---	SP	SP	P
Distribution Center	---	---	---	---	---	---	SP	SP	SP
Transportation Facility	---	---	---	---	---	---	P	P	---
Printing, Lithography, Photocopy/Graphic Arts Services; Publishing.	---	---	---	---	---	---	SP	SP	P
Heavy Equipment – Repair or Restoration	---	---	---	---	---	---	---	---	SP
Building Supply – Contractors	---	---	---	---	---	---	SP	SP	SP
Building Supply – Public Wholesale	---	---	---	---	---	---	SP	SP	SP
Contractor's Materials, Supplies, Equipment, Service, & Storage.	---	---	---	---	---	---	SP	SP	SP

Town of Tolland, Connecticut

Plan of Conservation & Development – Zoning Implementation

Proposed Text Amendment:

Site Plan & Special Permit Application Requirements:



June 11, 2021

Prepared by:  
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June 11, 2021

Andrew Powell, Chair  
Planning & Zoning Commission  
21 Tolland Green  
Tolland, CT 06084

Re: Application Procedures – Site Plan & Special Permit

Dear Chairman Powell:

The following is the proposed draft text amendment for changes to the site plan (Section 20-9) and special permit (Section 20-8) provisions in the Zoning Regulations. This proposed text amendment is the result of many months of work-sessions with the Commission and countless hours discussion. The aim of the use amendments, based on the recommendations of the 2019 Plan of Conservation and Development are as follow:

- To update the modernize the allowed uses in commercial and industrial zones.
- To encourage economic development.
- To reduced barriers to investment (economic development) through a more effective permitting process, including the reduction in the number of uses requiring special permits.

I am confident that these changes have accomplished the above stated aim and the proposed amendments will improve the regulations and create greater opportunities for economic development. I look forward to discussing this further at our next meeting on June 22, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP  
Planning Consultant



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**P&Z #00-20** - Proposed Amendments to Zoning Regulations to implement the recommendations of the 2019 Plan of Conservation and Development regarding the process and requirements for Site Plan (Section 20-9) applications and Special Permit (Section 20-8) applications.

For Public Hearing, **Month Date**, 2021, at a meeting starting at 7 p.m.

The Tolland Planning and Zoning Commission proposes the following amendments.

Proposed text to be deleted is shown as strikethrough text. For example, ~~text to be deleted appears as it does here.~~

Proposed text to be added is shown as underline text. For example, text to be added appears as it does here.



## Section 20-9 Site Plan – Proposed Text Amendment

### Section 20-9. Site Plan

#### A. When Required

1. A Site plan shall be submitted as required ~~elsewhere~~ throughout in these Regulations.
2. A Site Plan shall accompany the application for a Special Permit, unless staff or the Commission ~~has determined~~ a Site Plan is not necessary for the proposed use or ~~determines~~ the Site Plan can be submitted separately after the Special Permit approval is granted.

#### B. Site Plan Application Requirements

1. The following shall be submitted as part of a Site Plan application:
  - a. A completed Site Plan application form.
  - b. Application fee.
  - c. Seven (7) full-size (24" x 36") paper copies for Site Plan and eight (8) paper copies for Special Permit. The application shall also provide ~~and~~ a pdf of a Site Plan containing the information required Section 20-10. Staff may determine and require more or less than the total number of plans required above depending the circumstance of specific applications. In addition, staff may determine and require that reduced-size (11" x 17" or 12" x 18") copies of plans be provided.
  - d. Preparer. The Site Plan shall be prepared, signed and sealed by the appropriate design professional licensed by the State of Connecticut. ~~an engineer, architect or landscape architect, whichever shall be appropriate.~~
  - e. Architectural elevations plans. The Commission may require the applicant to submit preliminary architectural drawings that show exterior wall elevations, roof lines and facade materials of proposed buildings and structures.
  - f. Off-site information. The ~~Commission may require the applicant to submit off-site information, including shall include off-site information that is applicable to the application. For example, but not limited to~~ open space and recreation areas, the location of buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.



g. ~~Impact analysis. In those cases where the Commission believes that public facilities or the environment may be adversely affected by the proposed development, the Commission may require the applicant to submit an impact analysis of the development upon water supply, storm drainage, sanitary sewerage, traffic, site conditions and/or water, air or noise pollution.~~

h. Additional information. During its consideration of an application for Site Plan approval, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the Site Plan with these Regulations.

#### C. Sites of Archaeological Significance

For all proposed development located within a high sensitivity area, as shown on the Town's official archaeological map available in the Planning Office, the State Archaeologist will be contacted to determine if there is evidence of sites of archaeological significance on the subject property. Any significant sites shall, where possible, be left undisturbed and recommendations by the State Archaeologist shall be complied with.

#### D. Phasing

In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.

#### E. Site Plan Approval

1. Pursuant to Section 8-7d of the General Statutes, a decision shall be rendered not later than 65 days after the official day of receipt. The petitioner or applicant may consent to one or more extensions provided the total extension of all such periods shall not exceed 65 days. Additional extensions may apply if an application has also been submitted to the Inland Wetlands Commission, pursuant to General Statutes.
2. A Site Plan may be approved with modifications by the Commission or denied only if it fails to comply with the standards set forth in these Regulations. A decision to deny or modify a Site Plan shall set forth the reasons for such denial or modification.
3. To ensure that structures and the uses of land are arranged in a manner that enhances the public health, safety and general welfare, as a condition of approval the Commission may require such modifications of the proposed plans as it deems necessary to comply with the spirit as well as the letter of these Regulations.

4. Site plans shall be in conformity with Section 1.1 of these Regulations.



- ~~4. Site Plan Standards: The Commission shall take into account the following:~~
- ~~a. Conformity with Section 1-1.~~
  - ~~b. The general conformity with the intent of the Plan of Conservation and Development (POCD); however, the POCD shall not take precedence over specific provisions of these Regulations.~~
  - ~~c. The arrangement of buildings, structures and uses on the site.~~
  - ~~d. The adequacy of access for fire, police and ambulance services.~~
  - ~~e. 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.~~
  - ~~f. 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.~~
- ~~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 adequacy of design of the storm drainage system to accommodate any increase in stormwater runoff and to minimize soil erosion and sedimentation.~~
- ~~6) 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.~~
- ~~7) The location, height and materials of walls, fences, hedges and plantings to minimize artificial light levels at the property boundary.~~
- ~~8) The impact of odors, lighting, and smoke.~~
- ~~g. The adequacy of water, sewage disposal/treatment and other public facilities to accommodate the development.~~
- ~~h. The location, intensity and direction of outdoor lighting and the proposed times for its use.~~
- ~~i. The size, location and type of any outdoor storage facilities, including dumpsters.~~
- ~~j. The size, location and type of signs and their appropriateness to the neighborhood.~~
- ~~k.b. The adequacy of the landscaping treatment, including any buffers and other screening.~~

#### F. Guarantee Requirements

Unless otherwise prohibited by the General Statutes, the following provisions shall apply.

As a condition of Site Plan approval, the Commission or applicant may ~~request~~ require that the applicant that post with the town surety be posted with the Town to guarantee satisfactory completion of all





proposed site improvements ~~excluding buildings~~ shown on the approved Site Plan if the applicant is requesting a Certificate of Occupancy prior to completion of all site work.

1. Such surety may be posted at any time before all modifications of the Site Plan are complete, except that the Commission may require surety for erosion control prior to the commencement of any modifications.
2. No certificate of occupancy shall be issued before a required surety is posted.
3. An itemized estimate of the cost of the site improvements shall be prepared by the applicant's engineer, including a separate inflation factor, which shall not be greater than 10% of the estimate, for the estimated construction period, and shall be submitted to the Town Engineer for approval.
4. The surety shall be posted with the town for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission, or until such time as the improvements are accepted by the Commission.
5. Reduction of surety. Upon the completion of at least 25%, 50% and/or 75% of the cost of the site improvements subject to the surety, the applicant may request in writing a reduction of the surety. Within 65 days of the date of such request, the site shall be inspected by the Town Planner, the Town Engineer or other appropriate town official to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such surety or deliver to the applicant a written explanation as to the additional modifications that must be completed before the surety, or portion thereof, may be released.
6. Release of surety. Before the release of a surety, the Commission:
  - a. Shall require the applicant to submit as-built drawings.
  - b. Shall not accept the landscaping portion of the improvements until such time as the vegetative cover and plantings have survived one complete winter and summer season or 12 months, whichever comes first. In such case, the Commission shall retain a portion of the surety to cover the mortality and/or poor performance of the required landscaping.
7. Form and type of surety.
  - a. Be in a form and surety type satisfactory to the Commission.



- b. The Commission shall accept surety bonds, cash bonds, passbook or statement savings accounts and other surety including, but not limited to, letters of credit, provided such bond or surety is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit is acceptable to the Commission. In the case where a bank or insurance company is involved with the surety, the bank and/or insurance company shall be authorized to conduct business in the State of Connecticut.

**G. Post Approval Requirements**

1. A certificate of zoning compliance shall be issued by the Town Planner after all the site improvements have been completed in accordance with the approved Site Plan.
2. If the site improvements cannot be completed because of weather or if an alteration does not require the vacating of the premises or if a portion of a building or development is ready for occupancy before the completion of the entire building or development or for other pertinent reasons, a conditional certificate of zoning compliance may be issued by the Town Planner for a period not to exceed 180 days. Failure to complete the improvement within the time permitted, will result in a violation of the conditional certificate of zoning compliance and a violation of these Regulations. Appropriate enforcement action will be taken to ensure compliance., provided that a portion of the posted bond shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new bond shall be posted. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Commission shall then release the bond.
3. Certificate of occupancy. A certificate of occupancy shall not be issued by the Building Official until the Town Planner or ZEO has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a certificate of zoning compliance. A conditional certificate of zoning compliance may be issued in accordance with subsection 2 above.
4. As-built drawings required:
  - a. No certificate of zoning compliance or certificate of occupancy shall be issued until as-built drawings have been submitted to the Town Planner and are determined to be in substantial compliance with the approved Site Plan. If a conditional certificate of zoning compliance is issued in accordance with Section 20-9.F subsections (2) and (3), the as-built drawings shall indicate those improvements to be completed and revised final as-built drawing shall be submitted upon their completion.



- b. The as-built drawings shall:
  - 1) Be prepared at the same scale as the Site Plan by an engineer and/or surveyor, as appropriate, registered and licensed in Connecticut.
  - 2) Show the actual installation of all site improvements, the exact location of buildings and other required items at a level of detail at or exceeding that of the approved Site Plan.
  - 3) Include a certification by the engineer and/or surveyor as to substantial compliance with the approved Site Plan.
  - 4) List or show all deviations from the approved Site Plan.
- c. The Town Planner shall submit all as-built drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

#### H. Amendments

All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the Town Planner and/or Town Engineer upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

#### I. Expiration of Site Plan

All site improvements in connection with an approved Site Plan shall be completed within the time period specified in the General Statutes. Failure to complete all site improvements within such period shall result in automatic expiration of the approval of such Site Plan.

#### J. Continuance

All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.



## Section 20-8 Special Permit – Proposed Text Amendment

### Section 20-8. Special Permit

The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.

#### A. Submittal Requirements: Special Permit

The following items shall be submitted when applying for a Special Permit.

1. A completed Special Permit application form.
2. Application fee.
3. Site Plan pursuant to Section 20-9. The applicant may choose to submit the Site Plan application concurrently with, or subsequent to, the Special Permit application. By a majority vote of members present, the Commission may waive this requirement when a Special Permit use does not entail exterior changes to the building, additional parking, and other such changes to the site.
4. Special Permit plan contents as required in Sections 20-8 and 20-10.
5. The application submission shall address all off-site and on-site impacts, requirements, improvements and considerations, including but not limited to building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant, but such information may be shown in preliminary form except as hereafter noted. Detailed plans for facilities, structures and improvements shall not be required at this time.
6. Traffic Study:
  - a. The construction of more than 2550 dwelling units, 50100 parking spaces or 240,000 square feet of gross floor area or any proposal which, in the Commission's judgment, would generate high levels of traffic shall be accompanied by a traffic study prepared by a licensed traffic engineer. ~~By a majority vote of members present, the Commission may waive this requirement if it finds that the proposed use is of such a nature that a significant traffic impact is not anticipated.~~



- b. At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak-hour traffic, adequacy of rights-of-way and travel ways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 1,000 feet of the development site, traffic lights and intersections and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
7. Additional information. At any time during its consideration of an application for a Special Permit, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations, including but not limited to information regarding soils, storm drainage, sanitary sewerage, water supply, streets or traffic circulation. All additional information requested by the Commission shall be submitted a minimum of 10 days prior to a public hearing, so that the Commission, staff, public and any consultants contracted by the Commission have adequate time to review the information before the expiration of the time limits set forth in the General Statutes. The Commission may choose not to accept any modifications to an application after it has been received, except those modifications specifically requested by the Commission.

**B. Standards for Approval**

1. 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.
2. The Commission shall consider the health, safety and welfare of the public in general and the immediate neighborhood in particular and the following factors:
  - a. 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.
  - b. 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.



- c. 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.
  - d. 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.
  - e. The impact of the proposed use on the natural characteristics of the site and the surrounding environment.
  - f. The adequacy of and impact on water supply, sewer or septic facilities, drainage and other public facilities to accommodate the proposed use.
  - g. 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.
  - h. The proposed use shall preserve important open space, views or vistas and other significant features of the natural environment.
3. Where it is projected that the additional traffic resulting from the proposal will reduce the Level of Service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

#### C. Conditions and Safeguards

In granting a Special Permit, the Commission may attach conditions and safeguards 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:

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.~~
- 5.3. Improvements to existing public facilities to accommodate the use allowed by the Special Permit.
- 6.4. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
- 7.5. Soil erosion and sediment control measures in accordance with the provisions of Article 4.



8-6. A financial guarantee in accordance with the provisions of Section 20-9.F.

D. Limit of Special Permit

A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

E. Effective Date

No Special Permit shall become effective until it has been filed in the town's land records in accordance with the provisions of the General Statutes.

F. Duration and Expiration of Special Permit

1. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.
2. A Special Permit shall expire if the required Site Plan associated therewith is not submitted and accepted within 12 months following approval of the Special Permit. An extension of not more than six (6) months may be granted by the Commission upon written request by the applicant prior to the expiration date.
3. If a building permit is not obtained for a special permit which was issued by the Commission prior to the enactment of these Regulations within two (2) years from the date of adoption of these Regulations and/or substantial construction has not begun on a building or structure or no use has been established on a lot for which building, structure or use within two (2) years from the date of issuance of said building permit, such special permit for said building, structure or use shall become null and void.

G. Noncompliance with Special Permit

Failure to strictly comply with the documents, plans, terms, conditions and safeguards approved as a part of the Special Permit shall be a violation of these Regulations. The ZEO shall notify the applicant, in writing, of the specifics of the noncompliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

H. Amendments or Modifications

Amendments to an approved Special Permit which are determined by the Town Planner shall be in accordance with the provisions of Section 00-0 (Permitted Uses – Commercial Use Tables. to be of a minor nature or which would not substantially alter the Special Permit may be approved by the Commission without another public hearing. Amendments to the Special Permit which would



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~~substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.~~