

## **SECTION 15 SITE PLAN REVIEW**

The Planning Commission may, upon application, authorize the issuance of certificates of approval where required for specific uses within these regulations and modifications to any approved site plan.

### **15.1 GENERAL PLAN REQUIREMENTS**

1. A completed application form including fee payment.
2. Application must be signed by the owner of the subject property or by an individual with a legally binding contract to purchase the subject property.
3. Statement of Use: A written statement describing the proposed use in sufficient detail to determine compliance with the permitted use provisions of these regulations.
4. A boundary survey is required for site plan applications, unless otherwise noted in the applicable use standards of the regulations. A boundary survey is not required for site plan applications which are strictly for a change of use (no site improvements). If not otherwise noted, a developer may request a pre-application meeting with the Commission to determine if an A-2 survey is required
5. Site Plan: Five (5) copies\* of a site plan drawn to a scale of not less than 1 inch equals 20 feet or more than 1 inch equals 40 feet. A Site Plan for all new development, additions and certain site improvements require an appropriately signed and sealed Site Plan prepared by a professional engineer and/or land surveyor and/or landscape architect licensed in the State of Connecticut. Change Of use Permits with no site improvements may utilize a previously approved Site Plan upon approval of the Commission. (\*an electronic copy in a PDF format is required):

Site Plans shall indicate the following:

- a) Title of Development, date, north point, scale, name and address of record owner, engineer, architect, land planner or surveyor preparing the Site Plan.
- b) A Commission approval/signature box.
- c) Location and use of all existing and proposed structures and outdoor signs.
- d) Location of all uses not requiring a structure.
- e) Location of roads, driveways, parking and loading areas with the number of stalls provided therewith.
- f) Existing and proposed utilities plan, if requested.

- g) Location of buffer strips and screening where necessary, showing the type, size, and species of shrubs, trees, and other plantings. Areas of existing tree vegetation shall be shown with an indication as to the degree of disturbance proposed.
- h) Where the applicant wishes to develop in stages, a Site Plan indicating initial development and each additional development stage shall be presented for approval.
- i) The existing and proposed contours of the land at 5' intervals, or less, as deemed appropriate by the Commission.
- j) A statement of proposed method of sanitary waste disposal and estimated maximum flow.
- k) A statement on the map as to the proposed hours of construction of the facility after issuance of a Zoning Compliance Review for a building permit.
- l) A statement on the map as to the proposed hours of operation of the facility after issuance of a Certificate of Zoning Compliance for a Certificate of Occupancy.
- m) Location and design of all existing and proposed water supply systems.

A proposed development or use of property that will provide drinking water via a well water supply with 15 or more service connections or will serve 25 or more people, may entail the creation of a new water company. Examples of such development or use may include residential communities, professional offices, various businesses, schools, day care facilities, youth camps, food and beverage establishments, and campgrounds. The applicant should file a Public Water System Screening Form with the CT Department of Public Health (CTDPH). If the CTDPH Drinking Water Section determines that a water system will be classified as a public water system, a Public Water System General Application for Approval or Permit must be filed. The basis for the submittal is obtain a Certificate of Public Convenience and Necessity (CPCN). One purpose of the certificate process is to ensure that all new public water systems are constructed to specifications and have adequate technical, managerial, and financial capacity to maintain compliance with regulations after the system is put into operation. Effective 10/1/2016, Public Act 16-197 changed the CPCN process and excludes PURA from the majority of the review. The CTDPH administers the CPCN process via a phased approach: Phase IA – location of source of supply; Phase IB- development of source of supply; and Phase II water distribution, storage, and treatment.

Expansion of an existing public water system to support the proposed development or use of property will require the filing of a Public Water Screening Form and possibly the Public Water System General Application for Approval or Permit with the CTDPH.

- n) Location of existing watercourses, marshes, wooded areas, rock outcrops, single trees with a diameter of ten (10) inches or more, measured three (3) feet above the base of the trunk with an indication of whether they are to be retained.
- o) Proposed storm water drainage system.
- p) Location of all permanent monuments.
- q) A soil erosion and sedimentation control plan in conformance with Section 15.2 of these Regulations.
- r) Parking Plan in accordance with the requirements found in Section 9 of these Regulations.
- s) Accessibility shall be provided for emergency vehicles.
- t) A sign plan, if applicable, in compliance with the Sign Standards set forth in Section 10 of the regulations.

## **15.2 SPECIFIC SITE PLAN REQUIREMENTS**

### **15.2.1 Erosion and Sedimentation Control Plans**

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development totals, cumulatively, more than one-half acre. Only a single-family dwelling that is not a part of a subdivision of land shall be exempt from the submission of a soil erosion and sediment control plan.

- a) To be eligible for certification, a soil erosion and sediment control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin 34), as amended which can be found on the DEEP website. Alternative principles, methods and practices may be used with prior approval of the Town Engineer.
- b) Said plan shall contain, but is not limited to:
  - i. A narrative describing:
    - the development;
    - the schedule for grading and construction activities including:
      1. start and completion dates;
      2. sequence of grading and construction activities;
      3. sequence for installation and/or application of soil erosion and sediment control measures;

4. sequence for final stabilization of the project site.

- the design criteria for proposed soil erosion and sediment control measures;
- the construction details for proposed soil erosion and sediment control measures;
- the installation and/or application procedures for proposed soil erosion and sediment control measures; and
- the operation and maintenance program for proposed soil erosion and sediment control measures.

ii. A site plan map that is in compliance with Section 15.1 of the Durham Zoning Regulations.

iii. Any other information deemed necessary and appropriate by the Commission or its designated agent.

c) Minimum Acceptable Standards

- i. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- ii. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

d) Certify/Deny Erosion and Sediment Control Plans

- i. The Planning and Zoning Commission shall approve a soil erosion and sediment control plan when the plan complies with the requirements and objectives of this regulation. When the soil erosion and sediment control plan fails to comply with these regulations, the Commission shall deny the application.

e) Conditions

- i. The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization at any time during the construction

phase may be covered in a performance bond at the discretion of the Commission.

- ii. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is:
  - approved by the Planning and Zoning Commission,
  - the required bond is in place.
- iii. The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

f) Inspection

Inspections shall be made by the Zoning Enforcement Officer or Town Planner during development to ensure compliance with the approved plan and that control measures and facilities are properly installed and maintained.

g) Enforcement

Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Planning and Zoning Commission or its designated agent. Failure to properly install and/or maintain any erosion and sediment control measure may result in the issuance of a stop work order until the problem is satisfactorily corrected.

### 15.2.2 Stormwater Requirements

- a) When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards and shall be designed in accordance with the requirements as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Measures for stormwater quality and stormwater infiltration systems shall be designed in accordance with the requirements as set forth in the 2004 Connecticut Stormwater Quality Manual.
  - i. Peak discharges from the 2-year, 10-year, 25-year, 50-year and 100-year frequency, 24-hour duration, type III distribution storms events shall be analyzed for both pre-development and post-development conditions. No increases in peak discharges from pre-development conditions for each of these storms events shall be allowed. This may be accomplished by stormwater detention, stormwater infiltration, or other acceptable means.
  - ii. The required storm water detention volume shall be that necessary to handle the runoff from the drainage area for a 100-year frequency, 24-hour duration,

type III distribution rainfall, as published by the National Weather Service or other recognized agency, minus that volume discharged during the same duration at the approved rate as specified in (1).

- iii. For developments of less than 10 acres, runoff may be computed using the rational formula; in all other cases, runoff shall be computed in accordance with Technical Release #55, Urban Hydrology, Engineering Division, Soil Conservation Service, USDA, June 1986, as amended, or Technical Release #20.
- iv. When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical for construction by the Town, the Town shall require a fee or equivalent dedication of land which shall be used to construct these facilities. The Commission may permit several developers to construct joint facilities.
- v. Maximum infiltration to the ground water is encouraged. Design of the storm water management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers.
- vi. All on-site facilities shall be properly maintained by the owner such that they do not become nuisances.
- vii. All runoff control structures located on private property whether dedicated to the Town or not shall always be accessible for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided including vehicular access for operation and maintenance.
- viii. Runoff management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire runoff management system are completed and approved. Final discharge points shall be approved by the Commission or its authorized agent.
- ix. Runoff management systems shall be visually compatible with the surrounding landscape.
- x. Permits for runoff management systems may also be required from the Inland Wetlands Commission where such systems may have an impact on inland wetlands, and from the Connecticut Department of Environmental Protection where a dam is to be constructed or water diverted. See Sections 22a-365 et seq. and 22a-409 of the Connecticut General Statutes.

## **15.3 SITE DESIGN GUIDELINES**

### **15.3.1 Purpose**

This Section is intended to aid applicants proposing development within the Town of Durham. The guidelines have been developed to ensure that the designs are in harmony with the character of the community, encourage high quality building and site design, and result in development that is compatible with the character of the community.

### **15.3.2 Applicability**

The following types of applications shall be reviewed as indicated below:

1. Any proposed development, construction, or use in any Zone shall be reviewed in relation to these design guidelines.

### **15.3.3 Procedure**

1. The Commission shall review an application in relation to the design guidelines of this Section and may request the assistance of a Design Professional(s) in evaluating such plans.

2. Any recommendations or suggestions received from the Design Professional(s) shall not be binding upon the Commission.

### **15.3.4 Guidelines**

#### **1. Relationship of Buildings to Site and Adjoining Areas.**

(a) Buildings should be organized in a coordinated and functional manner that is compatible with site features and the architectural characteristics of adjoining areas.

(b) A unified design theme for building massing, exterior treatments and signage should be established where harmony in textures, lines, and masses is provided and monotony is avoided.

(c) Parking areas should be treated appropriately in relation to the building, the neighborhood, and the community.

(d) The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.

(e) Newly installed utility services, and service revisions necessitated by exterior alterations, should be placed underground.

(f) A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

#### **2. Landscape and Site Treatment.**

(a) Landscape treatment should be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

(b) Plant material that is indigenous to the area should be selected for its ultimate growth and for interest in its shape, texture, and color.

(c) Pedestrian walkways should provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all weather materials appropriate for the location (such as brick, concrete, or paving blocks, not earth, gravel, or loose stone).

(4) Existing trees at four (4) inches or greater caliper should be incorporated into the site plan.

### **3. Building Design.**

(a) Architectural features should be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.

(b) Facades and rooflines should be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

(c) Building materials should have architectural character and be of durable quality and shall be selected for harmony of the building with adjoining buildings and properties.

(d) Building textures, colors, and components should be selected for coordination of the building with adjoining buildings.

(e) Utility and service equipment areas shall be screened from public view with either landscaping or hardscape materials such as fences.

### **4. Signs and Lighting.**

(a) Signs should be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.

(b) Exterior lighting, where used, should enhance the building design and the adjoining landscape.

(c) Lighting should be restrained in design and excessive brightness avoided.

(d) Full Cut off lighting shall be provided for all parking areas.

## **15.4 REFERRAL OF SITE PLAN**

The Planning and Zoning Commission may refer an application to other Town Boards and Commission or agencies for review and comment as it deems appropriate.

## **15.5 PLANNING AND ZONING COMMISSION ACTION**

The Commission shall act on the final plan not later than sixty-five (65) days after the date of filing of such application. If a site plan is part of a special exception application, this time period does not apply. Instead the lengthier special exception approval periods that shall apply are: sixty-five (65) days to commence a public hearing, thirty-five (35) days to conclude the public

hearing and sixty-five (65) days to render a decision. The Commission may approve, modify and approve, or disapprove the application. Notice of the decision of the Commission shall be communicated to the applicant in writing within fifteen (15) days after such decision has been rendered. The failure of the Commission to act thereon within sixty-five (65) days of the filing of such application shall be considered as approved and a permit to that effect shall be issued by the Commission on demand. Extensions of time shall be permitted by mutual agreement, in writing, by the Commission and the applicant in accordance with State Statutes. The grounds for the Commission's action shall be stated in its records.

#### **15.6 PERFORMANCE BOND**

The surety bond shall be certified as to form by the Town Attorney. The amount of surety bond shall be sufficient to cover the cost of any proposed or required street grading, roadway paving or surfacing and street planting, the installation of gutters and the installation of all monuments, bridges, culverts, storm water inlets and all such other improvements as the Commission deems necessary to promote public health and safety and to safeguard the town from undue expense in the future maintenance of all streets and open spaces. All improvements shall be designed in accordance with standards established or to be established and with all other rules and regulations applicable in the Town. The bond shall be released only upon approval by the Commission, after a report from their designee, that all the required improvements have been completed in accordance to the approved plan. Bonds will be processed in accordance with C.G.S. §8-3(g).

#### **15.7 FILING OF FINAL SITE PLAN**

The final site plan shall be filed in the land use office and if requested in the Town Clerk's office on the Land Records.

#### **15.8 CHANGE IN APPROVED SITE PLAN**

Minor changes in an approved site plan may be approved by the Town Planner, provided such changes shall not affect the overall layout, design, density, impact or nature of the approved site plan. Whenever a change to the approved site plan is considered to be a major change by the Town Planner, a formal amendment shall be submitted to the Commission for its subsequent approval. Major changes shall include, but are not limited to, substantial reductions of the landscaping or open space area, significant expansions of buildings, additional signage, significant change in the grading so as to affect the drainage system, and any other change which may in the sole judgement of the Commission be construed to materially detract from the original development concept.

#### **15.9 COMPLETION OF WORK**

The completion of the improvements associated with the Site Plan approval shall expire in accordance C.G.S. §8-3, as may be amended from time to time.