

# **SPECIAL USE PERMIT**

## **Application**

## **Process**

## **Guidebook**

**TOWN OF STONINGTON**  
**Planning and Zoning**  
**Commission**



**STONINGTON**  
Department of Planning



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## INTRODUCTION

This guide describes the Stonington Planning and Zoning Commission's land use permitting process. It takes an applicant step by step from the initial phase of preparing a Special Use Permit application through construction. While the Planning Department strives to keep this document up-to-date, various amendments to the regulations will impact how the process works.

The Town of Stonington seeks excellence in land-use applications, the details of which are firmly grounded in the Zoning and Subdivision Regulations, and other documents such as the Town's Architectural Design Review Guidelines. Applicants need to be aware of various regulatory requirements since they must be followed in order to successfully obtain a Special Use Permit.

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Commonly used abbreviations:

**ZR** = Zoning Regulations

**PZC** = Planning and Zoning Commission

**IWWC** = Inland Wetland and Watercourse Commission

## POINT OF CONTACT

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## PRELIMINARY STEPS

- A. ZONING DISTRICT.** Determine the Zoning District your property is located in, and the zone's permitted uses, accessory uses and special permit uses (see ZR Table 5.1.2 for residential zones and ZR Table 5.2.2 for commercial/industrial zones). Is the proposed use allowed in the district? Are any buffer or non-infringement areas required? Pay close attention to the actual use of abutting properties since many zones have buffer requirements to protect adjacent land uses.
- B. COASTAL AREA MANAGEMENT ZONE (CAM).** Is the property located within 1,000 feet of a coastal resource? See ZR 7.3.2 for CAM boundary definition. If yes, check ZR 7.3.8 to determine if the activity is exempt from the Coastal Area Management Overlay District (CAMOD) permit process. No structure within 150 feet of Mean High Tide is exempt from CAM requirements per ZR 7.3.5. **A conversation with the CT Department of Environmental Protection's Office of Long Island Sound Program staff is recommended -- (860) 424-3034.**
- C. GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD).** Certain land uses located in the GPOD may be prohibited or restricted (ZR 7.2). Check with Planning staff to see if the property is located in this zone.
- D. FLOOD HAZARD OVERLAY DISTRICT (FHOD).** Determine if the property is in the Flood Hazard Overlay District. The Zoning Regulations have additional requirements for properties that are located in a FEMA-designated Flood Hazard Area (ZR 7.7). Planning staff can determine if your property is located in the flood zone.
- E. PARKING REQUIREMENTS.** Parking requirements must be satisfied to obtain zoning compliance (ZR 7.10). Keep in mind the need for handicapped spaces and loading spaces.
- F. SIGNAGE.** Signage is often an after-thought, but it is always a critical component of commercial development. Signage information is located in ZR 7.12.
- G. ARCHITECTURAL STYLE.** The Architectural Design Review Board functions in an advisory capacity to the PZC, providing commentary on submitted site plan and special permit applications for commercial, industrial, institutional, and multi-family residential developments, with regard to the scale, massing, colors and proportions of buildings, landscaping, public spaces, lighting and signage. Please check with Planning Department staff for guidance on how this process works.
- H. NON-CONFORMITIES**
- **Non-Conforming Lot** -- A property that fails to meet the Bulk Requirements of the Zoning District in which it is located.
  - **Non-Conforming Use** -- A use which is not permitted in the Zoning District in which the property is located.

- **Legal Non-Conformity** -- A use that is allowed to continue to operate on the site and could receive additional permits (sometimes called “Grandfathering”). No action can be undertaken without approval from the Zoning Enforcement Officer.
- **Illegal Non-Conformity** -- An illegal use constituting a violation of the Zoning Regulations that could be subject to Zoning Enforcement Action to remedy the violation.

**I. FLOOR AREA RATIO.** Each Zoning District has its own Floor Area Ratio (FAR), which can significantly impact an applicant’s proposal. Please familiarize yourself with this requirement (see ZR Table 5.1.1 for residential or ZR Table 5.2.1 for commercial/industrial) to determine the Gross Floor Area (GFA) allowed on the property.

**J. INLAND WETLANDS AND WATERCOURSES.**

1. Activities within or near freshwater wetlands, ponds or streams are not regulated by the PZC; rather, they fall under purview of the Stonington Inland Wetland and Watercourse Commission (IWWC). If there are inland wetlands or watercourses upon or adjacent to the property, it will be necessary to retain services of a Certified Soils Scientist to flag and map the boundaries of these features. The IWWC also regulates activities within the upland review area, measured 100 feet horizontally from the edge of a wetland or watercourse.
2. Applicants must proceed through each permitting process independently of the other. Under the Connecticut General Statutes, the submission of a Special Use Permit application cannot precede the submission of an IWWC application. An application to the IWWC must be approved PRIOR TO the PZC’s approval of a Special Use Permit.

## APPLICATION SUBMISSION

**A. PRE-APPLICATION MEETING.** A pre-application review with Planning Department staff, while not mandatory, allows an applicant to discuss pertinent regulations and procedures. The objective is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal costs associated with preparing a detailed application, and to reduce time spent on formal plan reviews and public hearings. However, a positive pre-application meeting shall not be considered approval of a project or any of its elements. Please contact the Planning Office to schedule a meeting – (860) 535-5095.

**B. APPLICATION.** Applicants are required to submit the following documentation:

1. 15 copies of a completely filled in Application Form (including “Complete Application Checklist”)
2. Application Fee per Town Ordinance (ZR Appendix 3)
3. 15 copies of a Type 2 Site Plan (ZR 8.4.2)
4. 5 copies of all supporting documents as required by ZR 6.1.2 (Application Documents)
5. One copy of the following:
  - Property Deed / Legal Description

- List of all abutting property owners. Abutting property owners include properties across any street, highway, stream, and right-of-way.

- C. SUBMISSION.** Deliver the application to the Planning Department for processing. New Submissions are received by the PZC at their Regular Monthly Meeting, held on the third Tuesday of each month.
- D. STAFF REVIEW.** Site Plan submissions shall be deemed complete when the Planning Department has certified it contains all items as specified by the Zoning Regulations. If an application lacks required information, including waivers that have not been requested and justified, such deficiencies shall be noted in the staff report to the Commission. Incomplete applications risk denial (ZR 8.8.3). Staff conducts a technical review of the application, and will develop comments for use by the applicant.
- E. SUBMISSION DEADLINES.** Applicants are encouraged to modify the site plan or other application materials based on comments received from staff or outside reviewing agencies. Modified plans must be received by the Planning Department not less than **15 calendar days prior to the initial scheduled Public Hearing** (ZR 8.9.5). After the initial public hearing, applicants are permitted to submit revised information sought by the PZC not less than five (5) calendar days before the date of the continued hearing.

## WRITTEN IMPACT STATEMENT

Applicants seeking a Special Use Permit are required to prepare and submit an Impact Statement per ZR 8.8.1. The Impact Statement shall provide the following information. Descriptions of proposed activities and anticipated impacts must be robust and clearly worded. Mitigation measures should not be worded with implied meaning; rather, such measures shall be explicitly specified in the report.

- 8.8.1.1 General description of existing conditions including, but not limited to, environmental features, traffic, zoning, character of the area and public utilities.
- 8.8.1.2 Description of the proposed activity and its expected impact in reference to the natural environment, stormwater drainage, roadways and traffic, zoning and character of the surrounding area.
- 8.8.1.3 Proposed mitigation measures, defined as strategies intended to minimize both on-site and off-site impacts caused by the proposed development. The timing for implementation of mitigation measures should be clearly specified, along with the name and contact information for the party responsible for such measures.
- 8.8.1.4 Anticipated demand on utilities and public facilities including sewers or sanitary disposal, existing drainage systems, water supply and fire protection. The Commission

may require such information incorporated into the findings of fact or placed on the Site Plan.

8.8.1.5 Existing and proposed hours of operation for each use on the site.

## PUBLIC HEARINGS

**A. SCHEDULING THE PUBLIC HEARING.**

All Special Use Permit applications require a public hearing. The PZC has 65 days from the Date of Receipt to schedule and open a public hearing. Once opened, a public hearing may be continued for up to 35 days. Applicants may grant the Commission an extension for hearing scheduling pursuant to state law (see C.G.S. Section 8-7d).

**B. NOTIFICATION.** Once a public hearing for a Special Use Permit is scheduled the applicant must mail written notification of the hearing time, location, and date of the hearing to all abutting property owners. This notification must be mailed not less than 15 calendar days prior to the public hearing and a proof of mailing, in the form of Certified Mail receipts or a Certificate of Mailing must be brought to the Planning Department at least 5 days prior to the public hearing.

**C. ATTENDANCE.** Applicants are expected to be present for all meetings at which their business is on the agenda. The PZC will not discuss an application prior to the opening of the advertised public hearing.

**D. BONDING.** The Commission may require the posting of a Performance Bond in an amount and of duration necessary to assure and guarantee completion of site improvements such as, but not limited to, site grading, stormwater drainage, lighting, screening, landscaping, and other improvements indicated on the final site plan. The total estimated Performance Bond shall also include a 15% addition to cover contingencies and engineering costs to be incurred by the Town (ZR 8.6.1). As a condition of approval, the applicant may also have to post a bond in an amount equal to costs deemed necessary by the Director of Public Works for installing and maintaining appropriate sediment and erosion control measures (ZR 8.6.3).

**E. VOTES.** After close of a public hearing, the PZC has up to 65 days during which a decision can be rendered. The Commission has three options: 1) approve an application and site plan as presented; 2) grant approval subject to modifications or changes; or 3) deny an application.

**F. NOTICE OF DECISION.** The PZC's decision is not final until a legal notice has been posted in the local newspaper, which per statute must be published within 15 days of the decision.

## STANDARDS FOR GRANTING A SPECIAL USE PERMIT

After the close of a public hearing, the PZC must find that the following conditions are fulfilled by the proposal (ZR 6.4):

- 6.4.1 That the proposal is adequately served by a sufficient water supply, and sanitary facilities will function without pollution.
- 6.4.2 That the public is fully protected by fire, safety, and security equipment designed to eliminate hazards.
- 6.4.3 That transportation services are adequate and no undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the motoring public.
- 6.4.4 That it will not create, at any point of determination as set forth in Articles II and VII, any dangerous or objectionable elements to area residents.
- 6.4.5 That no adverse effect will result to the character of the district, property values, historic features, prosperity, nor to the public health, safety and welfare of the residents of the area or the Town.
- 6.4.6 That no deleterious impact to irretrievable environmental resources will result.
- 6.4.7 All applicable regulations (State, Federal, and local) have been complied with satisfying all design, procedural, and review requirements.
- 6.4.8 Consistency with Stonington Plan of Development and all amendments thereto.

## APPROVAL STEPS

- A. APPROVAL NOTIFICATION.** A letter will be sent to the applicant outlining the following steps:
- 1. Final plans cannot be submitted until the applicant has received written stipulations from the PZC. Final plans will not be signed until such stipulations have been included as plan modifications or conditions. **PZC stipulations must be printed onto the final plans by the applicant.**
  - 2. A “proof” copy of the final plans is submitted to the Planning Department for review and comment (This is not required for applications where the PZC has not modified the plans).
  - 3. All final documents related to the project must be delivered to the Planning Department. These may include: required bonds, easements, open space dedication, etc. A Zoning Permit Application will not be approved until items have been

submitted, or a schedule for submission has been agreed upon by the Planning Department.

4. Final plans required are as follows:

- One (1) plan set on Mylar. Mylars are required to meet requirements of C.G.S. Section 7-31.
- Five (5) sets of plans on paper. The Planning Department may choose to waive this requirement, when it is deemed appropriate to do so.
- Submission of plans in digital format (AutoCAD).

**B. COMMISSION SIGNATURES.** The Planning Department submits final plans for the PZC Chairperson's signature. Plans are normally signed at the Commission's next Regular or Special Meeting.

**C. PLAN RECORDING.** After signing, Special Use Permit plans must be filed on the Land Records in the Town Clerk's Office. A copy of the Town Clerk's recording must be delivered by the applicant to the Planning Department as part of a Zoning Permit application.

**D. ZONING PERMIT.**

1. A Zoning Permit is required prior to commencing any construction, in accordance with ZR 8.2. The Zoning Permit application is submitted to the Zoning Enforcement Officer.
2. A Zoning Permit will not be issued until all of the approval requirements have been satisfied (See Construction Requirements below).

**E. BUILDING PERMIT.** Check with the Building Official's Office at (860) 535-5075.

## CONSTRUCTION REQUIREMENTS

**A. EROSION AND SEDIMENTATION CONTROL.** Required Erosion and Sedimentation Control measures must be installed prior to commencement of any construction activity. Failure to maintain Erosion and Sediment Controls will result in issuance of a construction Cease-and-Desist Order or other enforcement actions such as bond revocation by the Town.

**B. BONDING.** All required bonds must be posted with the Planning Department prior to the commencement of any construction activity, or the issuance of a Zoning Permit.

**C. INSPECTION FEES.** Any required inspection fees must be paid to the Town of Stonington prior to the commencement of any construction activity, or the issuance of a Zoning Permit.

**D. PRE-CONSTRUCTION MEETING.** A pre-construction meeting shall be scheduled with the Planning Department:

1. The pre-construction meeting may involve several town agencies, including, but not limited to: Engineering, Highway, Police, Wetlands, Building, and Zoning.



2. The applicant must provide the name, telephone number and email address of the construction project manager.
3. A timetable of the proposed construction, and weekly reports of construction progress are to be faxed (860-535-1023), or emailed to the Planning Department (dop@stonington-ct.gov).

## POST-CONSTRUCTION STEPS

- A. **CERTIFICATE OF ZONING COMPLIANCE.** The applicant shall schedule a site inspection with the Planning Staff and Zoning Enforcement Officer.
- B. **CERTIFICATE OF OCCUPANCY.** The applicant shall schedule a CO inspection with the Building Official's Office. **It is illegal to occupy a building until a Certificate of Occupancy has been issued.**
- C. **BOND RELEASE.** Bond release requires approval from the PZC.
  1. Written bond release request is submitted by applicant.
  2. Staff conducts a site inspection to determine if the landscaping, screening and site stabilization has been completed in accordance with the approved plans. A written recommendation is forwarded to the PZC.
  3. A Maintenance Bond equal to 10 percent of the Performance Bond shall remain in place for a period of one year to guarantee workmanship and materials (ZR 8.6.2).
  4. The remainder of the original bond amount will be released if the final site inspection is satisfactory.