

MEETING NOTICE AND AGENDA

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting

Monday, March 3, 2014 ■ 7:10 PM

Or upon completion of Inland Wetlands Agency Meeting

Audrey P. Beck Municipal Building ■ 4 South Eagleville Road ■ Council Chambers

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - a. February 20, 2014 Special Meeting
- 4. Zoning Agent's Report**
- 5. Old Business**
 - a. **DEEP Presentation on Contaminated Properties**
 - b. **Pre-Application Discussion Requests**
Draft Policies and Procedures for Discussion
 - c. **Other**
- 6. New Business**
 - a. **Other**
- 7. Mansfield Tomorrow | Our Plan ▶ Our Future**
- 8. Reports from Officers and Committees**
 - a. **Chairman's Report**
 - b. **Regional Planning Commission**
 - c. **Regulatory Review Committee**
 - d. **Subcommittee on Infrastructure**
 - e. **Planning and Development Director's Report**
 - f. **Other**
- 9. Communications and Bills**
 - a. ZBA Approval Notice
 - b. WINCOG Referral from Willington
 - c. WINCOG Referral from Ashford
 - d. Notice from Coventry regarding Zoning Regulation Amendments
 - e. Other
- 10. Adjournment**

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
SPECIAL Meeting
THURSDAY, February 20, 2014
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), R. Hall, K. Holt, B. Pociask
Members absent: B. Chandy, G. Lewis, P. Plante, K. Rawn, B. Ryan
Alternates present: P. Aho, V. Ward, S. Westa (5:11 p.m.)
Staff Present: Linda Painter, Director of Planning and Development
Grant Meitzler, Assistant Town Engineer/Wetlands Agent

Chairman Goodwin called the meeting to order at 5:02 p.m., and appointed Alternates Aho, Ward and Westa to act in the absence of several members.

Approval of Minutes:

a. February 3, 2014 Special Meeting

Hall MOVED, Pociask seconded, to approve the 2-3-14 minutes as written. MOTION PASSED UNANIMOUSLY. Ward noted for the record that she listened to the recording.

Zoning Agent's Report: None.

Old Business:

a. Pre-Application Discussion Requests

Linda Painter, Director of Planning and Development, reviewed her 2/18/14 draft policies and procedures for pre-application reviews. Members discussed suggested changes and Goodwin requested this be tabled to the next meeting to allow all members more time to review and recommend revisions for the next meeting.

b. Green Subdivision – Default on Common Driveway Bond

Members agreed with Painter's 2/13/14 memo to extend the deadline for completion on the driveway to September 1, 2017. Staff will draft a letter for signature by the Chair.

c. Request for DEEP Presentation on Contaminated Properties

Painter noted that the presentation is scheduled for the March 3, 2014 meeting, not March 4, 2014 as was erroneously listed on an earlier PZC agenda.

d. UCONN Innovative Partnership Building Comparative Evaluation

Painter reviewed her 2/13/14 memo and Paul Ferri, Environmental Compliance Analyst at the UCONN Office of Environmental Policy, supplemented her comments.

After discussion, Aho MOVED, Ward seconded, that the PZC authorize the Chair to submit the following comments to the University as a supplement to the comments previously submitted by the Town Council:

- The IPB should not be granted a certificate of occupancy until the North Hillside Road extension to Route 44 is completed and signals are optimized.
- UCONN should prepare an analysis identifying how the Route 195 intersections with North Eagleville Road and Gurleyville Road will operate once both the road and building projects are completed to determine whether the opening of North Hillside Road will result in improvements to current intersection operations, or if mitigation measures need to be expedited.
- In the case that completion of the road were to be delayed, no occupancy of the building should occur until UCONN has:

- Conducted an analysis of the impacts on the North Eagleville Road/Hunting Lodge Road intersection and determined what if any mitigation measures are needed. This analysis should be provided to the Town for review and comment.
- Installed mitigation measures to improve operations of the intersections of Route 195 with North Eagleville Road and Gurleyville Road.
- Completion of a comprehensive traffic study and transportation plan that takes both Tech Park and Next Generation Connecticut development into account prior to development of future buildings in the technology park. This study should include impact on local as well as state road networks, and should include multi-modal improvements.

MOTION PASSED UNANIMOUSLY.

e. UCONN: New Residence Hall and Engineering Building

Painter reviewed her 2/3/14 memo and Jason Coite, Environmental Compliance Manager at UCONN Office of Environmental Policy, supplemented her comments.

After discussion, Holt MOVED, Hall seconded, that the PZC authorize the Chair to submit the following comments to the Town Council for inclusion in a letter to the University signed by both the Mayor and Chair:

- Completion of both a campus master plan and Next Generation Connecticut impact study prior to construction of additional buildings related to the NextGen initiative. These studies should include a comprehensive, multi-modal transportation plan for the build-out of the campus that considers impacts to the local transportation network, including off-campus improvements for vehicular, pedestrian, bike and transit circulation.
- Completion of traffic studies that evaluate potential impacts of the proposed buildings on the local road network in addition to the state road network as part of the OSTA permitting process to confirm the conclusion that no significant impacts are anticipated. This analysis should address any needed mitigation and should be made available to the Town for review and comment prior to submission to OSTA.
- Identification of specific measures that will be used as part of each project to reduce impacts on the Eagleville Brook watershed.

MOTION PASSED UNANIMOUSLY.

New Business: None.

Mansfield Tomorrow | Our Plan ▶ Our Future: Draft plan to be ready next week and printed copies will be made available for all members.

Reports from Officers and Committees:

Ward reported that the Regulatory Review Committee met earlier today (2/20/14) and significant progress was made. The next meeting date is still to be determined.

Communications and Bills: None.

Adjournment: The Chairman declared the meeting adjourned at 5:55 p.m.

Respectfully submitted,

Katherine Holt, Secretary

Pre-Application Policies and Procedures

Mansfield Planning and Zoning Commission

Sec. 7-159b, CGS ▪ Preapplication review of use of property.

Notwithstanding any other provision of the general statutes, prior to the submission of an application for use of property under chapters 124, 126, 440 and 541 or any other provision of the general statutes authorizing an authority, commission, department or agency of a municipality to issue a permit or approval for use of such property, such authority, commission, department or agency or authorized agent thereof may separately, jointly, or in any combination, conduct a preapplication review of a proposed project with the applicant at the applicant's request. Such preapplication review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project.

The following policy and procedures for pre-application meetings has been adopted on a pilot basis. The PZC may change or eliminate this practice at their discretion. This policy may also be amended for use by the Inland Wetlands Agency for joint pre-application meetings where projects involve wetlands and watercourses.

Purpose for Pre-Application Review

- To provide an opportunity for property owners or their agent to explore ideas for site development, special permit, commercial, multi-family or mixed-use projects with the representatives of the Planning and Zoning Commission and receive comments on potential applications so that the ideas of the PZC can be considered prior to formal applications being considered.
- To reduce expenses incurred by applicants in the approval process when significant changes are being proposed.
- To reduce the time spent on applications at PZC hearings.

Pre-Application Procedures

Eligible Projects

Any property owner or their agent may request a pre-application review for the following types of projects:

- Commercial/Mixed use
- Multi-Family Residential
- Other large scale projects requiring rezoning and/or special permit approval

Filing Request for Pre-Application Review

All requests for a pre-application meeting with the Commission shall be filed with the Director of Planning and Development on the form provided. The pre-application request shall include a written summary of the project and a site plan, as well as any other materials that may be helpful in understanding the proposal. Additional information may be requested by the Director to assist in determining whether the project is significant enough to warrant a pre-application review meeting with the Commission. The form shall include an acknowledgement of the non-binding nature of the review by the applicant.

The decision on whether to schedule a pre-application review shall be at the discretion of the Director.

Pre-Application Meeting

- A pre-application review will be placed on an upcoming Commission agenda under New Business. The meeting date will be at the discretion of the Director based on anticipated length of agendas.
- Reviews will be limited to 30 minutes. Applicants are encouraged to keep their presentations brief to allow for sufficient time for Commission discussion. At the discretion of the Commission, reviews may extend beyond the 30 minute timeframe and/or continued to a subsequent meeting.
- Pre-Application Reviews will be noted on the meeting agenda as follows:
Project Name, Address/Location, applicant name
The Commission will conduct a non-binding pre-application review for the above listed project.
- The Commission Chair will introduce the item and note the following for the record: "Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project."
- Each review will be open to the public to observe. Public comment may be permitted at the discretion of the Commission.
- Any drawings, plans or maps that that would be helpful in understanding the project must be submitted to the Director at least one week prior to the meeting. (One full size set and 15 reduced size sets).
- Commission members attending the pre-application review will give their own opinions.

Results and Interpretation of the Pre-Application Review

The property owner or agent requesting and attending the pre-application review is expected to arrive at their own interpretation of the comments made by individual Commission members.

On February 19, 2014 the Mansfield Zoning Board of Appeals took the following action:

Approved the application of Gary & Amy Krewson for a Special Exception of Art 9, Sec C.2.c. to construct a 26' x 38' garage, 22' from the front property line instead of 32.5' which is the existing setback for the house at 178 Codfish Falls Rd, as shown on submitted plan.

In favor of approving application: Brosseau, Katz, Shaiken, Stearns, Welch

Reasons for voting in favor of application:

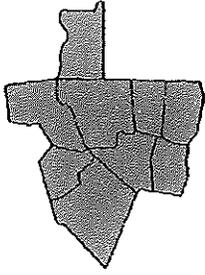
- Would not adversely affect neighborhood
- Would be an improvement to neighborhood

Application was approved.

Additional information is available in the Town Clerk's Office.

Dated February 20, 2014

Alicia Welch
Vice-Chairman



WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

REGIONAL PLANNING COMMISSION

Date: February 12, 2014
Referral #: 14-01-30-WN
Report on: **Zoning**

WILLINGTON
Pleasure Horses
As a Special Permit Use

To: Town of Willington Planning and Zoning Commission
C/o: Susan Yorgensen, Town Planner

Commissioners;

This referral involves: A proposal to add the keeping of "pleasure horses" as a Special Permit use in the R-80 Zone.

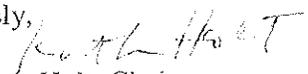
Receipt is hereby acknowledged of the above referral. Notice of the proposed changes to the Zoning Regulations were transmitted to the Windham Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

Comments for Inclusion in the Public Record: The Regional Planning Commission reviewed the proposed amendments to the zoning regulations. The commission offers recommendations on how proposals can better meet the goals and vision of the Windham Region Land Use Plan, WINCOG's regional guide for conservation and development. The recommendations of the Regional Planning Commission are purely advisory.

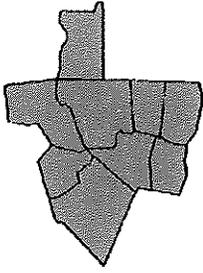
- The Windham Region Land Use Plan supports agriculture to preserve the rural landscape currently committed to agriculture and to encourage the expansion of such areas.
- The proposal to add the keeping of "pleasure horses" as a Special Permit use in the R-80 Zone directly conflicts with Willington's existing Zoning Regulations concerning the keeping of horses, namely Sec. 7.07.03.
- If the proposal were adopted, the keeping of "pleasure horses" would be subject to extensive review by the Willington Planning and Zoning Commission in accordance with Sec. 13 of the Willington Zoning Regulations and a public hearing would be required.
- The proposal has some potential to create negative intermunicipal impacts; however this could be addressed through the Special Permit process.

Questions concerning this referral should be directed to Mark Paquette at the Windham Region Council of Governments.

Sincerely,


Katherine Holt, Chair
WINCOG RPC

Distribution: S. Yorgensen, Willington; L. Painter, Mansfield; E. Trott, Coventry.
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WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

REGIONAL PLANNING COMMISSION

Date: February 12, 2014
Referral #: 14-02-03-AD
Report on: **Zoning**

ASHFORD

Zoning Regulation Re-Write

To: Town of Ashford Planning & Zoning Commission
C/o: Sidney Organ, PZC Chair

Commissioners;

This referral involves: A proposal to re-write the Zoning Regulations.

Receipt is hereby acknowledged of the above referral. Notice of the proposed changes were transmitted to the Windham Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

Comments for Inclusion in the Public Record: The Regional Planning Commission reviewed the proposed zoning amendments.

- The proposal is not anticipated to create negative intermunicipal impacts.

Thank you for the opportunity to comment on this important proposal. Questions concerning this referral should be directed to Mark Paquette at the Windham Region Council of Governments.

Sincerely,

Katherine Holt, Chair
WINCOG RPC

Notice of Certain
Planning & Zoning Matters
in Neighboring Municipalities

11:30 A.M.
FEB 20 2014
C. Hawthorne,
Asst.

DATE: 2/10/2014

TO: Town Clerks of Andover Tolland
Bolton Vernon
Columbia Windham
Mansfield Willington

FROM: Planning and/or Zoning Commission Zoning Board of Appeals
 Inland Wetland Commission

Town of Coventry

Persuant to P.A. 87-307 which requires zoning, planning and inland wetland commissions and zoning boards of appeals to notify the clerk of any adjoining municipality of the pendency of any application, petition, request or plan concerning any project on any site in which:

- 1.) Any portion of the property affected by a decision of such board is within five hundred feet of the boundary of the adjoining municipality;
- 2.) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- 3.) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- 4.) water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice is to be made by registered mail and mailed within seven days of the date of receipt of the application, petition, request, or plan.

No hearing may be conducted unless the adjoining municipality has received notice required by P.A. 87-307. A representative may appear and be heard at any such hearing.

This letter is to inform you of the pendency of such a project described as follows:

Description of application and location Zoning regulation
amendments - See attached

Scheduled hearing date March 24, 2014
time 7:00 PM
place Annex - 1712 Main St.
Coventry, CT 06238

Date: JAN. 31, 2014

Application #: 14 - 01

COVENTRY PLANNING AND ZONING COMMISSION

APPLICATION FOR:

PETITION FOR CHANGE OF THE ZONING REGULATIONS

The undersigned hereby petitions that the Zoning Regulations of the Town of Coventry be Changed as Described Below:

PLEASE SEE ATTACHED.

(Please attach additional information if necessary)

A fee of \$150.00 and a State fee of \$60.00 is herewith included.

AMOUNT RECEIVED: Ø

DATE RECEIVED: 2-3-14

AGENT: BILL M. MOTT
DIRECTOR OF PLANNING + DEVELOPMENT

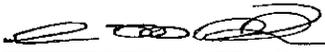
APPLICANT: COVENTRY PZC

ADDRESS: 1712 MAIN ST
COVENTRY, CT

ADDRESS: SAME

PHONE: 860 742 4062

PHONE: SAME

SIGNATURE: 

SIGNATURE: -

DATE: 1-31-14

DATE: 1-31-14



Town of Coventry

1712 Main Street • Coventry, CT 06238 • Fax (860) 742-8911

Land Use Office – (860) 742-4062

MANNER OF FILING A PETITION FOR A CHANGE IN THE ZONING REGULATIONS

1. All petitions for a change in zoning regulations shall be prepared on the official form adopted by the [Planning and Zoning] Commission for such purpose and shall be available at the Planning and Zoning office.
2. Applications shall be filed and signed by the applicant or his/her agent. All pertinent questions on such forms must be answered and all information required by the forms to be given shall be concisely stated.
3. On an application for re-hearing, the petitioner must allege new facts and prove same at the hearing.
4. The fee schedule shall be provided for as stated on the application.
5. All applications for a change in zoning regulations shall be filed with the Planning and Zoning office.
6. All supporting data to accompany such petition shall be submitted as required by the application form. The Commission reserves the right to require additional copies of any document submitted as part of the application.
7. The date of receipt of any application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of the application at which such application request is officially received by the Commission or thirty-five days from the date of the application, whichever is sooner.

#14 - 01 ZR - ZONING REGULATION AMENDMENTS

PROPOSED BY TOWN STAFF/COMMISSION

(Proposed language to be added or deleted in **bold**)

: Section 2.02 (Definitions) – Accessory Building or Structure – add the following -
“...ownership, and **not separated by a street or right of way, and...**”

The proposed change is to address a particular interpretation of the regulations that would allow for the placement of an accessory building or structure on a vacant lot without a primary use/structure. This has negative implications in the Coventry Lake area.

: Section 2.02 (Definitions) – Accessory Use – add the following – “...ownership **and not separated by a street or right of way, and...**”

The proposed change is to address a particular interpretation of the regulations that would allow for the placement of an accessory building or structure on a vacant lot without a primary use/structure. This has negative implications in the Coventry Lake area.

: Section 2.02 (Definitions) – Personal Service – add the following – “...shoe shining and repair, **hypnosis, piercing studio, yoga, hyperbaric care, reiki, acupuncture, herbal treatments, aromatherapy, personal training, martial arts studio, day spa, tailoring, garment repair, tanning studio, diaper service, health club.** However, the Commission shall have the discretion to determine if a use is not listed is considered consistent with this definition and therefore would be allowed.

The proposed change is to provide a broader scope of allowable uses that can be categorized as a personal service which can encourage more service provision and potential economic development in the Town.

: Section 4.02.01.c.1 – (Nonconforming Lots – Front and Rear Yards) – see the attached revised table.

The proposed change is to provide more setback flexibility for small lots with limited buildable areas.

: Section 4.02.01.c.2 – (Nonconforming Lots –Side Yards) – see the attached revised table.

The proposed change is to provide more setback flexibility for small lots with limited buildable areas.

: Section 4.04.03.c (Applicant’s Option to Improve Road) – See attached text prepared by the Town Attorney.

The proposed change is to comply with recent statutory changes pertaining to bonding requirements.

: Section 4.14.02.i (Driveway Turnouts) – add the following as the last sentence to the section – “A common driveway that possesses a minimum travel surface width of 20’ is not required to have turnouts.”

The proposed change is to not require turnouts in situations where they are not warranted due to adequate travel and pass-by width being provided.

: Section 5.02.03.d – (Parking) – new section - add the following – **“Multiple Uses and Facilities – When two or more different uses are located on a single lot, the total amount of parking and/or loading spaces to be provided shall be the sum of the requirements for each individual use on the lot. The Commission may, subject to Site Plan Review in accordance with Section 7.02.06, herein, approve the joint use of space by two or more establishments on the same or on contiguous lots where the total capacity of such space is less than the sum of the spaces required for each use; provided that the Commission finds that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments, and further provided that such approval of such joint use shall be automatically terminated upon the termination of any such establishments.”**

The proposed change is intended to provide flexibility in the parking regulations for facilities that have multiple functions occurring simultaneously. For example, a food service use that has a banquet hall, indoor dining and outdoor dining opportunity could take advantage of this.

: Section 5.04.09 (Release of Bond or Security) – See attached text prepared by the Town Attorney.

The proposed change is to comply with recent statutory changes pertaining to bonding requirements.

: Section 5.05.01.c.4 (High Impact Home Occupations – HIHO’S) – new section – add the following – **“The Commission may allow the parking of vehicles in excess of 11,000 pounds gross weight per vehicle.”**

The proposed change is to provide additional flexibility for High Impact Home Occupations that may require the use of larger vehicles, upon review and approval of the Commission by Special Permit.

: Section 5.05.01.d (Multiple Home Occupations) – add the following – **“standards for a...combination of LIHO’S or MIHO’S, as set forth...”**

The proposed change is to provide additional flexibility for administering applications for multiple home occupations on one lot.

: Section 5.12.06 (Maintenance) – See attached text prepared by the Town Attorney.

The proposed change is to comply with recent statutory changes pertaining to bonding requirements.

: Section 5.13.05.j (Additional Requirements) - See attached text prepared by the Town Attorney.

The proposed change is to comply with recent statutory changes pertaining to bonding requirements.

: Section 5.13.05.k (Additional Requirements) - See attached text prepared by the Town Attorney.

The proposed change is to comply with recent statutory changes pertaining to bonding requirements.

: Section 6.06.02.i (Commercial Agricultural Zone – Special Permit Uses) – Delete the following **“up to _____ square feet of area”**.

When this section was revised in 2011, it was intended to provide a number for the limit of square footage. Inadvertently, this was not done and was left blank. It

is suggested to simply allow for the retail sales of farm products without a square footage limit.

: Section 6.07.01.a.1 (Commercial Zone – Generally Permitted Uses) – Delete this item from the list and renumber accordingly – **“Philanthropic, educational, religious, cemetery and eleemosynary uses by non-profit organizations”**.

This change is to correct a duplication of use allowances between the Generally Permitted and Site Plan Review Uses.

: Section 6.07.01.a.10 (Commercial Zone – Generally Permitted Uses) – Delete this item from the list and renumber accordingly – **“Tourist Homes and Bed and Breakfasts”**.

This change is to correct a duplication of use allowances between the Generally Permitted and Site Plan Review Uses.

: Section 7.03.07 (Conditions) - See attached text prepared by the Town Attorney. Connect the two sections of the same paragraph on the page that were inadvertently separated during text editing.

The proposed change is to comply with recent statutory changes pertaining to bonding requirements.

: Section 7.04.08.d (Special Permit Procedures) – Correct the section referenced from **“7.03.08(f)”** to be **“7.03.08(e)”**.

The proposed change is to properly reference the section in the text. There is no Section 7.03.08(f). Connect the two sections of the same paragraph on the page that were inadvertently separated during text editing.

SECTION 2.02 DEFINITIONS

The definitions in this Section 2.02 may include certain types of uses that are not permitted in any zoning district within the Town of Coventry.

Abutting: A term describing lots or parcels of land that either have a common boundary or are separated only by a street or other existing or proposed public or private right of way.

* **Accessory Building or Structure:** A building or structure that is both (i) located on the same lot as the principal building or structure or, to the extent expressly allowed by these Regulations, on an adjoining lot under the same ownership, and (ii) used in a manner subordinate or incidental to the use of the principal building or structure. The main dairy, livestock, poultry, nursery, or other barn on a farm shall not be deemed to be an accessory building or structure. ^{ADD LANGUAGE}

Accessory Dwelling Unit: A dwelling unit that is both (i) located on the same lot as the principal dwelling unit, and (ii) used in a manner subordinate or incidental to the use of the principal dwelling unit.

* **Accessory Use:** A use of land, or of all or a portion of a building or structure, that is both (i) located on the same lot as the principal use or, to the extent expressly allowed by these Regulations, on an adjoining lot under the same ownership, and (ii) subordinate or incidental to the principal use of the land, building or structure. ^{ADD LANGUAGE}

Accessway: Any portion of a lot that provides access to and from a street but that has a width (measured in the direction of lot width) of fifty (50) feet or less.

Active Recreation: See "Recreation, Active."

Adaptive Re-use: Renovation and repair of existing buildings to allow new or additional uses in order to preserve, to the extent practicable, historic architectural features and original site details. (Added – Effective 06/07/07)

Adjoining: Same as "abutting."

Agricultural Buildings and Structures: Buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment, and supplies and other products incidental to the farm use.

Agriculture: Includes dairying; the cultivation of land, including planting, propagation, and harvesting of crops, flowers, nursery stock and berries; tillage; horticulture; forestry; greenhouses; nurseries; vineyards; the raising and management of livestock; aquaculture; and commercial livery and boarding stables; but excluding commercial dog kennels; veterinary hospitals; slaughterhouses; packing houses; rendering plants; and the processing of agricultural products that were not grown or raised on the same lot. In some zoning districts, certain agricultural uses may be expressly prohibited or allowed only by special permit, while others may be generally permitted.

Apartment House: A single building containing three or more dwelling units.

Aquifer: A geological formation, such as bedrock, stratified sand and gravel deposits, or glacial till, capable of yielding useable amounts of groundwater.

Barn: An agricultural building in which feed, bedding, tools, vehicles and equipment may be kept and livestock may be sheltered.

Basement: A portion of a building partially or completely below finished grade, and having at least three (3) feet of its wall height, as measured from the floor of the lowest floor level, below grade plane for at least one half (1/2) of its perimeter.

SECTION 2.02 - DEFINITIONS

* Personal Service: A service providing personal care to individuals. For the purposes of these Regulations, the term "personal service" shall be limited to barbering, hairstyling, manicure, pedicure, therapeutic massage, and shoe shining.

Preexisting Rear Lot: See "Lot, Preexisting Rear." ^{ADD LANGUAGE}

Principal Dwelling Unit: A dwelling unit in which the principal users of the lot reside.

Principal Use: The primary purpose for which land, water, or a building or structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Private Garage: See "Garage, Private".

Processing of materials: Operations that change the form or structure of materials, whether by

Professional Service: The provision of professional advice, counseling, representation, or assistance to individuals or businesses. The term includes, but is not limited to, accountants, financial advisers, dentists, physicians, chiropractors, optometrists, lawyers, tax consultants, real estate appraisers, engineers, scientists, and surveyors.

Property Line: The boundary of a lot or other parcel of land.

Public Garage: See "Garage, Public".

Rear Lot: See "Lot, Rear".

Rear Lot, New: See "Lot, New Rear."

Rear Lot Line: See "Lot Line, Rear".

Rear Lot, Preexisting: See "Lot, Preexisting Rear."

Rear Yard: See "Yard, Rear".

Recreation, Active: Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Recreation, Commercial: Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land; (4) the collection of fees/generation of business revenue. (Added- Effective 10/12/10)

Recreation, Passive: Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

Recreational Vehicle: Any vehicle that can be registered for highway use and is capable of being occupied with sleeping and/or cooking accommodations on a temporary basis, whether or not such vehicle contains toilet facilities.

ARTICLE IV - REQUIREMENTS AND LIMITATIONS

APPLICABLE IN ALL ZONING DISTRICTS

Section 4.01 Conformity With Regulations

No land, building, structure, or premises shall be used and no building, structure or part thereof shall be erected, altered, enlarged, or moved except in conformity with these Regulations. No lot shall contain less than the minimum dimensional requirements specified in these Regulations for the zone in which it is located. No buildings or structures shall collectively occupy a greater percentage of the lot area, accommodate a greater number of families, contain less livable floor area, or be greater in height than as prescribed by the Regulations for the zone in which such building or structure is located. No lot or parcel of land containing any existing structure or other active use shall be divided or otherwise diminished in area, width, or length, nor shall any yard or required open space be reduced, except in conformity with these Regulations.

Section 4.02 Nonconforming Lots

Section 4.02.01 Use of Existing Nonconforming Lots

a. The lot area, frontage and width requirements of these Regulations shall not prevent the establishment of a permitted principal use, building or structure on any lawfully established nonconforming lot, provided (i) that such lot has an area of at least 30,000 square feet and a lot width of at least 75 feet, and has not previously been deemed to have merged with an adjoining lot pursuant to the current provisions, or any previously applicable provisions, of the Coventry Zoning Regulations; (ii) that such lot has frontage on, or legal access to, a public highway; and (iii) that the landowner demonstrates access to public sewer and approval of the WPCA or, in the event public sewer is not available, the availability of both a suitable sewage-disposal facility and an adequate potable water supply by obtaining written confirmation of the availability and adequacy of such facilities from the Director of Health or other qualified public official. (Section 4.02.01.a.iii Revised - Effective 08/01/11)

b. In addition to the provisions of subsection 4.02.01.a, a nonconforming lot may be developed in accordance with the provisions of Conn. Gen. Stat. Section 8-26a, as amended, if such lot was created as part of a subdivision plan approved by the Commission and filed or recorded in the Coventry Land Records.

c. If a nonconforming lot meeting the requirements of subsection 4.02.01.a is not shown on an approved subdivision plan filed or recorded in the Coventry Land Records, the yard requirements for the lot shall be the lesser of (1) those required in the relevant zoning district, or (2) those required in accordance with the following tables:

1) Front and Rear Yards

<u>If lot area is less than</u>	<u>but equal to or greater than</u>	<u>Minimum front and rear yards are:</u>
80,000 square feet	40,000 square feet	50 feet
40,000 square feet	30,000 square feet	25 feet
30,000 square feet	25,000 square feet	20 feet
* 10,000 SQUARE FEET	10,000 SQUARE FEET	15 FEET

2) Side Yards

<u>If lot width is less than</u>	<u>but equal to or greater than</u>	<u>Minimum side yards are:</u>
225 feet	200 feet	30 feet
200 feet	175 feet	25 feet
175 feet	150 feet	20 feet
150 feet	100 feet	15 feet
100 feet	75 feet	12 feet
* 75 FEET	—	10 FEET

d. Notwithstanding the provisions of subsection 4.02.01.a, the Commission may issue a special permit for a principal use, building, or structure on any lawfully established nonconforming lot that does not meet all of the criteria set forth in subsection 4.02.01.a. The minimum front and rear yards for such uses shall not be less than 20 feet and the minimum side yards shall not be less than 12.5 feet unless the Commission determines that a lesser setback is necessary to permit the reasonable use of the lot and that such reduced setback will not unreasonably affect the use or value of adjacent properties. Whenever any application for a special permit is made pursuant to this subsection d, the applicant shall, in addition to any other notices required by these Regulations, send written notice to the owners of each abutting lot of the filing of such application and the date and time at which the public hearing will be commenced on such application. Such notices shall be mailed by certified mail, return receipt requested, at least ten days before the commencement of the public hearing, and proof of mailing shall be provided to the Commission before the conclusion of the public hearing.

Section 4.02.02 Prohibition of Creation of Nonconforming Lots or Parcels

Except as provided hereafter, the creation of any nonconforming lot or parcel by division of preexisting lots or parcels is prohibited. Nothing in these Regulations shall be deemed to prohibit the adjustment of the boundary between two lots shown on an approved subdivision plan, so long as the adjustment does not (1) reduce the size of any lot below the minimum lot acreage that was required at the time of subdivision approval, or (2) create an additional, buildable lot. In addition, notwithstanding any other provisions of these Regulations, the Commission may grant a special permit to allow the division of any lot of record that was existing as of November 13, 2006, and that contained two separate single-family or two-family dwellings on that date, provided: (i) that each resulting lot would contain an area of at least 30,000 square feet and a lot width of at least 75 feet; (ii) that each resulting lot would contain no more than one single-family or two-family dwelling, and that all accessory structures would be on the same lot as the dwelling to which they are accessory; (iii) that each lot would have frontage on, or legal access to, a public highway; and (iv) that each lot would support both a suitable sewage-disposal facility and an adequate potable water supply, such facts to be demonstrated by written confirmation of the availability and adequacy of such facilities from the Director of Health or other qualified public official.

Section 4.02.03 Merger

Except as provided below, when any two or more contiguous lots or parcels are owned by the same person(s), and either lot or parcel does not meet current lot frontage or lot area requirements under these Regulations, the contiguous lots or parcels shall be deemed to have merged and shall be considered a single lot or parcel for purposes of these Regulations. The provisions of this section shall not apply to lots or parcels separated by a street, a public right-of-way, or a recorded private easement of travel or access existing as of the effective date of these Regulations, nor shall it apply to adjacent lots on each of which a dwelling or other principal structure was erected before the lots became nonconforming. The provisions of this section shall also not apply to lots in subdivisions that have been approved by the Commission and recorded in the Coventry Land Records unless the subdivision approval has lapsed or

Eric –

This follows up on the memo that I sent to you in March where I located all of the sections of the zoning regulations that contained references to bonding. I have marked those sections that I believe may need to be revised in lights of PA 11-79 and PA 12-182. Thanks.

4.04.03 – substandard roads:

c. Applicant's Option to Improve Road. An applicant for subdivision or development of property having frontage on a road that does not meet current Town standards for width, pavement or drainage may, at his or her option, propose to improve that portion of the road abutting that property as a condition of subdivision or development approval. Any proposal to improve an existing road must be presented to the Public Works Director for review and possible approval prior to the filing of the subdivision or development application. Upon the approval of the Public Works Director of any such proposal for improvement to the portion of the road abutting the property to be subdivided or developed, the applicant shall be entitled to propose minimum lot sizes as though the road were already improved. To the extent permitted by the Connecticut General Statutes and the Town subdivision regulations, the Commission may shall require, as a condition of approval of any such subdivision or development, that a bond or other surety be provided to ensure that the road improvements are completed as proposed.

~~5.04.07 and 5.04.09 – Erosion and Sediment Control~~

Section 5.04.07 Application of Controls; Bond or Other Security

~~a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion and maintenance bond or other security acceptable to the Commission for the completion and maintenance of the required soil erosion and sediment control measures. A cost breakdown forming the basis of the amount of the bond or other security to be posted may be prepared by and submitted to the Commission by the applicant with the application for soil erosion and sediment control plan approval.~~

SECTION 4.14.02 - DRIVEWAYS

d. Side Line Setback

The side or edge of a driveway shall not be located any closer than five (5) feet from an adjacent property line, except where a common driveway or curb cut is provided to serve more than one lot, in which case such setback shall only apply to a property line of an adjacent lot which is not served by the common driveway or curb cut. In addition, the point at which the driveway curb radius intersects the edge of pavement or curb line of a town road shall not encroach beyond the point where the extension of the property line meets the town road, except in the case of a common driveway or curb cut, where such requirements shall only apply to an adjacent lot which is not served by the common driveway or curb cut.

e. Sight Distance

The visibility at driveway intersections with town roads shall be such as to allow a stopped vehicle on the driveway, located six (6) feet back from the gutter line, to see, and to be seen from, a vehicle approaching from either direction along the town road, a distance of not less than one hundred seventy-five (175) feet, based on a height of eye and object of 3.5 feet. The Director of Public Works may require the removal of sight obstructions including but not limited to trees, bushes, shrubs, boulders, rocks, and stonewalls, or adjustments of cut slopes, adjacent to intersections of a private driveway with a town road in order to assure an adequate sight distance and to ensure a safe and efficient means of access for emergency vehicles.

f. Gradient

Driveway grades within the street right-of-way shall not exceed eight (8) percent, and within private property shall not exceed fifteen (15) percent.

g. Ascending Driveways

Driveways that ascend into private property shall be surfaced and maintained with a suitable material from the driveway apron to the high point in the driveway to prevent and disallow erosion and sedimentation. Unless otherwise approved by the Director of Public Works, driveways shall be cross sloped so as to establish sheet flow drainage and avoid the discharge of concentrated runoff into town roads.

h. Descending Driveways

For driveways that descend into private property, driveway aprons shall rise in elevation from the town road gutter line to the town road right-of-way line a minimum of six (6) inches before descending into the property.

i. Turnouts

* On driveways exceeding a total length of three hundred (300) feet, turnouts with a minimum width of ten (10) feet and a minimum length of (30) feet shall be provided for each three hundred (300) feet of driveway length to permit a vehicle to pull off the driveway so that another vehicle may safely pass without leaving the driveway surface. ^{ADD NEW LANGUAGE}

volume, and nature of traffic expected to use such space, and the location of buildings and structures in relation to the street.

Section 5.02.02 Restrictions on Unregistered Motor Vehicles

Parking or storage of more than two (2) unregistered motor vehicles shall not be permitted on any residential property except within a building. Vehicles used on a farm are exempted, but such vehicles shall not be kept in any front yard. Unregistered motor vehicles may not be parked or stored on residential property for purposes of private sale, except that parking or storage for one such sale may be allowed every six (6) months. Such parking or storage shall not exceed a period of thirty (30) consecutive days. The six-month period described above shall commence on the last day of the most recently allowed parking or storage of a vehicle for sale.

Section 5.02.03 Location of Parking Facilities

a. General Rule. Except as provided hereafter, the parking and loading facilities required by these Regulations shall be provided on the same lot or premises with the structure or land use they are to serve. This requirement shall not apply to the temporary use of land for special events authorized or sponsored by the Town of Coventry. Whenever a formula for the minimum number of parking spaces under these Regulations would produce a fractional number, the number shall be rounded to the next highest whole number.

b. Collective Parking Areas. The Commission may, by site plan review and approval, allow the provision of a collective off-street parking area, or a group of such areas, on one or both of two or more adjacent or nearby lots. The total number of parking spaces in any such collective area or areas shall not be less than the sum of the requirements for the various buildings or uses computed separately. If the subject lots are not under unified ownership or control, the Commission may require that a suitable notice of lease be filed in the Coventry Land Records and in the Zoning Office as a condition precedent to the issuance of the special permit. The leases must bind each of the owners of the affected lots to permit access and parking and to provide for the maintenance of all parking areas, and shall provide sufficient parking spaces to meet the parking requirements for the use of the subject property.

c. Shared Use of Parking Spaces. The Commission may, by special permit, allow a specific number of parking spaces to be shared by more than one (1) building or use where evidence is provided to indicate that such buildings or uses will have peak occupancy or parking demand during different times of the day or week. In no event shall such joint use reduce the required parking for any building or use by more than twenty-five percent (25%).

* d. ADD NEW LANGUAGE

Section 5.02.04 Off-Street Parking Requirements

The following schedule of parking requirements shall apply (singularly for a single use and in combinations for more than one use) to the uses listed (not all of which may presently be permitted in any zone under these Regulations). Permitted uses not listed below shall be subject to individual review by the Commission for determination of necessary parking facilities.

SECTION 5.05.01 - HOME OCCUPATIONS

b. Moderate Impact Home Occupations (MIHOs)

The Zoning Agent may issue a Certificate of Zoning Compliance for any home occupation that would satisfy the standards for a LIHO, as set forth in subsection a, above, except that the use either (i) involves minor on-site sales, classes, or services; and/or (ii) involves the parking of no more than two commercial-type vehicles, each not to exceed 11,000 pounds gross vehicle weight; and/or (iii) would employ up to, but not more than, two (2) persons who do not reside on the premises. However, the following additional requirements must be met by any such home occupation:

- 1) The applicant must submit to the Zoning Agent a written estimation of the average and peak number of vehicles likely to enter and exit the site on both an hourly and daily basis, as well as a written explanation of how the numbers were estimated.
- 2) The estimated vehicle numbers must not exceed either (i) an average of two vehicles per hour in any one day or ten vehicles per day in one week (Sunday through Saturday), or (ii) a peak of four vehicles in any hour or fifteen vehicles in any day.
- 3) The Zoning Agent must determine, based upon all available information, that the applicant's estimates are reasonable. A Certificate of Zoning Compliance issued under this section may be revoked if the home occupation is later found to have generated vehicle trips in excess of the limits estimated by the applicant.
- 4) Enough additional parking spaces must be provided to alleviate the need to use Town roads for customer or employee parking. MIHOs shall provide at least two (2) off-street parking spaces for visitors and one (1) off-street parking space for each non-resident-employee.

Each MIHO shall be allowed the same type and number of signs as permitted for LIHOs pursuant to subsection a, above. MIHOs shall be deemed to be accessory uses to a primary residential use.

c. High Impact Home Occupations (HIHOs)

The Commission may grant a special permit for home occupations that satisfy the general standards of this Section 5.05.01 but do not satisfy the standards for a LIHO or a MIHO. In addition to the requirements for a special permit, HIHOs must also satisfy the following standards:

- 1) No such home occupation shall be permitted on a lot having an area of less than 220,000 square feet (five (5) acres).
- 2) The Commission shall require such screening as it may determine, in its sole discretion, to be necessary to preserve the residential character of the lot and neighborhood. Such screening shall always include, but shall not to be limited to, vegetative buffers to fully screen commercial-type vehicles and parking areas serving five or more vehicles from abutting roads and properties.
- 3) Enough additional parking spaces shall be provided to alleviate the need to use Town roads for customer or employee parking. A minimum of two (2) off-street parking spaces shall be provided for visitors and one (1) off-street parking space for each non-resident-employee. However, the Commission may require additional off-street parking spaces if the record indicates that there may be a need for such spaces.

* 4.) ADD NEW LANGUAGE

Each HIHO shall be allowed the same type and number of signs as permitted for LIHOs and MIHOs pursuant to subsections a. and b. above.

SECTION 5.05.01 - HOME OCCUPATIONS

d. Multiple Home Occupations

The Zoning Agent may issue a Certificate of Zoning Compliance for two home occupations on any one lot, provided the home occupations would individually and collectively satisfy the standards for a LIHO, as set forth in subsection a, above. The Commission may grant a special permit to allow two home occupations on any one lot when at least one of the home occupations is a MIHO or HIHO, as specified in subsections b and c, above, and the home occupations would individually and collectively satisfy all of the other standards of Section 5.05.

Section 5.05.02 Revocation of Permit

Any permit issued by the Zoning Agent or the Commission for a home occupation under these Regulations shall be limited to the specific use described in the application and shall be contingent upon continuous satisfaction of the standards and criteria set forth in this Section 5.05 and all other relevant provisions of these Regulations. The Zoning Agent may revoke a permit for a home occupation only if such permit was issued by the Zoning Agent and only if the Zoning Agent determines that there has been a substantial or material change in the nature of the permitted use or that the permittee has failed to comply with any applicable provision of these Regulations. Any such revocation by the Zoning Agent shall be subject to an appeal to the Zoning Board of Appeals. The Commission may revoke any permit issued for a home occupation if the Commission determines, after a hearing for which the property owner has been given at least ten (10) days advance written notice, that there has been a substantial or material change in the nature of the permitted use or that the permittee has failed to comply with any applicable provision of these Regulations. Any such revocation by the Commission shall be subject to appeal to the Superior Court only.

Section 5.06 Flood Hazard Regulations

Section 5.06.01 Purpose

To protect the public's health, welfare and safety by preventing or minimizing flood damages in conjunction with the requirements of the National Flood Insurance Program, all proposed development within designated Flood Hazard Zones A-1 through A-15 and unnumbered A Zones (see Section 5.06.04) shall require prior authorization from the Planning and Zoning Commission. Dependent on the nature and location of the proposed development, minor land disturbing activities, proposed accessory structures and minor additions may be authorized through the issuance of zoning permits, while major land disturbing activities, proposed primary structures, and major additions shall necessitate special permit approval of the Commission. This Section 5.06 also formally recognizes the Town's Flood Insurance Study, Flood Insurance Rate Maps (as amended June 11, 1982), and Flood Boundary and Floodway Maps.

b. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional and/or a bond or other security assuring completion and maintenance of such measures and facilities has been posted in a form and in an amount acceptable to and approved by the Commission.

c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

d. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.

Section 5.04.09 Release of Bond or Security

Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release the portion of the bond or other security posted for the installation of the required measures upon finding that the provisions of the certified plan have been complied with. The portion of the bond or other security posted for assurance that the installed measures shall be adequately maintained with respect to any improvements which have been dedicated or deeded to the Town may be released, subject to the above inspection and reporting requirements, upon termination of at the one (1) year maintenance period, normally one (1) year.

5.12.06 – Stormwater Management Systems

Section 5.12.06 Maintenance

a. All stormwater management systems and structures shall be maintained by the owner. The Commission shall require that an operations and maintenance plan, for use by the owner or others responsible for maintenance of the system, be submitted to them for approval to ensure that all components function properly. This plan shall be prepared and submitted prior to the installation of the system. The Commission may require that a bond be posted for a period of one (1) year after completion with respect to any such systems or structures that are to be dedicated or conveyed to the Town and/or that periodic reports be filed with the Commission or its Agent to ensure that the required maintenance has been performed.

5.13.05 and ~~5.13.06~~ – condominiums and apartments

j. To insure and protect the health, welfare and safety of the future residents and to protect the Town of Coventry from any potential obligation to correct health or safety hazards, the applicant may shall require a bond or other security for all improvements associated with the proposed development to the extent permitted under the Connecticut General Statutes. Such improvements shall include but not be limited to the following: roadway, drainage, public sewer, public water, parking areas, recreation facilities and landscaping. The required security shall be in an amount equal to 100% of the estimated cost of such improvements. The Commission shall set the amount of the security after consulting with the Town Engineer. The security shall be in a form acceptable to the Commission upon the advice of the Town Attorney. The Commission may allow the security to be renewed. The required security shall may be reduced or released by the Commission upon completion of an entire system or improvement.

k. The Commission shall require a maintenance bond or other security with respect to any such systems or structures that are to be dedicated or conveyed to the Town for a onetwo-year period after the completion of the improvements. The Commission may partially release any such security upon partial completion of the improvements.

~~l. The Commission may allow the development to be bonded in stages provided the first stage has a minimum of eight (8) dwelling units and provided that each stage can function as a separate entity.~~

~~m. No zoning permit shall be issued on the development until the required security is posted and accepted by the Town Attorney.~~

~~7.03.07 – Special Permits~~

Section 7.03.07 Conditions

The Commission may place on any special permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure, or use (i) will conform to the standards and limitations set forth in these Regulations, including, but not limited to, the Health and Environmental Standards in Section 4.13; (ii) will protect the rights of individuals and the health, safety, welfare, and convenience of local residents and the community; (iii) will protect local property values; and (iv) will meet the specific standards set forth in Section 7.03.06 and other applicable sections of these Regulations. The conditions may relate to, without limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure, or use. The Commission may also condition the issuance of any special permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special permit, subject to the limitations on any such bonding as may be contained in the Connecticut General Statutes.

rendering its decision on an application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

Section 6.07 Commercial (C) Zone

Section 6.07.01 Generally Permitted Uses

a. Uses Not Requiring Site Plan Review By the Commission

The following uses are permitted in the Commercial Zone upon the issuance of a zoning permit by the Zoning Agent:

* 1. ~~Philanthropic, educational, religious, cemetery and eleemosynary uses by non-profit organizations.~~ DELETE - RE NUMBER

2. Finance, insurance, and real estate services.

3. Governmental services.

4. Historic sites and monuments that are open to the public, with or without an entrance fee.

5. Public parks, playgrounds, schools, museums and libraries.

6. Offices.

7. Personal services.

8. Professional services.

9. Studios for the creation, preparation, exhibition, demonstration and/or sale of photography, sculptures, paintings or other artwork, and/or crafts, but without artistic instruction or lectures.

* 10. ~~Tourist homes and bed-and-breakfast facilities.~~ DELETE - RE NUMBER

11. Agriculture, including a farm, but excluding nurseries, and greenhouses, and further provided (i) that any structures for the enclosure or feeding of poultry or swine are located no less than 100 feet from any property line; (ii) that any structures for the enclosure or feeding of animals other than poultry, swine, or common domestic household pets such as cats or dogs, are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal

c. Decision. Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (i) approve the special permit and the special permit site plan as submitted; (ii) approve the special permit and special permit plan site with conditions or modifications, as provided under these Regulations; or (iii) deny the special permit and special permit site plan. The applicant may agree to an extension of time for the Commission to render its decision, provided such extension is within the limits established by state law. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the town of Coventry, and also sent by certified mail to the applicant, within fifteen (15) days after the decision has been rendered.

d. Filing of Final Special Permit Site Plan. The certification and filing requirements for a special permit site plan shall be the same as those for a zoning site plan pursuant to section 7.02.08. No special permit shall be effective until the final, endorsed site plans are filed with the Town Clerk and a notice is recorded on the Coventry Land Records in accordance with Section 7.03.08~~(f)~~. (e)

REVISE ↑

e. Filing and Recording of Special Permits. Any special permit issued under these Regulations shall not become effective until copies of the written permit are (i) filed in the office of the Coventry Town Clerk, and (ii) recorded in the Coventry Land Records. The copy of the special permit to be filed and recorded

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in the Coventry Land Records shall be certified by the Commission and shall (i) contain a description of the premises to which it relates, (ii) specify the nature of the special permit, (iii) state the regulation under which the special permit is issued, and (iv) state the names of all owners of record of the premises. The applicant or record owner shall be responsible for filing and recording the special permit and shall pay all filing and recording fees.

Section 7.03.09 Reapplication

No special permit shall be granted to any applicant for a building, structure or use if a previous application by the applicant, or by a different applicant on behalf of the same party in interest, for substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits within one (1) year prior to the submission of the new application to the Commission.

Section 7.04 Certificate of Use or Occupancy

No permanent (i.e., unconditional) certificate of use or occupancy shall be issued for a building, structure, or use subject to these Regulations until the Commission or its authorized agent issues a certificate of zoning compliance stating that the building, structure, or use is in conformity with these Regulations and with any required zoning permit, special permit and/or final site plan, or is a valid nonconforming use under these Regulations. Before issuing such permanent certificate, the Commission or its authorized agent shall require an updated "as-built" site plan demonstrating that the building,