

32.3 Procedure:

Application shall be received only at a regular meeting of the Borough Zoning Commission, but must be filed in the office of the Zoning Enforcement Officer at least seven (7) days prior to such meeting for review and placement on the agenda. The Borough Zoning Commission shall approve, approve subject to modification, or disapprove the application within sixty-five (65) days after the application has been received at a regular meeting and determined to be complete. Failure of the Commission to act thereon shall be considered as an approval and a certificate to that effect shall be issued by the Commission upon written demand by the applicant received within thirty (30) days after the expiration of the 65 day period for action. An extension of the 65 day period for action may be had with the written consent of the applicant. The grounds for decision of an application shall be stated by the Borough Zoning Commission in its records.

32.4 Certification of Soil Erosion & Sedimentation Control Plan:

The Borough Engineer shall certify that the soil erosion and sedimentation control plan complies with the requirements of Section 32.2.4 before the plan is approved by the commission. The certification shall read as follows:

This Soil and Erosion plan has been reviewed by the Borough of Naugatuck Engineering Department, and when signed below, is certified to be in compliance with the applicable requirements of the Connecticut Guidelines for Soil Erosions and Sediment Control, current edition. Certifications by the Borough Engineer or Commission does not relieve the owner, applicant, contractor or interested party from the responsibility to maintain or increase soil and erosion control measures, as necessary. Small berms or other additional measures may be required in order to maintain compliance with the Connecticut Guidelines for Soil Erosions and Sediment Control.

Signed: _____ Date: _____
Borough Engineer

32.5 Certificate of Occupancy:

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the site plan as approved by the Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the site plan before the building is complete, the Zoning Enforcement Officer may authorize issuance of the Certificate of Occupancy on the condition that all provisions of the plan are complied with as the season permits. Noncompliance with the stated time shall make approval null and void unless further extended for good cause.

32.6 Revisions & Extensions:

Any substantial revision of an approved site plan application and any reconstruction, enlargement, extension, moving or structural alteration of an approved site plan use or any building or structure in connection therewith shall require submission of a site plan application as for the original application, including applicable fees.

32.7 Condition of Approval:

Any person, firm or corporation having obtained approval of a site plan application under this section shall complete all work and comply with all conditions of approval of said site plan approval within five (5) years after said approval. In the event all such work and/or all such conditions are not completed within said time, the approval granted shall become null and void. The Borough Zoning Commission may by resolution and without public hearing extend its approval for one (1) year periods for good cause shown.

32.8 Change of Use:

For any property where a site plan has already been approved and the occupancy changes so that the new occupancy falls under a different part of Section 23, Schedule A, Permitted Uses, from that use that was previously approved, a new site plan application shall be necessary. Such site plan shall be reviewed by the Zoning Enforcement Officer, and the Zoning Enforcement officer or his/her designated agent shall be allowed to approve administratively, such changes if:

(1) there is not additional exterior construction except for signs on the previously approved property, and

(2) if the parking requirements for the new use are the same or less than the previous use.

Such approval by the Zoning Enforcement Officer or his/her designated agent shall allow occupancy by the new use immediately. Such action shall be reviewed and, if in accordance with the Zoning Regulations, shall be ratified by the Commission at its next scheduled meeting.

Any approval by the Zoning Enforcement officer or his/her designated agent, shall state that it is subject to review by the Borough Zoning Commission.

In case of any change as described above, where either additional parking or any exterior structural alterations, additions or renovations are involved, a site plan shall be submitted to the Borough Zoning Commission as per the normal procedure under Section 32.

§ 450-3.22. Minor modifications. [Amended 10-13-2010; 3-12-2025, eff. 4-1-2025]

- A. The Zoning Enforcement Officer, in consultation with the Director of Community Development, may issue a zoning permit for a minor modification of an approved site plan or special permit pursuant to Article XVI. Upon approval of a minor modification of a special permit, the Zoning Enforcement Officer shall cause to be recorded in the office of the Town Clerk a certificate of approval bearing the signature of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall provide notice of such approval to the Planning and Zoning Commission. The Zoning Enforcement Officer may, in their discretion, refer any minor modification request to the Commission for approval. For the purposes of this section, minor modifications may include but not be limited to:
- (1) Minor grading changes due to field conditions, that do not significantly impact drainage patterns.
 - (2) Minor changes in pavement, site circulation, or pavement markings, provided such changes do not increase the amount of parking by more than 10%.
 - (3) (Re)location of underground utilities.
 - (4) Minor changes to building area, provided such change does not exceed 10% of the approved building area.
 - (5) Location and screening of utility equipment.
 - (6) Location of directional signage.
 - (7) Substitution of plant species or sizing.
 - (8) Any other minor technical change that does not materially detract from the original concept of the approval granted by the Commission.
- B. Any minor modification which is submitted to the Commission for review may be processed as a site plan review without a special permit approval or public hearing should it be determined that such changes will have no significant impact on traffic, drainage, or other considerations affecting the public health and safety.
- C. The Zoning Enforcement Officer may submit any proposed minor modification for review and comment by the Town Engineer, Town Sanitarian, Wetlands Agent, Fire Marshal or other relevant municipal official or department.

The applicant shall submit a Certificate of Public Conveyance accompanied by a water supply plan approved by the Dept. of Health Services and Public Utility Control if water will be supplied by a small water company.

F. Plan of Development

The applicant's plan shall conform to the overall purpose and intent of the Plan of Development. The Commission may require policy recommendations from the Plan to be incorporated into the site plan.

G. Submission of Application

Applications shall be submitted seven (7) days prior to the next meeting. This will permit a preliminary review and placement on the agenda. Applications shall be received at a regular meeting, which is known as the "day of receipt."

H. Decision of Commission

The Commission shall approve, approve with modifications, or disapprove any site plan application with sixty-five (65) days after it has been received at a regular meeting. The Commission shall determine if the application is complete. If the Commission fails to act with sixty-five (65) days, it shall be considered approve and a certificate to that effect shall be issued upon written demand by the applicant. Demand must be received within thirty (30) days after the expiration of the sixty-five (65) day period for action.

I. Extension of Application

An extension of the sixty-five (65) day review period may be granted provided the applicant gives written consent. Grounds for disapproval shall be stated and made part of the record.

J. Legal Notice

Legal notice of the decision shall be published within fifteen (15) days after the decision.

K. Certificate of Occupancy

A Certificate shall not be issued until the Zoning Officer has determined that all provisions of the plan are in compliance. If conditions prevent compliance, the Officer may authorize the issuance of the Certificate on the condition that the remaining provisions are complied with as weather permits. Non-compliance shall make the approval null and void unless extended for good cause.

L. Revisions, Modifications, and Extensions

Substantial revisions, modifications, construction, enlargements, extensions, or structural alterations to an approved site plan shall require the submission of a revised application.

M. Condition of Approval

Conditions of approval shall be completed within five (5) years after the date of approval. If not completed, the approval shall be null and void. The Commission may, by resolution and without holding a hearing, extend approval for a period of one (1) year for good cause.

N. Administrative Authorization

1. The Zoning Enforcement Officer shall have the authority to administratively approve changes providing the requirements for off-street parking are the same as or less than what was required for the previous use. If approved, the Officer shall state that the decision and/or use may be subject to future review by the Commission. Approvals shall allow for immediate occupancy except for those instances when the Building Official requires a Certificate of Occupancy.
2. In cases where additional parking, substantial structural alterations or renovations are involved, a site plan shall be submitted for review. The Zoning Enforcement Officer shall determine if a thorough review is warranted by the Commission.

9.3.B Applicability

Unless exempted by Section 9.3.B.2, a Site Plan application shall be submitted:

For any activity designated in the Regulations as requiring Site Plan approval.

For any activity designated in the Regulations as requiring Special Permit approval.

In a residential zone, for any construction, development, expansion, or major alteration of a multi-family use or any non-residential use.

In a non-residential zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.

Notwithstanding the provisions of Section 9.3.B.1, the following activities shall be exempt from the requirement to submit a formal Site Plan application (a Zoning Permit may still be required) provided that a plot plan drawn to scale is submitted to the City Planner and/or Zoning and Building Official showing any changes from existing conditions, such as new signs, revised parking arrangements and entrances, new lighting and similar alterations:

when the structure or use is existing and will not be enlarged.

when a change from a principal use to another principal use permitted by site plan approval does not require the enlargement of an existing building or structure or an increase in site improvements.

when off-street parking requirements for the new use are not more than those required for the existing use.

when the site is in the Industrial/Technology Zone or the Technology Campus zone and:

the use is permitted,

the use will not result in a structure over 10,000 square feet,

the use will not result in a structure over 25 feet in height, and

the site to be built upon does not abut or lie directly across the street from a residential zone. The term "site" for the purpose of this provision is defined as the area of disturbance to support the structure's construction and associated improvements and may be limited to a confined area of an overall property that may also abut or lie adjacent to or across the street from non-residential zones.

The City Planner may conduct the formal Site Plan application review for Principal Uses Permitted by Site Plan within a non-residential district and when not associated with a Coastal

Area Management Zone and approve, condition, modify, or deny the application. The City Planner may refer any Site Plan application to the Commission in accordance with these regulations.

Modifications to an approved site plan shall be reviewed by the City Planner or Commission, as may be applicable, and are classified as either a minor or major using the guidelines outlined below.

Minor modifications are reviewed by the City Planner and generally meet the following:

The changes are required because of conditions that were unknown at the time the approval was issued and have only a de minimis impact;

The City Planner determines that the changes satisfy and are consistent with the intent of these regulations and the findings made by the decision-making body in connection with the approval and have only a de minimis impact; and

The changes involve, as applicable: a change in placement of a building or structure which is less than 5 feet away from the approved placement; the use of materials, components, features or materials (site or building) which do not adversely affect any prior design review decisions; a modification in site improvements that produces no additional negative environmental effects.

Major modifications exceed the above guidelines as determined by the City Planner and may require review by the Commission.

6.7 Site Plan Review and Approval

The purpose of a Site Plan Application is to enable a detailed review of all proposed development for which Site Plan Approval shall be required, thus ensuring compliance with these Regulations and to promote the health, safety, and the general welfare of the town of Litchfield.

Review Required: Permitted uses identified as requiring a Site Plan "SP," shall not be established or re-established and no improvements shall be constructed, moved, enlarged, or substantially altered until a site plan has been approved and a Zoning Permit issued in accordance with the requirements of this section. Where site plan review is required, the Zoning Enforcement Officer shall not issue a Zoning Permit until the site plan has been reviewed and authorized by the Planning and Zoning Commission. The Commission or Zoning Enforcement Officer may waive certain requirements where it determines that such information is not necessary to evaluate compliance with these regulations.

Application: A Site Plan Application shall be submitted to the Land Use Administrator along with the required fee(s) as provided in the town Ordinance fee schedule to cover the cost of administration. Submittals required:

- a. Four (4) full size (24" by 36") sets of plans at a scale of no less than one-inch equals 40 feet, signed and sealed by a Registered Land Surveyor licensed to practice in Connecticut;
- b. Ten (10) reduced size (11" by 17") set of the same materials;
- c. One (1) electronic set of the same materials in PDF format;
- d. All additional documents submitted for review to the Land Use Administrator and/or Planning and Zoning Commission shall be in an electronic PDF format along with one (1) printed copy;

Where the site plan proposes changes to grading or includes construction or reconstruction of site improvements, including but not limited to vegetation, drainage or storm water structures, parking lot or driveway improvements, additional information deemed necessary by the Commission to conduct a reasonable review of the application may be required. Site Plan Application activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application to the Inland/Wetlands Commission not later than the day such application is filed with the Commission. Where Inland/ Wetland review is required, the application to the Planning and Zoning Commission cannot be approved until the Inland/ Wetlands Commission decision has been rendered.

Site Plan Application Submittal Requirements:

- a. Plans showing both pre and post development of the parcel including location of all structures, signs, parking, lighting, landscaping and any easements or encumbrances on the parcel along with site contours at intervals of ten feet or less;
- b. Location of wetlands, private and public drinking water supplies, and where appropriate, the boundary of the Wellfield Protection Zone and the boundaries of the aquifer/recharge areas as identified by Town maps;
- c. Location of sewer lines or in the case of private septic, septic fields, and underground lines;
- d. Proper and adequate provision for vehicular traffic, service roads, control of entrances and exits to highways, parking and loading within the site;

- e. All the land within the lot shall be shown, together with such details of adjacent properties as to show the project's compatibility in scale and proportion with the neighborhood and the proposal's access and egress to the street including existing traffic patterns within 500 feet;
- f. Statement as to adequate provision for safe water supply. Water connected to a public system requires approval from Aquarion or other public water utility and if by well, approval by Torrington Health District prior to issuance of a zoning permit and a certificate of compliance;
- g. Adequate sewage disposal provided through connection with a public sewer or through use of a private facility. Such private facility shall have been deemed adequate by the Torrington Area Health District, when a site plan of the lot is approved;
- h. Location of underground utilities, electricity, telephone;
- i. Storm water management plan designed by a Connecticut licensed professional addressing pollutant reduction, ground water recharge and runoff volume reductions;
- j. Construction details for the management of proposed erosion and sedimentation control measures;
- k. Provision for facilities required to prevent pollution of surface and groundwater resulting from activities on the lot, including but not limited to refuse collection facilities, oil and grease traps where required, and appropriate sumps and points for sampling along with a maintenance plan for the facilities;
- l. The number and type of proposed buildings as well as any accessory structures and/or green space.

Environmental Considerations

A description of existing natural features shall be submitted, including but not limited to specimen trees, shrubs, plants and/or animal habitat, along with a description of the terrain. Consideration should be given to protect environmentally and historically sensitive areas through easements, landscape buffers or other means to protect the visual integrity of the natural environment where possible including:

- a. Protection of valuable vegetation, specimen trees, wildlife habitat, scenic and/or historic resources;
- b. Protection of wetlands, watercourses, and aquifers;
- c. Prevention of uncontrolled storm-water runoff due to terrain related conditions such as steep slopes and poor or problem soils.

The Commission may require conditions of approval for environmentally sensitive areas within the project site. To provide reasonable conditions and to safeguard sensitive environmental areas, a Conservation easement may be required.

Additional Review Requirements: The following criteria is required for all site plan applications:

- a. The relationship of proposed buildings to any existing and/or estimated future development of the property or within the immediate neighborhood;
- b. Proper provision for the protection of existing residences and neighborhoods through the use of landscaping, fencing, berms or buffering, around buildings and in parking areas;
- c. The location and design of accessory recreational or utilitarian/maintenance structures, refuse containers, mail receptacles, lighting, and signage;
- d. Floor plans related to proposed uses within commercial structures, dwelling units/apartments and any other interior spaces within buildings showing the square footage

- of habitable floor area within each structure, as well as square footage within accessory structures;
- e. Illustrations, elevations, and renderings of the proposed buildings and project area sufficient to clearly show the proposed development and its compatibility with neighboring properties;
 - f. Plans shall follow the design review guidelines with respect to overall site design, architectural design, landscaping, lighting and signage.

In addition, properties located in the C-202 and RC zoning districts, as well as non-conforming non-residential properties in the residence districts, are subject to review by the Design Review Advisory Committee (DRAC), Section 6.9.

General Statement:

- a. As-Built Requirement. Before a Certificate of Compliance is issued or surety released, an "as built" A-2 survey of completed site improvements, including any underground utilities and lines, shall be submitted to the Commission or the Zoning Enforcement Officer for acknowledgement and sign-off as to compliance with the approved Site Plan and where applicable, Special Exception approval.
- b. Installation. All site development work and auxiliary facilities, sewer, parking area, landscaping plantings, and recreation areas as well as related facilities associated with an approved Site Plan must be completed/installed prior to the issuance of a Certificate of Zoning Compliance or, at the discretion of the Zoning Enforcement Officer, a signed document guaranteeing completion by a specified date. The Commission or the Zoning Enforcement Officer may require surety in a manner acceptable to the Town Attorney, guaranteeing completion of improvements, which because of weather or other conditions, cannot reasonably be completed before a Certificate of Compliance might otherwise be properly issued.
- c. Expiration of Site Plan Approval. All work in connection with the site plan shall be completed within the period provided for in the Connecticut General Statutes. The site plan shall include an approval block which shall state the date on which such period expires in accordance with the requirement of the Connecticut General Statute Section 8.3k. Failure to complete all work within such period shall result in automatic expiration of the approval of any such site plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.

Minor Modifications to Site Plan: The Zoning Enforcement Officer, after consultation with the Commission Chairman, may approve minor revisions to an approved site plan, provided such changes address unanticipated field conditions or improve safety or appearance. Examples of such minor modifications are revisions to architectural details or small changes to floor plans, parking lot layout, or utility pads. Any such minor modification shall meet the requirements of these regulations and any specific conditions of application approval. All such minor modifications shall be recorded on a form prepared for this purpose, which shall state the reasons for the request and provide details on the modification request. All minor modifications shall be reported to the Commission at its next regularly scheduled meeting.