



TOWN OF PRESTON
Planning and Zoning Commission
Special Exception Application – Gas, Fuel, Service, Repair Station

Special Exception Application # _____ Date Submitted _____ Amount Paid \$ _____ Check # _____

Please fill out this application completely. If the application is not properly completed with documentation submitted as noted below, this will result in unnecessary delays. The following documents must be provided.

- _____ 1. Fee of \$210.00 (\$150.00 application fee - \$60.00 State fee)
- _____ 2. State fee (all projects): \$60.00 included in #1
- _____ 3. Site Plan at an appropriate scale (1" = 40')
- _____ 4. Coastal Site Plan, if applicable
- _____ 5. Elevation drawings and floor plans of any proposed structures
- _____ 6. Explanation of compliance with special exception requirements as outlined below.
- _____ 7. Copy of property deed on file in the Town Clerk's Office.
- _____ 8. Engineering or other consultant fees to be determined.
- _____ 9. Legal notice fee to be determined at the end of the project.

ALL APPLICATIONS WILL REQUIRE A LEGAL NOTICE TO APPEAR IN THE PAPER AFTER THE COMMISSION TAKES ACTION. PLEASE NOTE THAT A PERMIT WILL NOT BE VALID UNTIL THE LEGAL NOTICE FEE IS PAID. THE AMOUNT OWED WILL BE NOTED IN YOUR ACTION LETTER FROM THE COMMISSION.

Name of Applicant _____ Telephone # _____

Cell # _____ Email _____

Address of applicant _____

Location of subject property _____

Owner of property _____ Cell # _____

Cell # _____ Email _____

Address of property owner _____

Zoning district of the lot _____ Lot size _____

1. Please provide description of the project, including site improvements, drainage improvements, buildings and uses:

2. Provide section number under which the special exception is being submitted and provide explanation of compliance (provide extra sheets if necessary)

Is the property within 500 feet of the town boundary? _____ If so, what towns? _____

Note any impacts on towns within 500 feet:

18.4 Criteria for Evaluating a Special Exception:

The Commission, in approving a special exception after applying these Regulations in harmony with their general intent, may stipulate such restrictions or conditions to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development or better overall neighborhood compatibility. Such restrictions may include, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting, building design, architectural treatment and massing, and the proper relationship between the taxable values of real property in the area.

The Commission shall consider and evaluate each application for a special exception using, at a minimum, the following criteria, please provide an explanation for each, add additional sheets if necessary:

a) Site Design

- i. Overall design, architectural treatment and aesthetic character shall be in harmony with the surrounding area. Consideration shall be given to the following: the design of the proposed use(s), building(s) or development, the relationship between the buildings and the land, the relationships between buildings or structures, the overall physical appearance of the property, building or development and its subsequent compatibility with surrounding development and the neighborhood.
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Appropriateness of Location or Use:

- i. The use shall preserve the integrity and character of the neighborhood, adjacent uses and current zoning district. Consideration shall be given to the size, location, use and height of buildings, nature and extent of landscaping, location of driveways, parking and loading areas. The intensity of the proposed use and project development shall be compatible with the adopted POCD. The use and project shall be compatible with adjacent established uses and the neighborhood. The project and its use(s) shall not degrade or decrease the value of the surrounding properties. Surrounding properties shall continue to have an ability to consistently develop with the prevailing zoning district and applicable regulations.

 - ii. Adjacent and feeder street(s) shall have the ability to handle peak traffic loads and shall not cause traffic hazards. The use and the extent, nature and arrangement of parking facilities, entrances and exits shall not create or further aggravate vehicular and pedestrian traffic safety problems.

 - iii. The obstruction of light or air shall be reviewed as relates to impact on scenic views and solar access. The use(s) shall not create excessive and unreasonable noise that is different from what currently exists within the neighborhood. Consideration shall be given to light levels, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties. The proposed use will not adversely affect environmental quality.
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- iv. Consideration shall be given to protecting unusual topography, walls, habitat areas, and trees, or other unique vegetation on the site. A landscaping plan shall be provided showing mature trees, shrubs, and noninvasive species.
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Supplemental regulation comments

18.6 Gasoline/Fuel, Service, Repair and Stations, Automobile Sales.

- a. Is the station within one thousand feet (1,000'), as measured along the street from the lot corner to lot corner, of another lot used for such purposes?
- Yes
- No
- b. Is the lot within one thousand feet (1,000'), as measured along the street from lot corner to lot corner of a lot used for a church, playground or public park?
- Yes
- No
- c. Please note that all service and repair activities shall be conducted within buildings. No abandoned, junked or wrecked vehicles shall be parked or stored outside of a building unless within a storage area approved by the Commission and in a neat and orderly pattern and behind the front building setback line. Please describe and show on the plans, how all vehicles will be stored, including any screening, to ensure that vehicles will be neat and orderly.
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- d. No parking or outside display of merchandise shall exceed the combined equivalent of one (1) parking space for each one hundred (100) square feet of building area and the display area shall be entirely behind the front building setback line. All such parking or outside display shall be approved by the Commission. Please show all parking and outside display areas. Explain why these areas should be acceptable to the Commission.
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- e. Will there be any underground or above ground tanks serving the filling or service station, if so, are such tanks a minimum of three hundred feet (300') from the property line of an existing property used for residential use, church, or school.
- Yes
- No

Additional comments:

FOR TOWN USE: Date of Receipt by Planning and Zoning Office: _____ Date of Receipt in by the PZC _____
Public Hearing Date _____ Date of PZC action _____ Spec. Except. Filing date _____
Referral date _____
Required Statutory Reviews: SCCOG CT DEEP Town referrals Other reviews: _____

Special Exception Application # _____



Application Signatures and Permission to Access the Site

All owners of the property must sign the application, unless the property is owned by a corporation, in which case a corporate resolution authorizing the **signatory to execute any documents required** to be submitted with the application shall be attached to the application.

By signing this application permission is hereby granted by all owners of the property to file the attached application and authorizes Town of Preston representatives to enter onto the property at any time during the application process or during construction of the project for inspections, and, if applicable, for other appropriate purposes, as outlined in the bond agreement.

Applicant _____ Date _____

(Please print name)

Owner _____

(Please print name)

Date _____

Owner _____

(Please print name)

Date _____

FOR TOWN USE:

Date of Receipt by the PZC _____ Request for Extension(s) date _____

Referral Date to Town Staff _____

Comments Received on:

Sanitarian _____

Food Sanitarian _____

First Selectman _____

IWWC _____

ZEO _____

CAC _____

Town Engineer _____

Referring Agent _____

Any applicable comments:

Special Exception Application Procedure
See Section 18 of the Zoning Regulations

Special exceptions are those uses permitted provided special conditions of the Zoning Regulations as outlined in Section 15, or other specific sections of the Regulations, are met. They are generally accompanied by a *Site Plan Application* as described previously, unless exempt from site plan application pursuant to Section 19.

- a. **A pre-application meeting** may be conducted between the applicant and the Town Planner to review the application and to answer any questions regarding the process and the regulations.
- b. **Wetlands.** If a project involves a work within 100 feet of a regulated wetland area, an application must be submitted to the Inland Wetland Watercourses Commission on or before the application is submitted to the Planning and Zoning Commission.
- c. **Applications** *A Special Exception Application* is due 15 business days (business days are defined as “Preston Business Days: Tuesday – Friday excepting holidays) prior to the regularly scheduled Planning and Zoning Commission meeting. Applications must be signed by the owner(s) of the property and the applicant. Please note that in order for a public hearing to be scheduled by the Town Planner, this time period must be adhere to, if the application is not submitted 15 business days prior to the Commission meeting, the application will appear on the agenda as regular business and the Commission will schedule the hearing at the meeting. In addition, if the application is not complete, the public hearing will not be scheduled by the Town Planner. Such applications must be submitted along with the following information and items:
 - i. Application fee of \$210.00 (\$150.00 plus \$60.00 State of Connecticut fee). As well as engineering/consultant fee and legal notices fees. An application that also require a *site plan application* can be submitted and reviewed simultaneously.
 - ii. Copy of current deed.
 - iii. List of abutting property owners.
 - iv. Letters with comments or approved from any agency having jurisdiction over the property and any portion thereof.
 - v. If the application requires a site plan, follow the Site Plan Application procedure as well, if not, a minimum of a plot plan (an A-2 survey may be required) should be submitted with the application showing any structures, the use, parking and any other minor improvements to be made to the site or existing conditions.
 - vi. Provide a narrative describing how the application complies with the “General Evaluation Criteria” listed in Section 18.4 of the Regulations and any specific use regulations, i.e., Section 18.8 *Antique Shops*.
 - vii. Any necessary variance or IWWC permits.
- d. **Staff Review.** The application will be forwarded to the various town staff members. A meeting may be conducted with the Town Planner after receipt of the comments to review the comments with you and answer any questions, **as necessary**.
- e. **Agenda.** The application will appear on the next regularly scheduled meeting of the Commission. A public hearing must be scheduled within 65 days of the receipt of the application; however, the hearing may be scheduled upon receipt of the application, provided the application is complete and there are no pending wetland permits or pending variance application. If there is a pending IWWC or variance, the hearing will be scheduled by the Commission for the subsequent regular meeting.
- f. **Public Hearing.** At least 12 days prior to the public hearing (not including the day of the mailing and the day of the meeting), a *notice to abutters*, must be sent certified mail, to all abutters, including across the street (*see abutter’s letter below*). If proper notification is not completed, the Commission will continue the public hearing until proper notices are sent. At the public hearing, items in the file will be added into the record. The Chairman will

allow the applicant to speak first; they are allowed time to thoroughly explain the application to the Commission. At the completion of the applicant's presentation, the Town Planner provides the Commission with an overview of the departmental reviews. The public will then be permitted to speak. Rebuttals are permitted. The Chairman has the right to limit comment time, depending upon the number of people at the meeting. After all comments are received and everything is added into the record, the Chairman will close the hearing. The Commission has 35 days to complete the hearing.

- g. Review Period.** The Commission has a 65-day review period that allows them to review information added into the record of the public hearing. The Commission must take action on the application prior to the end of the 65-day review period unless an extension is agreed upon by both the Commission and the applicant.
- h. Commission action.** Once the Commission decides on the application, a letter will be sent to the applicant regarding their decision and if approved, along with the letter will be a special exception form. This form must be filed in the office of the Town Clerk in order for the special exception to be valid. After filing, the application is complete.

Section 18.2.1 of the Zoning Regulations: *“Not less than ten (10) days prior to the hearing, copies of the legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Commission with evidence of mailing of such notices at the public hearing.”*

Below is a sample Notice to Abutters letter for Special Exception. If you would like this letter sent to you as an email attachment, please contact the Planning Department at 860.887.5581 x118 or x109.

Certified Mail

**Notice to Abutters
Request for a
Special Exception in the Town of Preston**

Date

Name

Address

Preston, CT

Zip

Dear Neighbor:

In accordance with the requirements of the Preston Zoning Ordinance – Section 18.2, I hereby notify you, as an abutting property owner, of my intent to request a *Special Exception*

_____ *on my property*

located on _____ .

The Commission will consider this application at a **public hearing** to be held on

_____ at 7:00 p.m. at the Preston Town Hall, 389 Route 2.

You may appear at the public hearing and be heard, and/or written communications may be forwarded to the Planning and Zoning Commission.

Copies of this application are available for review at the Preston Town Hall between 9:00 a.m. and 4:30 p.m. Tuesday through Friday in the Planning and Zoning Office, 389 Route 2, Preston, CT 06365.

Sincerely,

Special Exception Application—Flow Chart

