

## **SECTION 445**

## **MILL MIXED USE DEVELOPMENT DISTRICT**

### **Section 445.1 Intent.**

The intent of the Mill Mixed Use Development District (hereinafter referred to as MMUD District) is to provide the opportunity to redevelop former mill properties that are part of the Town's landscape, character, and history. They were also places of economic activity and economic opportunity. Recognizing the unique and special characteristics of these mill properties the Town has established a special district to protect and maximize their potential. Specifically, this regulation is intended to:

- a. Provide maximum flexibility for the redevelopment and enhancement of mill properties;
- b. retain the potential for business and industrial development in specified mill locations while permitting residential development;
- c. foster a greater opportunity for creative development which encourage a mix of uses (residential, commercial, and industrial) within former mill buildings and properties;
- d. enhance business vitality, and provide employment opportunities;
- e. enhance and protect the Town tax revenues; and
- f. encourage the development of flexible space for small and emerging businesses.

### **Section 445.2 General Requirements.**

- a. All uses shall be served by public water and sewer.
- b. All developments shall be reviewed for compatibility with the Killingly Plan of Conservation and Development and be supportive of the public health, general welfare and safety of the community, including adequate provision of public facilities and a minimum number of access points on existing roads.
- c. Property shall, at the time application for MMUD District designation is made, have a mill structure located on site,
  1. P&A Mill, 42 Maple Street
  2. Risom Mill, 43 Connecticut Mills Avenue
  3. Prym Mill, 400 Hartford Pike
  4. Prym Mill, 444 Hartford Pike
  5. Acme Mill, 963 Bailey Hill Road
  6. Hale Mill, 244 Ballouville Road
- d. Properties designated as MMUDD shall not be subdividable unless it is established to the Commission's full satisfaction during plan review that all environmental or building structural matters involving the existing structures and land have been satisfactorily addressed and remedied by remediation, rehabilitation, or removal.
- e. The commission may, at its discretion, hire a third-party consultant, also acceptable to the applicant, to aid the commission in its review of any proposed use or site. The fees charged by the third party consultant shall be borne by the applicant.

**Section 445.3 Definitions.**

- a. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word Regulations means these Regulations; shall is always mandatory; may is permissive.
  1. Concept Plan shall mean a generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying the proposed land use, development intensity, and design features of a proposed mill redevelopment project.
  2. Mill Structure shall mean a structure, currently or formally used for industrial purposes, which has been abandoned, idled, or underutilized where expansion or redevelopment is complicated by real or perceived environmental contamination and/or site development costs and which offers potential for new or enhanced development.
  3. Mixed Use shall mean a combination of residential, retail service-commercial, and/or light industrial uses, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings).
  4. Rooming and/or Boarding House shall mean a building or structure, or part of a building or structure kept, used or advertised as or held out to be a place where sleeping accommodation is furnished to roomers whether for remuneration, compensation or not, but shall not include a hotel, hospital or nursing home.

**Section 445.4 Allowable Uses in the MMUD District Requiring Only Site Plan Review Approval.**

- a. The following uses shall be allowed by right in the MMUD District:
  1. One- and two-family dwellings
  2. Multi-family dwellings, excluding rooming and/or boarding houses
  3. Live-work space
  4. Artist studios and galleries
  5. Retail and personal service establishments
  6. Professional, business, medical and dental offices
  7. Financial institutions without drive-throughs
  8. Restaurants, taverns and cafés without drive-throughs
  9. Hotel and motel
  10. Health clubs and personal fitness establishments
  11. Theaters and places of amusement
  12. Repair Shop, excluding motor vehicle repair
  13. Museums
  14. Warehousing and Storage
- b. The following uses are permitted by Special Permit:
  1. Convalescent homes and assisted living facilities

2. Educational institutions
  3. Research and development facilities
  4. Financial institutions with drive-throughs
  5. Fast food and drive-in restaurants with drive-throughs
  6. Retail with outdoor display
  7. Commercial Truck Wash
  8. Kennels and Dog Day Care
  9. Motor Vehicle Retail Sales and Repair
  10. Greenhouses and Nurseries
  11. Cannabis Establishment, see Section 567 (Approved: June 20, 2022; Effective: July 18, 2022)
- c. Within the MMUD District there shall be no restriction on combining different categories of use, provided such uses conform with the compatibility and performance standards found in Section 445.5, within the same building except any imposed by the State Building Code or other federal, state, or local regulations.
  - d. For mixed-uses within the MMUD District, the development shall not contain residential dwelling units on the ground floor area in multi-story mixed use buildings.

**Section 445.5 Performance and Compatibility Standards.**

- a. Compatibility
  1. All new uses shall demonstrate, to the satisfaction of the Commission, that any such new uses (in addition to meeting the requirements of this section) are compatible with all existing uses.
    - a. Any new buildings or accessory structures shall relate harmoniously to each other with adequate light, air circulation, separation between buildings and, to the extent practicable, shall be in harmony with the existing district.
    - b. Buildings or structures that are listed on the National Register of Historic Places shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on the State or National Register of Historic Places.
  2. Design
    - a. Where existing structures of architectural value are to remain in use, the architectural integrity of these existing structures shall not be significantly altered through the use of different signage, building materials or other architectural features. However, if the condition of the existing structures prohibits its redevelopment, the applicant shall design the project to replicate the style of the original structure.
    - b. All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry.
    - c. Building finish materials shall be appropriate to traditional New England architecture and may include but shall not be limited to brick

or high-quality brick face, wood, cement board, stone or high-quality stone-face. The use of unfinished metal or fiberglass as a primary finished surface shall be prohibited.

- d. Blank walls visible from public view shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls. Street level frontage shall be devoted to entrances, shop windows or other displays.
  - e. New retail buildings shall have one of the following features along the front surface at intervals sufficient to provide a continuity to pedestrians: awning, marquee, arcade and/or colonnade.
  - f. Flat roofs are prohibited on single story buildings and may be allowed on multi-story buildings as long as the roofline projects outward from the building surface as a decorative cornice or parapet.
- b. Access and Traffic Impacts
- 1. Traffic and safety impacts to the existing and proposed roads shall be minimized.
  - 2. Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be limited.
  - 3. Pedestrian, bicycle and vehicular traffic shall be accommodated in a manner that provides for safe access within the project site;
  - 4. Walkways shall be provided for access to adjacent properties and between businesses to promote pedestrian comfort, safety and access.
- c. Nuisance Avoidance
- 1. Uses shall cause no inherent and recurring generated vibration perceptible without instruments at any point between two or more uses or along a property line. Temporary construction is excluded from this restriction.
  - 2. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringelmann Smoke Chart.
  - 3. Heat and glare generated from within a structure or use shall not be discernible from the outside of any structure.
  - 4. Odor, dust, and fumes shall be effectively confined to the premises or so disposed as to avoid air pollution.
  - 5. No activities involving bulk storage or manufacture of materials or products that could decompose by detonation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styohmate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as

acetvlides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phone, etc., except equipment belonging to the creator of the electrical radiation.
7. Non-residential uses shall be designed and operated so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity in excess of the standards established in Section 12.5-125 of the Killingly Code of Ordinances, as it may be amended, between the hours of 9 P.M. of one day and 7 A.M. of the following day Monday through Saturday and between the hours of 9 P.M. and 9 A.M. on Sunday. No amplified music shall be audible to neighboring residents.
8. Common walls and floors between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.

d. Lighting

1. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaires and light distribution patterns is required.
2. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.
3. Exterior lighting shall be architecturally integrated with the building style, material and colors.
4. Exterior lighting that is directed upward is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structure that ensures that the light fixture(s) will not cause light to extend toward the sky. Exterior lighting of the building and site shall be designed so that light is not directed off the site, including above the site and the light source is shielded from direct offsite viewing. All exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.
5. Fixture mounting height should be appropriate for the project and the setting. Use of low, bollard-type fixtures, between three and four (3-4) feet in height, is encouraged as pedestrian area lighting. The mounted height of fixtures in smaller parking lots or service areas should not exceed sixteen (16) feet, with lower mounting heights encouraged, particularly where adjacent to residential areas or other sensitive land

uses.

6. Raised light pole bases shall be attractively designed and well-detailed to be compatible with the overall project.
7. Exterior non-residential lights shall be placed on a timer. Sensor activated lights are encouraged.
8. The use of vandal resistant well lighting is encouraged for lighting monument signs.
9. All parking areas and pedestrian facilities serving non-residential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn that those facilities are open to the general public.

e. Residential Use Restriction

1. Residential uses created within the MMUD District shall have a note placed on the deed to the parcel notifying potential buyers of the probability of non-residential uses elsewhere on the district site. Such note shall state: *"This property is currently part of a Mill Mixed Use Development District which allows a variety of non-residential uses within the same district and on the same site."*
2. The applicant shall submit an assessment of the structural and environmental condition of the existing building prepared by a duly licensed engineer or architect.
3. Residential uses (apartment and condominium units) shall be permitted in existing or new structures and shall consist of not less than six hundred (600) square feet of livable space.
4. There shall be a maximum allowed density of 6 dwelling units per acre excluding the mill building.
5. Structures shall be limited to not more than 6 attached dwelling units per structure.

f. Buffers, Density and Height

1. Where a MMUD District abuts a residentially zoned property, a buffer strip of seventy-five (75') feet shall be required for any new non-residential development. Such buffer shall be planted with year-round screening vegetation adequate to buffer the view from the residential zone. Preservation of existing trees and vegetation is preferred where they provide desired screening.
2. Where the MMUD District abuts a residentially zoned property, a buffer strip equal to the setback requirements of the residentially zoned property shall be required for any new residential development.
3. To reduce the bulk and area of buildings and pavement relative to the overall size of the development; and to provide landscaped areas for visual and sound-buffers, increased groundwater recharge and reduced stormwater runoff, the maximum lot coverage for any MMUD District shall not exceed sixty (60) percent. The Commission may allow by Special

Permit an increase to a maximum of seventy (70) percent impervious coverage when the Commission finds that one or more of the following benefits of the development outweigh the impacts of the increased impervious coverage:

- a. The use of grass/pavement block systems or similar treatment reduces storm water runoff; and/or
  - b. The development achieves an overall benefit to the community such as elimination of blight conditions, preservation of the existing mill structure or some portion of the exterior of the building, preservation of historic structures, closure of excessive curb cuts, provision of inter-parcel access or service roads or similar benefit.
4. The maximum building height for any structure in the MMUD District shall be no greater than that of the height of the mill building. New residential construction outside the mill building shall be limited to 35' in height. The height limitations of these Regulations for new construction shall not apply to HVAC equipment, chimneys, gables, cupolas, spires, parapets, water towers, flag poles, transmission towers and cables, radio or television antennae or towers or telecommunication service facilities provided that the telecommunication facility, and its antenna(s) or associated equipment does not extend more than five (5) feet above the highest point of the building or structure to which it is attached. Should the existing mill building be demolished or destroyed in its entirety, the maximum height of any new mill structure shall be no more than 50 feet.
5. For mill structures:
  - a. Telecommunication facilities, water tanks, solar collection systems, similar structures and necessary mechanical appurtenances may be erected on an existing or new mill structure to a height greater than the limit established for the MMUD District provided that no such exception shall cover at any level more than twenty-five percent (25%) of the area of the roof on which it is located, except for a solar collection system which may cover more than twenty-five percent (25%) of the area of the roof on which it is located if the architectural design and layout is compatible with that of the structure to which it is affixed and generally in keeping with the character of the neighborhood in which it is to be situated; and provided further that no such exception shall be used for residential, commercial or industrial purposes other than such as may be incidental to the permitted use(s) of the main structure.
  - b. Roof structures and/or roof lines may be integrated together where more than one roof line or roof style is present.
- g. Outdoor Storage and Sales Display
  1. Except as specified below, outdoor storage or display of goods shall be enclosed within permanent walls or fences integrated into the design of the building.
    - a. Storage or display racks and goods thereon shall not exceed the height of screening walls or fences.

- b. Goods shall not be displayed in landscaped areas, on exterior walls, or in parking lots.
  - c. The Commission, at its sole discretion, may permit the outdoor display and sale of merchandise on sidewalks if a written request accompanies the application stating the nature of the outdoor sales including: the location, duration, and types of merchandise to be sold.
  - d. Outdoor display areas shall be delineated on the Site Plan and/or Concept Plan and shall not impede the normal use of sidewalks or other pedestrian walkways.
  - e. No vending machines shall be allowed outside of any buildings.
  - f. All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire underwriters and shall be screened from view from public ways and abutting properties.
- h. Waste Disposal
- 1. Garbage or recycling dumpsters/compactors shall have doors or lids that shall remain closed when not being loaded or unloaded and shall be contained in enclosures supplemented with landscaping if necessary.
  - 2. No delivery, loading, or other similar operations shall be permitted between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Friday and between the hours of 9 P.M. Saturday and 9 A.M. on Sunday.
- i. Signs
- 1. Signs shall conform to Section 540, for each use on the site and, in addition to those requirements, the following:
    - a. All signs shall be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other signs in the area.
    - b. Signs shall be proportionate to the dimensions of their location.
    - c. All signs shall complement their surroundings without competing with each other, shall convey their message clearly and legibly, shall be vandal-proof and weather resistant, and if illuminated, shall not be overly bright for their surroundings.
    - d. Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing.
    - e. New signs proposed for existing buildings shall provide a compatible appearance with the building signage of other tenants. With multiple signs on a single building, attempt to bring in a unifying element (such as size), even where no sign program exists.
    - f. New construction design shall anticipate signage and, where necessary, a sign program. New building design should provide logical sign areas, allowing flexibility for new users as the building is re-



tenanted over time. Designs which provide for convenient and attractive replacement of signs are encouraged.

- g. The use of roof signs shall be prohibited.
  - h. Freestanding signs shall not be greater than five (5) feet in height. Monument sign materials shall reflect the character of the use and the building the sign identifies.
  - i. Free-standing sign bases shall be made of permanent, durable materials such as concrete or brick. Bases made of texture-coated sheet metal are discouraged.
  - j. Landscaping and irrigation shall be designed around the base of freestanding signs to integrate the sign with the ground plane and screen out any low-level flood lights. Irrigation shall be designed so it does not damage the sign.
  - k. Freestanding signs on poles which have a top-heavy appearance are discouraged.
  - l. Driveway directional signs shall only be used for projects where circulation is complex, and traffic must proceed through the site along a specific path for service. Where the layout of the parking lot and driveways are obvious and clearly apparent to the driver entering from the street, directional signage is not appropriate. When not appropriate or needed, such signage can visually clutter the site and will be discouraged.
  - m. Any external spot or flood lighting shall be arranged so that the light source is screened from direct view by passersby, and so that the light is directed against the sign and does not shine into adjacent property or blind motorists and pedestrians.
- j. Landscaping Requirements
- 1. Existing trees shall be maintained as practical, and any new trees shall be carefully selected and located where they will complement the building elevation and shall not block all retail storefront signage from view.
  - 2. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.
  - 3. Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.
  - 4. Shrubs or trees that die shall be replaced within one growing season.
  - 5. All new plant materials shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting.
  - 6. All proposed shrubs except accent, color or ground cover planting shall be a minimum of two (2) gallon size. Shrubs and ground cover plants shall be spaced close enough together to ensure an attractive and mature planting

effect.

7. Energy conservation within structures shall be addressed by recognizing the sun exposure on the site and providing or maintaining appropriate tree species (deciduous trees on the southern exposure, coniferous and broadleaf evergreen trees along the eastern and western exposures, and evergreens along the northern exposure.)
8. Tree species, when additional trees are proposed, should be selected with root growth habits that will not cause damage to sidewalks, or such tree species should be sited away from such hardscape areas.
9. When constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock or other deleterious material shall be removed to the depth of the native soil and clean soil shall be used to backfill the planting area.
10. All exposed dirt areas shall be covered with bark or mulch, or other weed control measures included as part of final landscape
11. Street tree placement shall include consideration for vehicle line of sight, entrance and exit curb cuts, streetlight and traffic control devices, and other site-specific conditions as part of design review process.

k. Parking and Loading Areas

1. Parking shall conform to Section 530, shall be designed to accommodate snow plowing and snow storage, and additionally shall meet the following standards:
  - a. Parking lots shall provide well defined routes for vehicles, delivery trucks, and pedestrians.
  - b. Loading areas visible from a public street or adjacent property shall be screened with visual barriers supplemented by landscaping if necessary.
  - c. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking aisles, and the location and pattern of primary driveways, and to provide pedestrian walkways where appropriate.
  - d. Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, American Standards Institute, Inc., and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.
  - e. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be submitted to reduce total required parking. Up to fifty (50) percent of the requirements for the use with the highest parking requirement may be waived by the Commission if the applicant can demonstrate that the peak demands for two uses do not overlap.
  - f. Notwithstanding the provisions of Section 530.8(b), in mixed-use

developments, applicants may propose a reduction in parking requirements where peak or stagger demands will overlap. In these cases, the Commission may reduce the parking requirements of the predominant use by up to thirty (30) percent.

- g. A reserve area for future parking shall be provided on the Site Plan if the project is to be built in multiple phases.
  - h. The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.
  - i. Within the Town's right-of-way all curbing shall be constructed of concrete. However, the Town Engineer may waive this requirement, when in his/her opinion the use of concrete curbing is not necessary.
- l. Medical and/or Biological Research
    - 1. In the establishment, operation, and design of medical and biological research laboratories and facilities, the standards and procedures as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility shall contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk-Group-3) classification or higher.

**Section 445.6 Applications and Permit Procedures.**

- a. Before an application is submitted, the applicant is encouraged to become familiar with the regulations contained in this section as well as those contained in Article VII which addresses Special Permits and Section 470 which addresses Site Plan and consult with the Planning and Zoning Commission and/or planning department office for other regulations to consider and for any clarifications.
- b. The following procedures apply to development in the MMUD District:
  - 1. Any proposed use in the MMUD District that is allowed by right as described in Section 445.4(a) shall require the submission of a Site Plan Review application in accordance with Section 470 of these regulations, and
  - 2. Any proposed use in the MMUD District that requires a special permit as described in Section 445.4(b) shall require an application for a special permit in accordance with Article VII of these regulations.
- c. Concept Plan.
  - 1. Purpose. The Concept Plan is intended to illustrate the general development plan and provide an opportunity to obtain input from the Commission and the planning department office on the proposed project, potential build-out of the site, and the anticipated mix of uses.
  - 2. The applicant shall attend an informational workshop with the

Commission to present a preliminary plan for the MMUD District and to obtain input on the proposal and applicable regulations.

d. Exemptions.

1. The Concept Plan is not required when the Site Plan submitted with a Special Permit application includes all proposed uses and development in the entire MMUD District or when the site plan submitted for permitted uses includes all proposed uses and development in the entire MMUD District.
2. The Concept Plan is not required when the proposed project is restricted to reuse of an existing mill structure and directly related appurtenances to such mill structure (parking, landscaping, signs, lighting, etc.).

e. Procedure. The following procedure shall apply when an applicant seeks approval only of a Concept Plan.

1. Application. The applicant shall file with the Commission a Concept Plan for approval on such form as provided by the Commission.
2. Minimum Area. The minimum area covered by the Concept Plan shall be all land within the MMUD District.
3. Elements of Concept Plan. The Concept Plan may be prepared by an engineer, architect, or landscape architect, or the applicant may submit existing maps, plans, town GIS information, or other resources, provided the following information is included:
  - a. Drawings at a scale of 1" = 100'.
  - b. Existing topography, with two (2) foot contours, to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or outcroppings), inland wetlands, watercourses and flood plain.
  - c. The land uses and zoning within 300 feet of the site.
  - d. Boundary description or deed for the property.
  - e. Names of all abutting property owners.
  - f. The location of all proposed roadways, parking areas, setbacks, rail lines, easements, land use areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
  - g. The site shall be divided into general land use areas, identified as one or more of the specially permitted uses (e.g. retail, restaurant, office, research lab, etc.).
  - h. Proposed building footprints and location of parking areas.

- i. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
  - j. Narrative and illustrative elevations of design elements explaining how various design elements (landscaping, architecture, signage, street design, etc....) contribute to a unified appearance that is harmonious both internally and with surrounding properties in terms of scale, materials and color.
  - k. A table indicating the following:
    - 1. areas of the site for each proposed land use;
    - 2. the amount of building floor area proposed for each land use;
    - 3. number of parking and loading spaces for each land use;
    - 4. wetland areas, flood plain areas, area of ledge or outcroppings;
    - 5. overall lot coverage;
    - 6. building height(s); and
    - 7. such other relevant information as the applicant may wish to submit or the Commission may request.
4. Project phasing. At the request of the applicant, the Commission, as a condition of the approval of the Concept Plan, may allow construction of a project to be phased over a period of such time as the Commission may deem appropriate in light of the size of the project and the reasons for the phasing request. The applicant shall identify the limits and the timing for construction of all phases of the development. Approval of the Concept Plan constitutes approval of the phasing schedule for the project.
5. Required Findings. In approving a Concept Plan, the Commission shall find:
- a. the application and Concept Plan are complete;
  - b. that the proposed location of the land use areas on the site avoids placement of incompatible uses adjacent to one another;
  - c. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
  - d. that the development pattern satisfies the purpose and intent of the regulation as set forth in Section 445.1 and the standards and requirements of Sections 445.5.

#### Section 445.7 **Additional MMUD District Application Requirements**

In addition to the requirements of Article VII and Section 470.7, the following information shall be included in any Special Permit or Site Plan Review application for specific uses proposed in the MMUD District.

- a. Traffic Report. A traffic analysis report prepared by a professional traffic engineer which shall include, but not be limited to the following:
  - 1. Land use, site and study area boundaries.
  - 2. Existing and proposed site uses.
  - 3. Existing and proposed roadways and intersections.
  - 4. Existing and proposed roadways and intersection capacities and volumes.
  - 5. Trip generation and design hour volumes.
  - 6. Trip distribution.
  - 7. Trip assignments.
  - 8. Existing and projected traffic volumes.
  - 9. Levels of service of all affected intersections for the design hour.
  - 10. Future traffic impact analysis
    - a. Short term horizon - one (1) year after occupancy.
    - b. Long-term horizon – twenty (20) years after occupancy.
- b. A stormwater management plan, prepared by a professional engineer, which shall include as a minimum the following:
  - 1. A map showing project location, description of the property, acreage, topography, identification of major drainage ways involved, proposed type of development, identification of wetlands based on soils map and a reference to any flood hazard area delineation study applicable to the site
  - 2. A map of the tributary drainage basin determining the location and magnitude of flows from upstream of the site based on current development or zoning, whichever provides the highest runoff volumes
  - 3. A conceptual drainage plan showing how intercepted and on-site flows will be received and transported
  - 4. Designated points of discharge from the site, accompanied by a general analysis of how existing downstream facilities will handle this discharge
  - 5. Proposed rights-of-way required for drainage easements and detention areas
  - 6. Storm water storage volume required.
  - 7. Location of storage areas.
  - 8. An environmental report prepared by a CT Licensed Environmental Professional and including any hazardous waste assessment and remediation plan for the MMUD District.

9. An erosion and sedimentation control plan, under provisions of Section 590 of these Regulations, shall be required when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan.
10. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaires and light distribution patterns is required.
11. A landscaping plan illustrating the existing and proposed landscape development of the property, including the location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving or other materials proposed. Landscaping plans shall show all obstructions such as street lights, meters, backflow devices, utility covers, transformers, and similar objects which may affect plant placement and installation limitations.
12. Conformance with Section 445.5, Performance and Compatibility Standards.
13. If the proposed project is located within the Aquifer Protection Zone (Section 580 of these regulations), the applicant shall demonstrate compliance with the applicable provisions of the Aquifer Protection Zone.
- c. The applicant shall execute an agreement and file a performance bond with the Commission to guarantee public improvement and infrastructure work; completion within an initial time period of five (5) years or less with additional time periods subject to Commission approval of extensions. The bond shall be in a form acceptable to the Commission and shall include contingency and cost increases for the five (5) year period.

#### **Section 445.8      Change in Uses**

Change in uses within mill structures is also permitted for situations where a use has already been approved in accordance with these regulations upon review and approval by the Planning and Development Office, when such use does not change the compatibility of such new use with those existing within the mill structure and the change in use does not result in an expansion of space greater than twenty-five (25) percent or ten-thousand (10,000) square feet, whichever is less.

- a. The Planning and Development Office, at their discretion, may forward any such request to the Commission for review.
- b. The Planning and Development Office may require such information, as it deems appropriate to evaluate any such application, including those listed in Section 445.7.
- c. The Director of the Planning and Development Office or designee shall make

a report of any decisions made under this section to the Commission at the next Regular Meeting of the Commission following such decision.

**Section 445.9   Invalidity**

These MMUD District Regulations are designed to form a cohesive and integrated response to the problem of rehabilitation and re-use of existing mill properties. Therefore the partial illegality or invalidity of any portion of these regulations shall result in the invalidity of the entire MMUD District Regulations. At the point at which applications under the MMUD District regulations have been filed with the commission, have been certified to be substantially complete with all attendant submittals, and have been received/accepted by the Planning and Zoning Commission, the applications are protected and exempted from any actions or decisions that may result from this invalidity section.