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**ARTICLE VII – SUPPLEMENTARY STANDARDS****7.11 CONDITIONAL USE PERMITS****7.11.1 GENERAL**

Conditional Use Permits as herein provided for shall be deemed to be permitted uses in their respective zones, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this Ordinance. All such cases are hereby declared to possess characteristics of such unique and special form that each specific use shall be considered as an individual case. The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the ordinance.

**7.11.2 PLANNING BOARD TO ADMINISTER**

Wherever a conditional use permit is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board.

**7.11.3 STANDARDS APPLICABLE TO ALL CONDITIONAL USE PERMITS****A. Conditions for Conditional Use Permits**

Before the Planning Board considers the approval of an application for a Conditional Use Permit, the applicant shall prove to the satisfaction of the Planning Board that all the following conditions have been met:

1. That the property in question is in conformance with the dimensional requirements of the zone or is determined to be legally non-conforming and that the proposed use is consistent with the Milford Master Plan.
2. That the proposal meets the purposes of the ordinance under which the application is proposed.
3. That there will be no significant adverse impacts resulting from the proposed use upon the public health, safety and general welfare of the neighborhood and the Town of Milford.
4. That the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing zoning district ordinances.
5. That the proposed use will not adversely affect the ground water resource of Milford, in particular the Groundwater Protection District areas as defined in Section 6.010 of this ordinance.

**B. The applicant shall follow the requirements for specific uses as laid out in this ordinance and submit an application in accordance with the Minor Site Plan Regulations.****C. Conditions of Approval**

1. The Planning Board may attach such conditions to its approval as are reasonable, necessary and appropriate.
2. All Conditional Use Permit uses are hereby declared to have special characteristics that shall be considered on a case-by-case basis.

**D. Limits on a Conditional Use Permit**

1. Substantial construction must commence within one (1) year of the Planning Board approval of the Conditional Use Permit.
2. If construction is not commenced within this period, prior to expiration, the applicant may apply at a regular Planning Board meeting for one, six-month extension to allow

time to commence construction. The approval of this extension shall be at the Board's discretion.

**7.11.4 BUILDING PERMITS FOR CONDITIONAL USE PERMITS**

A building permit for a Conditional Use Permit shall not be issued by the Board of Selectmen or their duly appointed representative, the Administrative official, until so directed by the Planning Board who shall first be satisfied that all the standards and conditions of this section and the Ordinance have been met.