

**FRANCIS J. CLARKE INDUSTRIAL PARK
RULES & REGULATIONS**

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I. GENERAL PROVISIONS

- 1.) The Commission hereby declares that property located within the Francis J. Clarke Industrial Park described herein on Schedule A shall, be held, sold, leased, and/or occupied subject to these regulations which are for the benefit or and pass with each parcel of property, and shall bind the heirs, assignees and successors in interest of any owner thereof.
- 2.) The purpose of these regulations is to insure orderly development and use of the properties within the Park, to protect the owner of each parcel against such improper development and use of surrounding parcels as will depreciate the value of his parcel, to encourage the erection of attractive improvements at appropriate locations, and to provide for a high quality of improvements of the Park in accordance with the Plan, and to assure the health, safety and welfare of the community.
- 3.) Construction period: If the purchaser shall not have begun construction of a permanent building upon such lot within the provisions of Schedule B, the Commission retains the option to rescind such contract, refund the purchase price, and enter into possession of such land, or in the event of the conveyance by the purchaser of said land to a subsequent purchaser demand by appropriate legal action a reconveyance of said land provided, however, said purchaser or subsequent purchaser shall be entitled to a refund of the original purchase price.

II. PERMITTED USES

- 1.) In the Park, no building land or land shall be used and no building erected or altered except in conformance with the permitted uses set forth in the Zoning Regulations of the Town of Bethel. However, not all uses permitted by zoning are considered to be compatible with the intended development of the Park. Therefore, only those uses listed herein shall be permitted within the Park:
 - A.) Industrial and technical uses with a principal character of: light industry; research; education; blueprinting; laboratory; manufacturing (*); office; repair; rental and service (*); sale at wholesale of storage (*); railroad facilities.
 - B.) Services to the uses of the Park defined in Section II 1.A above with a principal character of: bank; public utility building; structures and uses; fire station; landing or takeoff rotorcraft (*); post office; savings and loan; restaurant; telephone exchange.
 - C.) No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any site.
 - D.) All permitted uses, other than parking and loading, whether principal, incidental or accessory, shall be carried on in buildings or in an area fully enclosed on all sides.
- 2.) Certain areas of the Park are designated on the Plan as "Other lands of the Town of Bethel". Underground utilities and roadways to service the Park will be permitted in these areas.
- 3.) The Zoning Regulations of the Town of Bethel specify that off-street parking for class four uses (essentially those uses permitted in the I.P. zone) consist of an area equal to one fourth (1/4) the gross floor area in all structures on the lot. Adequate off-street parking for employees and visitors shall be provided.

(*) as defined in the Zoning Regulations of the Town of Bethel.

II.A PROHIBITED OR RESTRICTED USES

- 1.) "Since much of the land within the industrial park overlies directly or indirectly, secondary or primary aquifers as designated by the Housatonic Valley Council of Elected Officials, the following uses are prohibited:" (unless specifically authorized by the Commission).
 - A.) Storage of on-site disposal of septage.
 - B.) Storage of on-site disposal of solid water.
 - C.) Storage of on-site disposal of hazardous waste.
 - D.) Underground fuel tanks smaller than 1,100 gallons.
 - E.) Storage of road salt.
 - F.) Pipelines for liquid petroleum products or other hazardous liquid materials.
 - G.) Dumping of snow from outside the district.
 - H.) Dry wells directly connected to any drain, wash basin, sink or paved parking area.

- 2.) In accordance with the site plan review required by Section IX of these regulations the following uses and actions may be subject to special restrictions:
 - A.) On-site storage of petrochemicals for heating use in tanks larger than five hundred fifty (550) gallons installed aboveground, or in tanks with a capacity of eleven hundred (1,100) gallons or more installed inground. All inground tanks must be designed and constructed in accordance with applicable standards of the Connecticut State Regulations. All aboveground tanks must be designed and constructed in accordance with the standards of the National Fire Prevention Associates # 30.
 - B.) Rendering impervious more than ten percent (10%) of the surface area of any lot, excluding the building area of said lot.

III. DEVELOPMENT CONTROLS

(1) In order to achieve the objectives of the Project Plan; the use of land in the Park will be subject to the regulations and controls specified herein all applicable rules and regulations of the Town of Bethel. The achievement of high quality design in the Park is the prime objective of the Project Plan.

A.) Development within the Park shall be directed toward the creation of any area suitable for industry as shown on the master plan, conceived of as essentially an industrial complex with integral natural areas separated with adequate buffers and park lands from the residential areas to the north and northeast.

B.) Although not restricted to a specific architectural style, new buildings shall be designed to blend harmoniously with other development in the Park. Exterior treatment of buildings shall use aesthetically acceptable materials approved by the Commission as to color, permanence and conformity with other approved development in the Park.

C.) The locations and treatment of parking areas shall be such as to minimize the visual intrusion of parked cars from the street.

D.) The design and use of signs shall be in keeping with the overall architectural character of the Park and shall require prior approval of the Commission.

2.) Outside storage: No materials, supplies or equipment (including trash removal facilities) shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials acceptable to the Commission, so that the stored items are not visible to a person standing on any part of immediately adjacent site, or adjacent public streets.

3.) Utilities:

A.) All above ground utility structures (except area lighting poles) developed for the Park or by the owner of any site shall be screened by planting to minimize visual intrusion of the structure.

IV. ARCHITECTURAL STANDARDS

- 1.) All buildings and structures, including alterations, additions and exterior remodeling, are to be designed and constructed in accord with these standards. The objective is to insure attractive and dignified appearance, practical design, and sound construction throughout the Park to the mutual benefit of all occupants.
- 2.) All signs, directional and advertising, are to be in keeping with the dignified character of the Park in respect to design, lighting, construction and locations.
- 3.) All fences, canopies, awnings, screens, exterior appurtenances are to be consistent with the design and quality of materials used in the main building.
- 4.) Roofscapes must be considered in the design and construction of all buildings.
- 5.) All site planning, site improvement and plantings must be in accord with these standards.
- 6.) In order to maintain and preserve these standards, each of the above is subject to prior review and final approval by the Economic Development Commission.

V. LANDSCAPING

- 1.) Every site in this Park on which a building is placed shall be landscaped in accordance with these guidelines, and plans and specifications shall be submitted to and approved by the Commission. The intent of these Regulations is to provide a park like environment, screening industrial uses from the street and abutting sites, and the requirements of this article shall be interpreted so as to permit flexibility and individuality in design rather than rigid adherence to these specifications.
 - A.) Landscaping shall be installed within 90 days of occupancy or completion of the building, subject to planting seasons.
 - B.) All walks, drives, lawns and landscaping shall be maintained in good order and condition. The entire street frontage (except drives) of any site shall be landscaped from the property line to the building setback line.
 - C.) No planting or other obstruction shall be placed on the corner where driveway and road (or two roads) intersect which will obstruct the vision of vehicle operators on either the driveway of the road(s).
- 2.) Landscaped treatment shall consist of ground cover, shrubs, and/or trees. Existing trees shall be preserved and integrated into the landscape wherever possible. Planting shall be designed to complement site areas such as pedestrian access, service areas, parking areas, the building perimeter, etc. The use of knolls, berms, etc. to visually break up large flat areas is encouraged.
 - A.) Deciduous trees shall be a minimum of 2 - 2 1/2 caliper 1 foot above the root crown and evergreen trees shall be selected on the basis of hardiness and appropriateness to their intended use.
 - B.) Not less than 2% of the parking area of any site shall contain landscaped islands. Large parking areas shall be divided by landscaped buffer strips into smaller areas whenever possible. Trees shall be planted along the outside perimeter of any parking area at intervals of not more than 75 feet.

V. LANDSCAPING CONTINUED

- C.) Trees within 5 feet of the edge of paving shall be protected by the provisions of curbing, wheelstops or other devices. A landscaped border shall be provided around the perimeter of buildings except at paved areas. This border shall provide a combination of ground cover and shrubs or trees.
- 3.) Certain areas of the Plan are designated as "*Other lands of the Town of Bethel*" and they shall provide a transition area between adjoining properties and for storm drainage purposes. They may be left in a natural condition if already wooded, if not, they shall be provided with trees and shrubs in combination with grading so as to create a landscaped screen which will provide reasonable visual and sound separation of adjoining properties.
- 4.) Wherever possible existing grades shall be maintained. Any necessary grading shall be done in such a way that drainage to or from adjacent property is not adversely affected and existing trees are retained where possible.

VI. PARKING, DRIVES AND LOADING AREAS

- 1.) Parking of vehicles shall be permitted only in a designated area off public streets. Sufficient parking and loading spaces shall be provided on each site in accordance with the Zoning Regulations of the Town of Bethel to accommodate all employees, visitors using the premises and company vehicles.

VII. LIGHTING

- 1.) Lighting should blend with this architectural treatment of each building and with the overall design of the Park. The levels of lighting necessary on any site for the purpose of security, safety and design shall not cause excessive levels of illumination beyond the property boundaries.
- 2.) All lighting fixtures shall be shielded so that the filament or light source is not visible off the site.
- 3.) Lighting of a building shall be directed up against the building at such an angle that the building, trees, shrubs or site surfaces are illuminated and not any surface off the site.
- 4.) Signs may be illuminated if the illumination is confined within, or directed only to, the surface of the sign.

VIII. SIGNS

- 1.) No advertising signs shall be permitted other than those identifying the name and business products of the person or firm occupying the site, Park Directory of its occupants as directed by the Commission, and signs offering the site for sale or lease when specifically approved in writing by the Economic Development Commission.
- 2.) The design and use of signs shall be in keeping with the overall architectural character of the Park, and shall require prior approval of the Economic Development Commission.

Additional regulations adopted April 24, 1986:

- 1.) Redwood, embossed signs on double posts with landscaped bases similar to those at the Andrews Center and Educational Park.
- 2.) Landscaping to consist of stone edging and low blooming and evergreen plants.
- 3.) Ground based lighting directed onto sign if desired.

Informational Signs

- 1.) To match the directory signs but limited in size to a maximum of 18" by 24". Green background, white lettering. No lighting.
- 2.) These signs to be landscaped in the same manner described under Park & Company signs.

IX. APPROVAL AND ENFORCEMENT

- 1.) No building, parking area, loading area, fence, wall, sign or other structure shall be erected, or permitted to remain on any land subject to these regulations until plans and specifications shall have been submitted to and approved in writing by the Commission, as well as all applicable Town of Bethel regulatory agencies, including Planning and Zoning, Building, Conservation Commission (Inland Wetlands), etc.
- 2.) The Commission shall not arbitrarily or unreasonably withhold its approval on such plans and specifications.
- 3.) All the provisions herein contained shall run with the land and shall be enforceable at law and in equity.
- 4.) The Commission or its agents may from time to time at any reasonable hour or hours, enter and inspect any property subject to these regulations to ascertain compliance therewith unless security prohibits such inspections.
- 5.) Partial invalidity: The invalidation of any one of the restrictions herein set forth or the failure to enforce any such restriction by the time of its violation shall in no event affect any of these restrictions or be deemed a waiver of the right to enforce the same thereafter.

X. TERM, TERMINATION AND MODIFICATION OF REGULATIONS

- 1.) These regulations shall continue in full force and effect to a period of thirty years, which may be extended for additional periods of ten years by the legislative body of the Town of Bethel.
- 2.) These regulations may be modified by the Commission, successor, or assigns after holding a public hearing in the manner prescribed in the Connecticut General Statutes, as amended. In the event that a majority of the individual lots in said Park have been sold, then the Commission must give specific notification of the public hearing referred to above and the proposed modifications to said lot owners by registered or certified mail, return receipt requested. In the event that all lots in the Park have been sold, then a majority of the then lot owners may petition the Commission to modify or amend these regulations. Upon receipt of said petition, the Commission shall hold a public hearing in the manner prescribed by the Connecticut General Statutes as amended.
- 3.) Prior to the making of a contract of sale, for the sale of, any lot or lots, improved or unimproved, the then owners of the premises to be sold shall first offer by registered or certified mail, return receipt request, the premise to the Commission, its successors or assigns (or in the event of no successor or assigns, the municipality of the Town of Bethel) the same terms as the proposed purchaser and the terms of the proposed sale. The Commission, its successors or assigns as indicated above, shall then have the option of purchasing said premise at the same terms as the proposed sale.
It is expressly understood that the terms of this paragraph and the right of repurchase as contained herein shall not be applicable to a transfer to a Bank, Savings and Loan Association or an Insurance Company for mortgage purposes (and further that this paragraph shall not be applicable to any Bank, Savings and Loan Association or Insurance Company in the event said Bank, Savings and Loan Association or Insurance Company acquired title by foreclosure).

XI. MISCELLANEOUS

- 1.) Approval of site plan or modifications. No building, parking area, loading area, trackage, road, fence, lighting pole, sign or other structure shall be erected, placed, altered, maintained or permitted to remain on any land subject hereto until a plan for site plan or modification thereto has been approved by the Commission and by the regulatory agencies of the Town of Bethel. Applications for such plans or site plans or modifications shall include plans and specifications showing the previously site plan and the modifications as proposed, including details relating to exterior elevations, materials, colors, signs,
- 2.) Effect of Violations. Violations of any provision contained herein, shall afford the Commission and, should the Commission cease to exist, every owner of property subject hereto the person or persons who have violated or are attempting to violate these restrictive covenants and to enjoin or prevent them from doing so and to cause said violation to be remedied or to recover damages for said violation.
- 3.) Right to Enforcement. So long as there is a Commission it shall have the exclusive right to enforce the provisions hereof, without liability for failure to do so, except that each owner of record of land in the Park shall have the right to enforce the provisions contained herein then applicable to any site if the Commission shall fail to do so with forty five (45) days after written request is made by such owner to the Commission. If any legal or equitable proceedings for the enforcement of any provision of these restrictive covenants, the losing part of parties, in such an amount as may be fixed by the Court in such proceedings. All remedies provided herein, at law or in equity, shall be cumulative and not exclusive.
- 4.) Right to Inspect. The Commission or its agents may, from time to time, at any reasonable hour or hours, enter and inspect any property subject hereto to ascertain compliance herewith, pursuant to Article IX-4. The agent of the Commission for such purpose shall be the Executive Director, or any other individual so designated by the Commission.

XI. MISCELLANEOUS CONTINUED

- 5.) The development of properties in the Francis J. Clarke Industrial Park will be subject to the design and land use controls indicated by these restrictive covenants. In addition to the controls, all development proposals must still conform to the following:
 - A.) Town of Bethel Zoning Regulations (as amended)
 - B.) Basic Building Code, State of Connecticut (as amended)
 - C.) Town of Bethel Inland-Wetlands Regulations (as amended)
 - D.) Town of Bethel Roads & Driveway Ordinances (as amended)
- 6.) These Rules and Regulations were adopted by the Bethel Economic Development Commission on January 10, 1985.

SCHEDULE A

ALL THAT CERTAIN piece and parcel of land located in the Town of Bethel, County of Fairfield, State of Connecticut, containing 200.033 Acres, further shown and designated as Lots No. 1-30, on a certain map entitled "TOWN OF BETHEL, CONNECTICUT, FRANCIS J. CLARKE INDUSTRIAL PARK, SUBDIVISION PLAN, PREPARED FOR BETHEL ECONOMIC DEVELOPMENT COMMISSION BY LORD-WOOD, LARSON ASSOC. INC., ENGINEERS & PLANNERS, KASPER ASSOC., SURVEYORS AND ENGINEERS, DATED 7/9/84, Revised 10/9/84

Scale 1" = 100', " which map is certified by Paul F. Varko, L.S. No. 11627 and which map was filed in the Land Records of the Town of Bethel on October 24, 1984 in Map File No. 18, Maps No. 172, 173 and 174.

SCHEDULE B - CONSTRUCTION PERIOD

| Stage _____ | Lot # <u>Per approved subdiv. plan</u> | Construction <u>Schedule</u> |
|----------------|---|---------------------------------|
| I | Not applicable | |
| II | 1,3,26,27 | By June 1987 * |
| III | 4,5,6,7,8,28,29,30 | By June 1987 * |
| IV | 9,10,11,12 | By June 1987 * |
| V | 13,14,24,25 | By June 1988 * |
| VI | 15,16,17,18,29,20,21,23 | By June 1988 * |

*or 6 (six) months from the date of sale of the lot, whichever is later.