CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304
Bristol, CT 06010-4993

Internet: http://ccrpa.org
Fax/TDD: (860) 589-6950

Tel: (860) 589-7820
or (860) 224-9888

TO:	Planning and Zoning Referral Review Committee
FROM:	Timothy Malone, Senior Planner
DATE:	February 27, 2014
RECEIVED BY CCRPA ON:	February 13, 2014
REFERRAL NAME:	Farmington Zoning Regulation Amendments
INITIATOR:	Town of Farmington Plan and Zoning Commission
MUNICIPAL HEARING:	March 24, 2014
REFERRED TO:	CCRPA
DESCRIPTION:	The Town of Farmington Plan and Zoning Commission is proposing changes to zoning regulations that would allow the commission to require bicycle parking facilities in all new non-commercial developments and residential complexes. They could also require bicycle parking facilities when applicants request special permits for changes in use, and in cases where the number of parking spaces on a site is increased by more than ten percent.
COMMENTS:	No comments were received.
STAFF RECOMMENDATION:	CCRPA recommends that the referral in this proposal be found ***not in Conflict*** with the Regional Plan of Conservation and Development or any other agency plan.

FARMINGTON, CONNECTICUT

TOWN PLAN AND ZONING COMMISSION

1 Monteith Drive, Farmington, CT 06032-1053 Tel: 675-2325

FOR TPZ USE

NUMBER Z- 1407

Rec. Nbr._____

Rec. Amt._____

TYPE OF APPLICATION

_____Change of Zone

X Amendment to Regulations

_____Special Permit

_____Site Plan Approval

_____Removal or Deposit of Earth Products

_____Waiver

1. Name of Applicant Town of Farmington Plan & Zoning Commission Phone: 860-675-2325

   Mailing Address 1 Monteith Drive, Farmington, CT 06032

2. Name of Contact Jeffrey Ollendorf Phone: 860-675-2325

   Mailing Address 1 Monteith Drive, Farmington, CT 06032

3. Name of Owner_____

   Mailing Address_____

4. Property Address_____ Acreage_____

5. Assessor's lot number NA

6. Zoning: Present NA Proposed NA

7. Is parcel within 500 feet of municipal boundary? Yes____ No____

8. Description of request Amendment to the Zoning Regulations to add Section 8.A. Off-Street Bicycle Parking Standards to Article IV. Special Regulations

9. Please indicate adjoining property owners and location as follows: (Attach separate sheet, if necessary).

   Bounded: Northerly by:_____

   Westerly by:_____

   Southerly by:_____

   Easterly by:_____

10. All information submitted with this application is true and accurate to the best of my knowledge. The applicant understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted.

Date February 12, 2014 Jeffrey O Ollendorf

Signature of Applicant

(Must be owner or agent or party with a legal interest in the property)

PLEASE READ THE FOLLOWING:

A. Applications for change of zone and special permit require notification of the public hearing by Certified Mail by the applicant to all property owners within 200 feet of any boundary of the subject property no later than 10 days prior to such hearing. Receipts for such Certified Mail shall be provided to the Planning Department prior to the public hearing.

B. Applications for change of zone and special permit require the posting of a sign on the subject property for 7 days prior to the Scheduled public hearing. A $35.00 deposit is required for such sign, refundable upon the return of the sign.

C. Applications within the Level A or B aquifer protection area requires notification of the application be made by certified mail, return receipt requested no later than seven days after the date of the application to the affected water company and the State Department of Public Health.

D. Maps and Plans: This application must be accompanied by at least 8 copies of plans, 24" x 36" in size. A checklist of data to be included on plans is available.

E. Filing Fee: The filing fee must be paid to the Farmington Tax Collector before acceptance of application by the Town Planner (Fee Schedule available from Planning Office).

Section 8.A. OFF STREET BICYCLE PARKING STANDARDS

A. DEFINITION. For the purpose of applying the provisions of this section the term below shall be defined as follows:

BICYCLE PARKING FACILITY – Devices which support and secure a parked bicycle. Known as rack elements, they may be assembled together to form a complete rack and with proper spacing between racks, a bicycle parking lot.

B. GENERAL REQUIREMENTS.

1. The Commission may require the provision of bicycle parking facilities in conjunction with all new construction; special permits for changes in use; and in cases where the number of existing parking spaces is increased by ten percent or more for the following:

   a. All non-residential uses unless it is determined that such a facility will be unmanned during daylight hours and will not be serving customers onsite.

   b. All residential complexes which contain one or more community facilities such as a clubhouse, meeting room or common recreation area.

   In deciding whether to require such facilities the Commission may consider any resulting loss of parking spaces, negative effects on handicap or pedestrian access as well as any negative impact on the overall design of the site.

2. Bicycle parking facilities should be provided at a minimum having parking for two bikes and a maximum of eight bikes. One bicycle parking space should be provided for every twenty vehicle onsite parking spaces unless otherwise determined by the Commission.

3. Bicycle racks should be arranged so that parking for each bicycle is a minimum of two feet wide and six feet long. Lines of racks should be arranged with at least four feet separating the front tire of one bike to the rear tire of another. A minimum of thirty inches should be provided between rack elements (side to side). Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side may be counted as one required space.

4. Bicycle racks should be securely fixed to the ground surface and resist being cut or detached using common hand tools.

5. Bicycle racks should be located at least three feet from any wall or obstruction. They should be located within view and convenient to the main building entrance. In the case of a multiple building complex (non-residential), bicycle racks should be located for each building. In residential complexes, bicycle racks should be provided in a location convenient for each

community facility. Bicycle racks shall not interfere with pedestrian circulation and should be safely separated from vehicle parking and driveways.

6. Bicycle parking facilities may be moved or removed by the owner of any premises between November and April if, in the owner's opinion, it is necessary to facilitate the removal and/or storage of snow.

7. Bicycle parking facilities may be moved or removed by the owner of any premises if, in the owner's opinion, it is necessary to facilitate paving or other construction in the vicinity of any such bicycle parking facilities. Any such moving or removing of a bicycle parking facility pursuant to this provision shall be done with the consent of the Town Plan and Zoning Commission.

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TO:	PLANNING AND ZONING REFERRAL REVIEW COMMITTEE
FROM:	Timothy Malone, Senior Planner
DATE:	February 27, 2014
RECEIVED BY CCRPA ON:	February 24, 2014
REFERRAL NAME:	Thomaston Subdivision and Zoning Regulation Amendments
INITIATOR:	Town of Southington Planning and Zoning Commission
MUNICIPAL HEARING:	March 24, 2014
REFERRED TO:	CCRPA

DESCRIPTION:

The Town of Thomaston is proposing changes to its subdivision regulations that would require open space set asides for all new subdivisions. The amount of land will be determined by the commission but a 10% standard will guide that decision. A payment in lieu of open space is allowed.

Thomaston is also proposing changes to their zoning regulations to reduce the required rear yard setback for swimming pools to 15 feet. Changes are also proposed to requirements regarding security bonds for permitted excavations. Another change regards notification requirements for public hearings. Finally, a number of sections of the zoning regulations are being renumbered.

COMMENTS: No comments were received.

STAFF RECOMMENDATION: CCRPA recommends that the referral in this proposal be found ***not in Conflict*** with the Regional Plan of Conservation and Development or any other agency plan.

Town of Thomaston
Planning and Zoning Commission
158 Main Street
Thomaston, Ct 06787
Telephone: 860-283-8411
Fax: 860-283-2893
Website: www.thomastonct.org

Sent Certified Mail

February 20, 2014

RECEIVED
FEB 24 2014

Carl Stephani
Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street
Bristol, Connecticut 06710-4493

Re: Referral for Text Amendments to the Thomaston Zoning and Subdivision Regulations

Dear Mr. Stephani:

At the regularly scheduled meeting on April 2, 2014 the Thomaston Planning and Zoning Commission will hold Public Hearings on the following amendments to the text of the Zoning and Subdivision Regulations of the Town of Thomaston:

- Amendment to Subdivision Regulations to add new Article 13 – Open Space
- Amendment to Zoning Regulations, Article 5.8 – Setbacks for Unattached Accessory Buildings and Swimming Pools in Residential Zones
- Amendments to Articles 19 through 21 of the Zoning Regulations to consolidate and amend "Special Regulations", eliminating current Articles 22 through 28

This notice is being sent to you pursuant to Section 8-3(b) of the Connecticut General Statutes. Attached for your review is a copy of the proposed text amendments. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

Jeremy Leifert
Zoning/Wetlands Enforcement Official
Town Planner
Town of Thomaston

APPROVED
FOR
RELEASE

Article 13
Open Space Regulations

13.1 General Regulations

Land for parks, playgrounds, recreation areas and open spaces shall be provided and reserved in each subdivision as deemed necessary and in locations deemed proper by the Commission. In determining the need for parks, playgrounds, recreation areas and open spaces, the Commission shall be guided by, but not limited to, a minimum standard of ten percent (10%) of the land area of the subdivision, and shall take into consideration the size of the subdivision and any existing parks, playgrounds, recreation areas and open spaces in the neighborhood. Additional factors for consideration may include preservation of important natural resources including wetland habitat, scenic areas, agricultural lands, expansion of adjacent open space land and potential greenway or riverwalk corridors. The reservation of land shall be consistent with the recommendations of the Thomaston Plan of Conservation and Development. The cost of all improvements on land to be deeded to the Town shall be included in the total amount to be bonded for subdivision improvements under Article 6 of these regulations.

13.2 Referrals to Other Boards & Commissions

The Commission will provide copies of the Subdivision Site Plan to the Conservation Commission and to the Recreation Commission for their review and recommendations. Any such recommendation must be presented to the Planning and Zoning Commission within 35 days of the application's date of receipt. The Planning and Zoning Commission shall consider these recommendations when making its decision.

13.3 Land Valuation

If the size or location of the open space required by the Commission is unacceptable to the applicant, a fair market appraisal of the parcel will be required by a State of Connecticut licensed appraiser. The appraisal firm will be instructed to determine the fair market value of the entire parcel and of the required open space. If the value of the required open space exceeds ten percent (10%) of the value of the entire parcel, the Commission may modify the required open space or require the payment of a fee in lieu of open space as provided in Section 13.5 below.

13.4 Open Space Transfers

The transfer of open space land to the Town shall take place no later than the time at which roads and other public improvements are accepted by the Town of Thomaston Board of Selectmen. If the subdivision does not contain roads or other public improvements, the transfer shall take place no later than the time the approved subdivision map is filed in the land records.

13.5 Payment of Fees in Lieu of Open Space

An applicant may, with the approval of the Planning and Zoning Commission, make payments to the Town in lieu of providing open space as required in this Article. Such payment is authorized

by Section 8-25 of the Connecticut General Statutes as amended. Such payments, or combination of payments and the fair market value of land transferred to the Town shall be equal to ten percent of the fair market value of the land to be subdivided. For the purposes of this paragraph, "fair market value" shall be established on the basis of the value of the entire parcel prior to its receiving subdivision approval. When such payments to the Town are to be made, the Commission and the applicant shall agree to an acceptable appraisal firm for property valuation. The fair market value shall be established by such chosen appraisal firm and the appraisal made part of the record. The cost of the appraisal shall be the responsibility of the applicant.

13.6 Form and Timing of Fee-In-Lieu Payments

Payments due to the Town shall be made in installments, with each installment due at the time an approved lot is sold. The subdivider may defer payment of an installment until the issuance of the Certificate of Occupancy for that lot. The amount of each installment shall be equal to the total payment due divided by the number of lots approved. In that payments are in lieu of a portion of the work necessary to complete the subdivision as defined in Section 8-26c of the Connecticut General Statutes, any outstanding balance due to the Town shall be paid to the Town prior to the occurrence of the statutory five year expiration date. The Performance Bond required under Article 6 of these regulations shall include reservations for payments required under this section.

13.7 Use of Open Space Funding

Payments received under the provisions of this Section shall be deposited in a fund established by the Town for the purpose of preserving open space, improving existing open space for recreational or conservation uses, acquiring additional land for recreational or agricultural purposes or for public outreach and education related to open space and recreation. This fund shall be managed by the Conservation Commission of the Town of Thomaston, with general guidance from the Planning and Zoning, Inland Wetlands and Recreation Commissions. The Town shall make a good faith effort to use these funds as promptly as possible.

13.8 Exceptions

The open space requirements of this Article shall not apply if the transfer of all land in a subdivision of fewer than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration. If a subdivider wishes to claim this exception, a legal affidavit to that effect must be submitted with the application.

The open space requirements of this Article shall not apply if the subdivision is to contain affordable housing as defined in Section 8-39a of the Connecticut General Statutes. Such affordable housing shall be equal to twenty percent or more of the total housing units to be constructed in the subdivision. If a subdivider wishes to claim this exception, a legal affidavit to that effect must be submitted with the application.

5.8 Setbacks for Unattached Accessory Buildings and Swimming Pools in Residential Zones

All buildings and structures shall be governed by the height and yard requirements applicable to a principal building or structure except minor accessory buildings and structures as follows:

a. Minor accessory buildings and structures up to two hundred-fifty (250) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of five (5) feet from the side and rear yard property lines and must meet the front yard property line setbacks applicable to a principal building or structure in the zone.

b. Minor accessory buildings and structures up five hundred (500) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of fifteen (15) feet from the side and rear yard property lines and must meet the front yard property line setback applicable to a principal building or structure in the zone.

c. All other accessory buildings and structures shall meet the dimensional requirements i.e. property line setbacks, heights percent of ground coverage requirements applicable to a principal building or structure in the zone.

d. Swimming pools, pool decks, diving boards, ladders, cabanas, and other similar structures shall conform to the requirements of Schedule B applicable to a principal building or structure, except that the rear yard setback requirement shall be reduced to fifteen (15) feet for swimming pools and attached structures totaling less than 500 square feet in area. ~~Decks, diving boards, ladders, cabanas, and other similar structures are subject to the setback requirements for a principal structure in the zone,~~

Article 18~~20~~ - Zoning Board of Appeals

18~~20~~.1 Power and Duties

The Zoning Board of Appeals shall have all of the powers and duties prescribed by the regulations and the General Statutes.

18~~20~~.2 Administrative Review

The Board shall hear and decide appeals where it is alleged that there is an error in any order or decision by the Zoning Enforcement Officer or interpretation of these regulations.

18~~20~~.3 Variance

In certain cases, the Zoning Board of Appeals may authorize variances from the zoning regulations where owing to special circumstances or conditions, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship.

The Zoning Board of Appeals shall not be required to consider an application for the same or substantially the same variance more than once during any six (6) month period from the date of their decision or the date of the Court's decision.

Variances shall become effective when the original certificate or a certified copy of such is recorded in the Land Records.

18~~20~~.4 Procedure for Combined Applications

Whenever a pending application for a variance is joined with an appeal to the Board, the Board shall initially decide the issues presented by the appeal.

Article 19~~22~~ - Sedimentation and Erosion Control Bond

The Commission shall secure a bond to enforce, stabilize, and control any adverse environmental impacts resulting from a lack of facilities or non-compliance with the approved sedimentation and erosion control plan. A bond shall be required if the disturbance is in excess of a half (½) acre. The applicant shall be given written notice of a public hearing.

The Zoning Officer shall access to the site to determine compliance with Article 17. Section 8-12 of the Statutes and Public Act 87-244 authorizes action against a violation of this Article.

The Commission shall require a cash book, savings account or an irrevocable letter of credit. The bond may be called after a certified notice is sent to the applicant. The Commission must make a determination that the Sediment and Erosion Control Plan is not being followed by the applicant or their agent. The Commission or their agent shall determine the amount of the bond.

Article 22 shall apply to all special permit or site plan applications approved on or after the effective date of these regulations whether or not the application was filed prior to the effective date of these regulations.

Article 20~~23~~ - Health District Authorization

The Commission shall require approval from the Torrington Area Health District prior to issuing a zoning permit for buildings which require septic systems. Buildings shall be enlarged, constructed or intensified without obtaining approval from the Torrington Area Health District.

Activities subject to this requirement include the construction of a single or multi-family units, commercial or manufacturing buildings, and additions to these units. Also, the conversion of residential units from seasonal use to year round use and the addition of new uses to a dwelling or structure, whether or not a subsurface disposal system is present on the property, is also required for review.

Wells for potable water or industrial usage shall not be dug, drilled or deepened without obtaining an approval from Torrington Area Health District. Swimming pools shall not be installed without obtaining a permit from Torrington Area Health District.

These requirements shall be in addition to any other requirements of the Town or the State Building Code. Failure to comply may result in the revocation or suspension of any permits or further legal action for enforcement of these regulations. If action is brought, the subject party may be liable for attorney fees and court costs.

Article 21~~18~~ – Special Regulations~~Earth Excavation and Mining~~

21~~18~~.1 Earth Excavation and Mining

A. General Provisions

Land shall not be altered by excavation or by the removal or relocation of earth, topsoil, gravel, clay, loam, minerals or by the deposition of other materials without obtaining a permit unless such activity is exempted pursuant to Section 21.1.F~~18.6~~. After the effective date of these regulations, no operations shall be allowed to continue without a Special Permit

B. Definition of Earthen Materials

These include any organic or inorganic materials, peat, loam, quarry materials, gravel, stone, clay, sand, and other similar natural resources. Earthen materials shall not include construction or building materials, rubbish, trash, stumps, inoperable motor vehicles or parts thereof, road construction materials or any other forms of solid waste, except as may be permitted.

C. Special Permit Required

A Special Permit shall be required for activity that exceeds two hundred-fifty (250) cubic yards per year from any lot, unless the use is exempted pursuant to Section 21.1.F~~18.6~~.

D. Zoning Permit Required

A zoning permit shall be required for all activity between one hundred (100) and two hundred-fifty cubic yards per year, unless it is exempted pursuant to Section 21.1.F~~18.6~~. Permits shall not be required for any activity of less than one hundred (100) cubic yards per year on any lot.

E. Safety Considerations for Operations Including Exemptions

Operations must be conducted in such a way as not to compromise the character or integrity of the neighborhood or endanger the health or safety of its residents. They shall be limited from 8:00 am to 5:00 pm Monday through Saturday. Activity is not permitted on Sunday or on legal holidays. After holding a hearing, the Commission may authorize new hours of operation due to special circumstances and conditions.

F. Exemptions from Obtaining a Special Permit

Activity accessory to the construction of buildings, streets, driveways drainage, off-street parking, sewer improvements or to agricultural operations are exempted. Also, activity such as necessary filling, removal, grading or alterations connected with manufacturing, commercial or residential construction is also exempted along with municipal projects.

G. Application Requirements

The plan shall show the limits of all areas to be cut, filled, graded, excavated or altered. All property lines, streets, and the location of buildings on adjoining properties within two hundred (200) feet of the subject property shall be shown. Each parcel shall contain the names and addresses of legal owners. A list of property owners shall be submitted.

Contour lines, drawn at not less than two (2) foot intervals, shall be coordinated to a permanent monument drawn to a scale of one hundred (100) feet to the inch.

Watercourses, wetlands or drainage areas within two hundred (200) feet of the property shall be shown. If off-site data is not available, information may be obtained from the USGS. Bedrock out-croppings, forested areas, and other physical features shall be shown.

The applicant shall provide an estimate of the number of cubic yards of material to be filed, excavated, graded or removed from the site and the time necessary to complete the activity. Vehicular access routes to the site shall be shown along with an estimate of the type of equipment and other machinery to be used onsite.

The location of buildings and structures, including temporary ones to be erected onsite, shall be shown. The plan shall contain details regarding the storage of explosives and blasting equipment onsite. Grading details and a landscaping plan shall be included.

H. Standards and Conditions

Processing machinery shall not be used within two hundred (200) feet of any property or street line. Machinery shall be removed upon termination of the permit. Machinery not accessory to the activity shall not be allowed on site. No material or equipment shall be stockpiled or operated outside of the permit area.

At no time shall more than one (1) area exceeding five (5) acres be opened for operations. All remaining areas shall be left undisturbed. Operations which create inclines, pits or depressions, erosion, improper drainage or other conditions which would impair the development or reuse of the site or would deteriorate the use of adjacent properties, cause health or safety concerns resulting from such activity or use shall not be permitted.

Reasonable measures shall be taken to minimize noise, dust, and vibrations. Access roads shall be covered with a dustless surface and maintained in good condition at all times.

Six (6) foot high fencing shall be installed if excavations exceed a depth of five (5) feet and create slopes in excess of two to one (2:1). Fencing shall be installed when bordering roads, streets, travel ways, and residential areas. Other screening measures may be used.

Excavations shall not be permitted within one hundred (100) feet of any highway, from any residential unit or below the grade of any property within fifty (50) feet of the property line.

The permittee shall assure that vehicles exiting the site have their loads secured to avoid spillage. Drainage swales shall be provided to prevent erosion, runoff, and the creation of stagnant water.

I. Restoration of the Site

Upon completion or expiration of the permit, excavated and disturbed areas shall be restored to the following vertical to horizontal ratios; undisturbed earth one to one point five (1:1.5), earth fill one to two (1:2), and rock four to one (4:1).

Restoration shall not result in the creation of sharp cuts, declines, depressions, erosion, drainage or sewage problems. Debris and boulders, which are not design improvements, shall be removed. A layer of soil, free of large stones, shall be spread to a thickness of not less than six (6) inches over the entire area. The area shall be fertilized and seeded with a perennial grass and maintained until the area has stabilized. This requirement shall not apply to ponds or to expose ledge existing prior to excavation.

J. Public Hearing

The Commission shall hold a hearing within sixty (65) days after receipt of a completed application for any activity involving excavation, filling, grading or removal of two hundred-fifty (250) cubic yards or more of earthen material. Failure to submit information may be considered grounds for disapproval of the application. All communications shall be in writing. Copies shall be kept on file in the Land Use Office.

K. Permit Approval

Permits shall be valid for one (1) year provided no violations have occurred. Permits may be renewed for a period of one (1) year without holding a hearing provided the applicant submits a revised plan showing the existing conditions. The applicant's engineer shall certify that all authorized work has been conducted in accordance with the requirements of the permit. If the permit is renewed, legal notice shall be published.

L. Site Inspection

The Zoning Enforcement Office and the Town Engineer shall have access for inspection purposes and to determine compliance. The Commission may required the submission of status reports detailing site progress.

M. Liability Insurance and Bonding

The applicant shall provide proof of liability insurance. The Town shall be named as insured with a limit of not less than one hundred thousand dollars ($100,000.00) to

personal injury, which shall include death, and not less than ten thousand dollars ($10,000.00) for property damage covering all operations to be conducted pursuant to the permit. If the insurance is cancelled or not renewed, the permit shall be terminated.

The applicant shall submit security in the form of a certified check, passbook account, ~~cash, surety bond~~, ~~or evergreen~~ letter of credit, or other ~~. The bond shall be in a~~ form acceptable to the Commission and Town Counsel. The security shall be equal to the amount of the proposed excavation and site restoration costs as provided by the applicant and approved by the Planning and Zoning Commission with recommendation from the Town Engineer and/or Zoning Officer.~~. It shall be in an amount deemed necessary and sufficient to insure the faithful performance and completion of the required work.~~

Upon completion of the restoration work, the applicant may apply for release of the bond. The Town Engineer and the Zoning Officer shall inspect the restoration and submit a report to the Commission regarding compliance. If in compliance, the bond may be released to the permittee, otherwise, it shall remain in full force and effect. The applicant may also apply for partial release of security with the recommendation of the Town Engineer and/or Zoning Officer.

21~~18~~.2 Multiple Dwelling Units

A. General Provisions

This section shall provide procedures and standards for the development of multiple dwelling units.

B. Qualifying Standards for the Tract

The tract shall consist of a lot or contiguous lots under one (1) ownership or control. The tract shall contain a minimum of ten (10) acres and be served by public sewer and water. It shall contain two (2) access ways of which one (1) may be on a State road.

Each accessway shall have a minimum of fifty (50) feet of frontage. The minimum frontage for the tract shall not be less than eight (80) feet. One (1) access way may be with eighty (80) feet when two (2) abutting strips are created, they shall be separated from any other access way on the same side of the street by a minimum of one hundred-twenty (120) feet. The tract shall be located within the RA-15 zone.

C. Design Standards for Dwelling Units

No more than six (6) dwelling units per acre shall be permitted To compute the density, a seventy-five (75) foot buffer shall be excluded from the area of the tract. Principal buildings shall be located a minimum of thirty (30) feet from other principal structures.

Two (2) parking spaces shall be provided per unit. Each building shall provide two (2) spaces to accommodate visitors. Each unit shall have 2 doors or a set of stairs accessing the outside of the unit.

No building shall contain more than six (6) dwelling units. Primary buildings shall not be constructed within seventy-five (75) feet of any street or property line. Maximum height shall not exceed forty (40) feet. Units shall contain a minimum of seven hundred-fifty (750) square feet of habitable floor area. Ground coverage shall not exceed fifteen percent (15%).

Utilities shall be located underground. Buildings shall not exceed two hundred (200) feet in length. Each unit shall be provided with a minimum of forty-eight (48) square feet for outside storage. Garages, basements or other space within the unit may be used to meet this requirement.

Exterior space shall be considered common land and usable for traffic circulation, parking, recreation or conservation purposes. A minimum of twenty-five percent (25%) shall be designated as open space and used for recreational purposes.

D. Standards

The tract shall be served by private streets. Streets shall meet municipal construction standards. Internal circulation patterns shall be designed to discourage through traffic. A minimum of thirty (30) feet is required between streets and buildings. Pavement width is twenty-four feet. If the street pattern significantly improves traffic circulation in the area, the Commission may require that they be dedicated to the Town. Access to a minimum of ninety percent (90%) of all units shall be from loop drives or permanent cul-de-sacs and not from other roads.

E. Phase Development

The Commission may approve construction in phases. Each phase shall be capable of existing without completion of succeeding phases.

F. Procedure - Application Submission Requirements

The Commission shall review the application pursuant to Article 10. The applicant shall submit four (4) copies of a statement describing the project in sufficient detail, four (4) copies of the site plan map and four (4) copies of the architectural plan designs.

The applicant shall submit a report from the Water Pollution Control Authority regarding the availability and capacity for sewage disposal services along with a report from the CT Water Company regarding the availability of water service.

A traffic report detailing parking and vehicular circulation patterns on roads leading to and away from the site, sight line evaluation, and design standards shall be submitted. The Commission may require additional data and analysis.

G. Landscaping Plan

The plan shall contain the location of buildings, off-street parking, including areas reserved for special needs and handicapped individuals, exterior lighting, walkways, shrubbery, trees, other plantings to be removed or retained, designs for recreation areas, buffer areas, and open spaces.

H. Common Interest Ownership

Article 21.2~~19~~ shall apply to all multi-family dwellings converted to common interest form of ownership on or after the effective date of these regulations.

I. Special Needs and Handicapped Accessibility

The plan shall conform to all requirements to the CT Basic Building Code and to any special requirements in the American Disabilities Act.

21~~18~~.3 Housing for Elderly and Seniors

A. Basic Standards and Conditions

Housing shall be located in RA-15 or GC zones. Applications shall meet the requirements of Article 10. The tract shall consist of one (1) lot or a number of contiguous lots under one (1) ownership or control and contain a minimum of ten (10) acres. The maximum number of dwelling units allowed shall not exceed ten (10) per acre. The buffer area shall not be subtracted from the acreage prior to computing the density. The applicant shall demonstrate a need for senior housing.

B. Site Access

All projects shall contain two (2) separate access points of which one (1) may be on a State road. Each access shall have a width of fifty (50) feet. The secondary access road need only be an emergency road suitable for evacuations and public safety vehicles.

The development shall be served by a private road constructed to Town standards and designed to discourage through traffic. Interior streets shall not extend within thirty (30) feet of any unit. The Commission may require streets be dedicated to the Town whenever it would serve to improve traffic circulation.

The Commission may, at its discretion and for good cause, approve the construction of a boulevard style access to a senior housing development in lieu of the two (2) access point requirement providing the applicant has submitted sufficient documentation for the safe and convenient movement of vehicular traffic and pedestrians, made accommodations for emergency and public safety vehicles, provided attractive layout design and landscaping plans, made provisions for public utilities, submitted restrictive covenants for maintenance and owners responsibility, provided sufficient bonding to cover construction costs, and any other items that may be required by the Commission.

C. Design Standards

Buildings shall not exceed thirty (30) feet in height. They shall be separated from each other by a minimum of thirty (30) feet. Units shall have a minimum of four hundred-forty (440) square feet of habitable living space. Ten percent (10%) of all units shall be constructed as handicapped adaptable. The exterior design and recreational facilities shall be in character with the neighborhood. Ground coverage shall not exceed fifteen percent (15%). Units shall be served by underground public utilities.

D. Parking Space Standards

One (1) space shall be required for each unit and one (1) space for each employee. Parking and loading facilities shall be provided for delivery trucks and vans. One (1) space per building shall be provided to accommodate visitor parking.

E. Screens and Buffers

Screening and buffering may consist of evergreens or shrubbery. The Commission may require other types of screening. A buffered area of seventy-five (75) feet shall be required around the tract. Trash and debris disposal areas shall be designed to serve the project.

F. Phase Development

The Commission may require projects to be approved in phases. Each phase shall be capable of functioning without the completion of succeeding phases.

G. Modifications to Approved Project

The Modifications to an approved project may be granted by filing a site plan application in accordance with Article 17.

H. Public Safety Considerations

The Commission may seek additional requirements to ensure the safety, health, and welfare of the Town and the residents of the project.

21~~18~~.4 Home Occupations

A. General Requirements

Home occupations shall be located in residential units and the owner shall obtain a special permit. The purpose of this regulation is to protect neighborhoods from adverse impacts of certain activities while permitting other residents the reasonable use of their property and homes.

B. General Provisions

Except as may be permitted, home occupations shall be operated in such a way so as not to display any overt characteristic or appearance of a business which would infringe upon the lawful right or privilege of others to enjoy the peaceful use of their residential units.

Home occupations shall not permit the outside storage of equipment or materials. Window displays designed to be seen from the exterior of the dwelling are not permitted.

Occupations shall not cause any intolerable amounts of noise, dust, vibrations, odors or noxious fumes to leave the premises other than which can normally be associated with or produced by a single family dwelling. They shall not use mechanical or electrical equipment which will create interference with radio or television receivers or cause fluctuations in line voltage off the premises. Occupations shall not interfere with the normal delivery of utilities or other customary services to the neighborhood.

C. Abutting Property Owners

For special permit applications under this section, notice of the hearing on the application shall be sent to ~~The applicant shall provide the Commission with the names and addresses of~~ all abutting property owners and those across the street by certificate of mailing no later than ten (10) days prior to the hearing date.~~on a list and on self-addressed stamped envelopes~~.

D. Number of Occupations and Location

Only one (1) occupation shall be permitted to operate at any time in the dwelling. Permits are non-transferable to new owners or to new locations.

E. Vehicular Circulation and Parking

Home occupations shall not cause significantly larger traffic volumes than would normally be expected. Activities shall not create safety hazards or cause traffic congestion to residents. Occupations shall keep delivery and pick up of materials to and from the premises to an absolute minimum. Permit holders should encourage customers to park vehicles only in areas permitted by law. The Commission may request additional information from other agencies involved in public safety to determine if off-street parking should be required for vehicles.

F. Employees

Home occupations shall be operated by members of the family residing in the unit. Persons engaged in construction trades or other similar fields may utilize their unit as an office for business activities. Work must be performed off the premises. The home shall not serve as a gathering place or staging area for employee parking.

G. Signs and Advertising

~~Signs shall be flush mounted to the side of the dwelling and not exceed two (2) square feet. Signs shall display only the name of the resident owner and the type of business~~

~~conducted on the premises. The permit holder shall be required to obtain a sign permit.~~ Signs proposed in conjunction with a home occupation application shall obtain a sign permit application from the Land Use Office and conform to the regulations set forth in Section 8.4 of these regulations.

H. Classes and Instruction

Class size shall not exceed more than two (2) students. Classes may be permitted up to a maximum of four (4) students if the Commission determines that additional traffic will not be generated. The limiting of class size shall not be construed to prohibit occasional exceptions for recital or other similar gatherings. Classes shall be scheduled a minimum of thirty (30) minutes apart to help mitigate traffic congestion.

I. Enforcement

Any party who feels aggrieved by an action pursuant to this section~~,~~ shall notify the ~~Enforcement~~ Zoning Officer in writing and detail the alleged violation. Within thirty (30) days after receipt of such notice, the Enforcement Officer shall investigate. Within ten (10) days after completing the investigation, the Zoning Officer shall notify the aggrieved party by certified mail the finding of the investigation.

The notification shall state the reasons for the decision and specify a time frame for compliance. It shall also state what action will be taken if compliance is not forthcoming. Any person aggrieved by the decision of the Zoning Officer may appeal that decision to the Board of Appeals.

J. Home Occupations

The following uses are permitted as occupations; arts and crafts for sale off site, data and word processing, catalog direct sales and distribution off site, professional sales, insurance, consulting services, broker, real estate, home grown produce, gardening and landscaping for sale and distribution off site, telephone solicitation, doctor, accountants, investors, designers, financial planners, architects, planners, and engineers.

The following uses not are not permitted as occupations; video sales and distribution, retail sales establishments, automobile sales and repair, painting, parts and service, appliance repair including television and radio, private clubs, beauty salons, barber shops, exercise studios, massage parlors, gyms, welding or metal shops, firearms, ammunition, and explosives.

The Commission recognizes that it is impossible to list all permitted and non-permitted home occupations. The Commission will make a determination on the merits of each application after conducting a public hearing and soliciting comments from adjacent property owners and public safety officials.

21~~18~~.6 Adult Oriented Establishments

A. General Purpose

The purpose is to manage and regulate those particular uses, which because of their character and nature, are recognized as having potentially serious and objectionable operational characteristics and which have been proven to adversely affect community enrichment, neighborhood children, improvement efforts, retail trade, and commercial and residential property values.

Special regulations of these uses are necessary. The purpose is to prevent the concentration of these types of uses in any one area, to minimize any adverse community impacts, and to assure that these adverse effects will not contribute to the degradation of the surrounding neighborhoods. These regulations are intended to prevent any concentration of adult business uses and to protect the general health, welfare, safety, way of life, and local property values in the Town.

B. Definitions

1~~a~~. Adult Oriented Establishment

This is defined to include the following without limitation; adult motion and mini-motion picture theaters, adult cabarets, adult bookstores, and adult personal service businesses.

It also includes any premise to which members, patrons, or the general public is invited or admitted and which is so arranged as to provide studios, booths, compartments, rooms or stalls separate from the common areas of the premises for the purpose of viewing adult motion pictures. It is also defined as any premise where an entertainer provides adult entertainment to a member, member of the public or any patron in attendance when such entertainment is held, conducted, operated or maintained for a profit direct or indirect.

This also includes without limitation, any adult entertainment studio or any premise that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

2~~b~~. Accessory Adult Use

This is defined an any establishment containing less than ten percent (10%) of its stock in trade in books, magazines, pamphlets or periodicals for sale, rent or barter, videos, movies, cassettes or films for sale, rent or barter, videos, movies, cassette or films for sale, rent or barter, other types of adult oriented materials or any types of devices used for sexual stimulation or display for sale, rent or barter.

It is also defined as any establishment utilized for viewing motion picture devices or other types of coin operated means which is characterized by or distinguished by its emphasis on matters or subject depicting ore relating to "specified sexual activity" or "specific anatomical areas".

3~~e~~. Adult Bookstore

This is an establishment which contains more than ten percent (10%) of its stock in trade in magazines, books, pamphlets, periodicals, video cassettes or films which are distinguished or characterized by an emphasis on matters depicting, describing ore relating to "specified sexual activity" or "specific anatomical areas".

If the establishment utilizes more than ten percent (10%) of its interior, gross floor area, as calculated by square footage, to sell or display any material or subject matter as noted above, it is also classified as an adult bookstore. Hallways, restrooms, foyers, loading docks, storage rooms, and areas not normally utilized to display or sell products are not to be calculated in the gross floor area.

Adult bookstores also present adult materials and/or entertainment, including movies or films, video cassettes or live entertainment for the purpose of observation or view a person, persons or patrons.

4~~d~~. Adult Entertainment

Adult entertainment is defined as any means or method used to perform any exhibition or display of any type of adult oriented motion pictures, live performances or dance of any type.

It is also defined as any type of adult oriented entertainment which has a substantial or significant portion of such entertainment any actual or simulated performance or "specified sexual activities" or exhibition and viewing of "specified anatomical areas", modeling, removal of any articles of clothing or appearing unclothed, pantomime or any manner of person services offered to customers, patrons or members.

5~~e~~. Adult Motion Picture Theater

This is defined as an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons or persons.

6~~f~~. Adult Mini-Motion Picture Theater

This if defined as an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to specified sexual activities or specified anatomical areas for viewing or observation by persons or patrons.

7~~g~~. Employee

An employee is any person, including independent contractors, who work in or at or render services directly related to the operation of an adult oriented establishment.

8~~h~~. Entertainer

An entertainer is any person who provides entertainment in an adult oriented establishment whether or not entertainment is provided as an employee or independent contractor and whether or not a fee is charged or accepted for entertainment.

9~~i~~. Minor

A person under the age of eighteen (18) years old.

10~~j~~.Operator

Any person, partnership or corporation operating, conducting or maintaining an adult oriented establishment.

11~~k~~.Principal Activity

A use which accounts for ten percent (10%) or more of a business's stock in trade, square footage of display space, floor space or movie display time per month.

12~~l~~.Sexual Activities

The definition "Sexual Activities" does not include or apply to bona fide medical publications, educational publications and films, bona fide art or photography publications that devotes at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with art or photography, periodicals which reports or describes current events and which from time to time publish photographs of nude or semi-nude persons in connection with the dissemination of the news.

It also applies to publications or films which describe and report different cultures and which from time to time publish or show photographs or depict nude or semi-nude person when describing certain cultures in which nudity or semi-nudity is indigenous to the population.

13~~m~~.Specified Sexual Activities

Specified sexual activities are defined, but not limited to, human genitals in any state of sexual arousal or stimulation sex acts, actual or simulated fondling or erotic touching of genitals, buttocks, anus, female breasts or pubic region, and acts of masturbation, intercourse or sodomy.

14~~n~~.Specified Anatomical Areas

The term specified anatomical areas is defined as less than completely opaquely covered human genitals and the public region, buttocks, female breasts below a point immediately above the top of the areola and male genitals in a discernable turgid state.

C. Exemptions

The provisions of Article 21.6~~5~~ shall not apply to nor prohibit the treatment by a licensed chiropractor, osteopath, masseur or masseuse, licensed practical nurse or a registered professional nurse, electrolysis treatment by a licensed operator of electrolysis equipment, hospitals, nursing homes, medical clinics or offices.

This also applies to barbershops and beauty salons which offer massage only to the scalp, face, shoulders or neck. Athletic facilities and alumni clubs of an educational institution, philanthropic, charitable groups, and institutions are also exempted.

Other exempted facilities include health establishments, commercial and non-commercial clubs which are equipped to provide instruction, personal service or other activities which can improve or affect a person's physical condition by massage, exercise, including aerobics, martial arts, and the use of exercise equipment.

D. Locational Requirements and Standards

Adult establishments shall be located in manufacturing zones and subject to the approval of the Commission in accordance with the following standards and criteria;

Adult establishments shall not be located within seven hundred-fifty (750) feet of a residential zone or within one thousand five hundred (1,500) feet from the property line of any public, private or parochial school or any educational facility which provides services to individuals under the age of eighteen (18) years old, any State licensed day care center or provider, public parks, libraries, playgrounds, funeral parlors, cemeteries or any other public gathering place, any municipal, State or Federal building, and any place of worship. Adult businesses shall be separated by a minimum of one thousand five hundred (1,500) feet from another such business.

For purposes of compliance, distances shall be measured in a straight line, without regard to intervening structures, from the nearest portion of the building containing or proposing to contain an adult establishment to the nearest boundary of the uses as specified above.

Pursuant to Section 8-6 of the Statutes, these regulations shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult establishment.

E. Signs and Exterior Displays

No adult use shall be conducted in any manner on the premises that permits or allows the observation or viewing of any type of material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas from any public way or from any property not registered as an adult establishment. This requirement shall

also apply to any display, decoration, attached or detached sign, shop, window or other opening.

F. Lighting and Visibility

Adult establishments shall be well lighted at all times and be physically arranged in such a manner so that the entire interior portion of the booths, cubicles, rooms or stalls where adult entertainment is provided shall be clearly visible from the common areas of the premises. Visibility into booths, cubicles, rooms or compartments shall not be blocked, obscured or concealed at any time by doors, drapes, curtains, partitions or any other type of obstruction.

It shall be unlawful to construct, install or fashion any enclosed booths, cubicles, rooms or stalls in an adult business for whatever purpose, but especially for the purpose of providing for the private or secluded viewing or observation of adult oriented videos, motion pictures or other types of adult entertainment.

Adult establishments shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which persons or patrons are permitted access at an illumination of not less than one 1 foot candle as measured at the floor level. It shall be the responsibility of the operator, its agent or employees to ensure the illumination is maintained at all times when any patron is on the premises.

G. Inspection of Premises

Establishments shall be available for immediate inspections at reasonable times by enforcement personnel. Inspections shall be conducted by enforcement personnel pursuant to the Statutes and the regulations.

H. Registration

Adult establishments shall register with the Zoning Officer. It shall be a violation of the regulations for the owner or person or persons in control of any property to establish or operate or to permit any individual to establish or operator a regulated adult establishment without receiving a Certificate of Zoning Compliance. Any lawful and pre-existing adult business in operation prior to the effective date of these regulations shall be registered with the Zoning Officer within thirty (30) days of that date.

It shall be the responsibility of the owner or agent having management or control of a building or premise, which contains an adult establishment, to furnish and maintain on a current basis the street address of the building, the owner's name and beneficial owner's name if the property is owned by a trust, the address of the owner and the beneficial owner's, the trade name of the adult establishment, the names and addresses of the major stockholders, the date of initiation of the business and if the building or premise is leased, a copy of the lease or rental agreement.

I. Severability

Should any court or other jurisdiction declare any provision, section or clause of this regulation to be unconstitutional, such decision shall only affect that provision, section or clause so declared unconstitutional and shall of affect any other section, clause or provision of this regulation.

21~~18~~.7 Commercial Telecommunications Facilities and Sites

A. Purpose and Intent

The purpose is to control the placement of antennas, towers, and other facilities in a manner that will safeguard the community and protect the Town's visual and aesthetic qualities. The Commission shall require that information which is necessary to evaluate each facility. The Commission shall also require the proposed location to be the least disruptive to public health, safety and welfare, and consistent with the Plan of Development.

The intent is to minimize any adverse visual effects through proper design, siting, and screening to avoid potential damage to adjacent properties, to minimize the height and number of towers, and to provide for the orderly removal of abandoned antennas and towers.

B. Use Regulations - Exemptions

The repair and maintenance of towers and antennas, especially those used for residential television, radio, amateur radio, satellite antennas of two (2) meters or less in diameter located in commercial zones are exempted from Article 21.76. Also exempted are satellite antennas measuring one (1) meter or less in diameter regardless of location and those facilities intended for the protection of the community such as police, fire, ambulance, and other public safety services.

C. Site Plan Approval

Facility uses are allowed in commercial and manufacturing zones pursuant to site plan approval. Uses proposed within an existing structure such as a steeple, flagpole, chimney or other similar structures and those on an existing structure such as fire or water towers and lattice or monopole towers, provided installation does not increase the height, are also subject to site plan approval.

Antennas located on transmission or distribution towers, telephone poles, and other utility structures are subject to the same process, provided no more than a twenty (20) foot increase in height results from the installation. This increase shall not be permitted within one hundred-fifty (150) feet of pavement of any Town or State road. Antennas may be mounted on buildings provided it does not project more than ten (10) feet above the height limit of the zone where the facility is located.

Antennas may be located on structures that are legally non-conforming with respect to the height requirements of Schedule B, provided the antenna does not project above the roof line or more than ten (10) feet above the height limit of the zone in

which the facility is located. Antennas may be erected for the above purposes, unless they are to be shared by a commercial wireless service carrier which shall require special permit approval.

D. Special Permit Approval

Facilities are allowed in all zones pursuant to special permit approval. Approval is required for all facilities that do not meet the requirements of Section 21.7.E~~26.3~~ and for ground mounted commercial towers.

E. General Standards and Requirements for All Facilities

If feasible, facilities shall be locate on existing buildings such as water towers, utility poles, towers, and other telecommunications and related facilities, provided the installation preserves the integrity and character of those structures. The applicant shall consider the use of existing telephone and electric utility structures as potential sites.

The applicant shall prepare a comprehensive analysis as to why existing structures and other related facilities may or may not be suitable. The applicant or co-applicant shall be a licensed carrier and documentation of qualifications shall be presented.

If the facility is regulated by the Connecticut Siting Council, the applicant shall document its submission to the Council. The applicant shall also submit documentation regarding the legal right to install and utilize an existing structure at the time of submission.

The applicant shall show the location of the antenna on the existing structure and document that the fall zone is contained within the property lines and does not pose a safety threat to adjacent properties.

Ground mounted equipment shall not generate noise in excess of forty-five (45) decibels at the property line. Roof or side mounted equipment shall not generate noise in excess of fifty (50) decibels at the base of the building closest to the antenna.

F. General Standards and Requirements for Ground Mounted Towers

The applicant shall demonstrate that there are no feasible existing structures on which to locate the tower as an alternative to the proposed ground mounted tower.

Towers shall be camouflaged to the greatest extent possible by using compatible materials, screening, colors, landscaping, and placement with trees. Towers shall be located in areas which will offer the least detrimental visual impact to historic and scenic areas, ridge lines, and properties listed in the State or Federal Register of Historic Places.

Facilities shall be sited in low density areas to avoid any decrease of residential property values. In cases of structural failure or attractive nuisance, facilities shall not be sited in Floor Plain Zones or Special Flood Hazard Areas. Facilities shall not

exceed FCC guidelines in order to protect the public from excessive electromagnetic radiation

Facilities shall be sited to avoid any adverse environmental impacts to rare or endangered flora and fauna in areas as shown on the Connecticut DEP and Federal Listed Species and Natural Communities Map. Towers shall not be sited in any wetland or watercourse area or within any regulated setback area.

In order to ensure public safety, the minimum distance from the base of a proposed ground mounted facility to a property line, roadway, habitable dwelling, business or industrial use, public recreational areas or public pathway shall be the height of the facility and mount, including any antenna or other appurtenance plus fifty percent (50%). The Commission may permit the setback to encroach within an adjacent property if it finds that a substantially superior design will result.

The fall zone in the adjacent property shall not be developed. It shall be subject to a legally binding agreement between the service provider and the property owner until such time as the tower is removed. The Commission shall consider the visual and safety impacts of the facility. Monopoles shall be the preferred type of ground mounted facility.

G. Special Permit Application Requirements

Applications shall include a USGS map. Locations for existing and proposed towers outside and within the Town's borders that would connect or be interconnected "hand-off" with the proposed facility shall be shown. The map shall display the area from which the tower can be seen. It may be visible from more than one (1) community. The visual area shall be based upon an assessment of the topography surrounding the site.

The applicant shall provide an evaluation of the effect of the tower location within the Town and in adjacent communities. Special concern shall be given to those areas identified for existing or proposed preservation, open space or any existing or proposed Historic District.

The applicant shall provide copies of the application for each community located within three (3) miles of the facility. Copies shall be forwarded by the Commission to each community for review and comment.

H. Record of Meeting/Public Hearing

If the Commission determines that a verbatim record may be required, they shall retain the services of a professional stenographer to transcribe the hearing. The applicant shall be responsible for fees charged by the stenographer.

I. Engineering Fees

The applicant shall be responsible for all inspection and review costs incurred by the Town Engineer during the review process. If additional onsite inspections or reviews are required after approval is granted and prior to the completion of the project, the

applicant shall be responsible for costs incurred by the Town Engineer as per a fee schedule assessed to the Town by the Town Engineer.

J. Special Permit Application - Sight Lines and Elevations

A site line representation shall be drawn to the highest visible point of the tower from any public road or building within three hundred (300) feet. Each line shall be depicted in profile and drawn at one (1) inch equals forty (40) feet. The profile shall display all intervening trees and buildings.

Each sight line shall be illustrated by a color photo of the existing conditions on the site as seen from any public road within three hundred (300) feet. The applicant shall submit a second set of photographs with the facility superimposed to illustrate what can be seen from public roads if the facility is constructed.

K. Site Elevations

Site elevations at grade from all four (4) compass directions shall be provided for a fifty (50) foot radius around the facility and from existing public and private access ways that serve the property. Elevations shall be at one quarter inch (1/4") equals one (1) foot and display all antennas, mounts, equipment shelters, including elevations and AGL of the highest point.

If the security barrier obstructs the view of the facility, the barrier shall be cut away from the drawing to show the view behind the barrier. The plan shall show all structures on the property, existing trees, shrubs, and other plantings at the current height and at the proposed height at the time of installation along with approximate elevations. All grade cuts, fills, and changes shall be shown at original grade and at the new grade with two (2) foot contours above mean seal level.

L. Special Permit Applications - Other Requirements

An RF Engineer shall submit reports on Adequate Coverage and Capacity and Justification of Need for Site Location of Ground Mounted Towers. The applicant shall provide a description of the service area for each communication system on the tower and prepare a statement justifying the rationale for the tower in the proposed location. A prepared statement with respect to the signal strength service objectives for each proposed wireless service shall be provided.

The applicant is responsible for providing an analysis for each service use demonstrating that the location will provide the required level of service and that other potential sites in the service area will not provide equal or better service. The applicant shall document that the antenna height is the minimum necessary to provide adequate coverage.

The applicant shall demonstrate the proposed service cannot be provided with equipment added to other existing or proposed towers. The applicant shall document for all facilities within three (3) miles of the proposed site if they or the service provider has a legal interest, whether by ownership, lease hold or otherwise. The

applicant shall demonstrate that the sites cannot provide nor have the potential to provide adequate coverage or capacity to the Town.

M. Documentation for Each Facility Site

The applicant shall provide the exact location in latitude and longitude, minutes and seconds, a copy of the applicant's FCC license, number of transmitters, power output of each in watts, types of antennas, and the gain in dBi and the height of the antenna on the tower or structure.

The applicant shall also provide systems losses from cables and connectors in dB, minimum and maximum operating frequencies, number of channels, calculated Equivalent Isotropic Radiated Power in watts, calculated power densities in mW/cm 2 at ground level and ground elevations along with the height of other structures on the site. Potential adjustments to each site, including changes in antenna types, orientation, gain and height, and the power output shall be specified. The applicant shall provide the other documentation as required.

For each site modifications, providers shall submit a copy of their FCC license, number of transmitters, power output of each transmitter in watts, type of antennas and the gain dBI, height of the antenna on the tower, system losses from cables and connectors in dB, minimum and maximum operating frequencies, and the number of channels and calculated power densities in mW/cm 2 at ground level.

N. Distance from Existing Tower

The applicant must certify that any tower within one thousand (1,000) feet of the proposed facility does not meet the provider's structural specifications or technical requirements or that an agreement to share the existing tower could not be obtained at reasonable terms and conditions, including price.

O. Repeaters

Documentation shall be provided that the applicant has analyzed the feasibility of using repeaters in conjunction with existing facility sites to provide adequate coverage and/or capacity to the Town. Radial plots for repeaters sites shall be provided by the applicant.

P. Soils Report

A soils report shall be submitted with design specifications for the tower foundation and anchors for the guide wires.

Q. Site Emissions Report

The applicant shall submit an environmental impact and evaluation report of site emissions. This report shall provide an assessment of the tower's impact upon areas designated for conservation and preservation in the Plan of Development and In the State Plan for Conservation and Development.

The report shall assess Federal, State, and protected areas, including wetlands, watercourses, environmentally sensitive areas, critical habitats for plants and animals, historical buildings or sites, unusual topographic features, landmarks, monuments, permanently protected areas, State parks and forest land or lands protected by or being proposed for a land trust.

The applicant shall provide documentation listing the existing and maximum projected measurements of radio frequency radiation (RFR) from the facility for existing and ambient qualities and the maximum estimate of RFR from the facility plus the existing RR environment. The RF engineer shall certify that the RFR measurements are accurate and comply with FCC guidelines.

The applicant shall demonstrate that the proposed tower is in harmony and compatible with the surrounding properties and it does not adversely affect local characteristics or the integrity of the neighborhood.

R. Landscaping and Screening Requirement

The applicant shall provide a security fence at a height of at least eight (8) feet around the base of the tower. Existing vegetation shall be preserved. The applicant shall provide a vegetation plan to screen structures, fuel tanks, and as much of the tower as possible. The plantings may be evergreens planted ten (10) feet on center. Evergreens shall be six (6) feet high and grow to a minimum height of fifteen (15) feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls or other features that meet the screening requirements.

The Commission may require a bank check, letter of credit, ~~or a cash~~ passbook savings bond or other form of security satisafactory to Town Counsel~~, made payable to the~~ to be held by the Town for a period of one (1) year to ensure that all plantings are in good condition and have taken hold.

S. Construction Plan Map

A construction plan shall be submitted. This map shall show details for access roads, construction, drainage improvement, above ground wires, cables, ducts, utility and signal cables, guiding, and anchor details.

The Commission may require, as a condition of the Special Permit, that within ninety (90) days of commencing the operation and at periodic intervals from the date of the approval, existing RFR measurements be taken from the facility. Measurements shall be certified by an acoustical engineer, stating that the measurements area accurate and meet the noise standards of the Health District.

T. Site Identification

The applicant shall provide, weather permitting, a balloon with a minimum diameter four (4) feet be sent aloft to the proposed height of the tower. The balloon shall remain aloft for a reasonable period to allow for public viewing and inspection by the

Commission. Local notice of the balloon raising shall be published in a local newspaper by staff. Legal costs shall be paid by the applicant.

The applicant shall provide a list of Federal, State, regional, district, and municipal agencies, which will review the proposed tower and submit any decision, recommendation or position of such agency.

U. Federal Environmental Filing Requirements

The National Environmental Policy Act applies to applications for wireless service facilities. The Act is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (27 CRF Ch 1.). The FCC requires the filing of an environmental assessment prior to operating a facility in a wilderness area, wildlife preserve, endangered species habitat, historical site, Indian religious site, inland wetland, watercourse, and Flood Plain area.

If high intensity white lights in residential neighborhoods or excessive radio frequency radiation exposure is applicable, the applicant shall submit an Environmental Assessment that meets FCC requirements.

V. Other Requirements

Commercial advertising shall not be allowed anywhere on the site. Signal lights or other forms of illumination shall not be permitted unless required by the FCC or the FAA. All other uses not clearly necessary to the operation and maintenance of the site are prohibited unless expressly permitted as a condition of approval.

The application shall describe all equipment to be maintained or stored on site. Not more than one (1) unmanned equipment and/or storage building may be permitted. It shall contain no more than seven hundred-fifty (750) feet of gross floor area and is not more than twelve (12) feet in height.

A service facility not used for six (6) months shall be removed by the owner. The removal shall occur within ninety (90) days from the end of the six (60) month period. Upon removal, the site shall be restored to its previous appearance and re-vegetated to blend in with the surrounding area. As a condition of approval, the Commission may require a~~n~~ bank check, ~~Evergreen~~ letter of credit, ~~or a cash~~ passbook savings bond or other form of surety acceptable by Town Counsel~~, made payable to the Town,~~ in an amount acceptable by the Town Engineer or staff sufficient to cover the cost of completing the restoration.

W. Site Plan Application Requirements

The plan shall contain property lines within three hundred (300) feet, natural boundary markers, tree cover by species, buildings, accessory structures, locations of roads public and private, including pathways and walking trails, and contours at two (2) foot intervals.

Site information is also required for the antenna, building, equipment shelter and other facilities, proposed security barriers indicating the type and extent, as well as

the point of controlled entry, distances, and grades from the facility to each structure on the site. All proposed changes to the property, including grading, vegetation, deposition, removal, and temporary or permanent roads.

X. **Definitions and Glossary of Terms**

The following definitions have been adapted from the American National Standards Institute 1992 RF Exposure Standard and NCRP Report No. 67 and from the FCC's Rules;

1~~a~~. **AGL** - Above ground level

2~~b~~. **dB (decibel)** - Times the logarithm to the base ten (10) of the ratio of two (2) power levels.

3~~c~~. **Equivalent Isotropically Radiated Power (EIRP)** - The product of the power supplied to the antenna and the gain in a given direction relative to an isotropic antenna.

4~~d~~. **Monopole** - Tower composed primarily of a single structural element, not a lattice type structure.

5~~e~~. **mW/cm2** - Milliwatts per square centimeter, a typical unit of power density measurement.

6~~f~~. **Power Density** - Power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter.

7~~g~~. **Power Output** - The sum in watts of each transmitter power at a site, i.e. twelve (12) channels at twenty (2) watts per channel is two hundred-forty (240) watts.

8~~h~~. **Radio Frequency Radiation (RFR)** - Non-ionizing radiation in the frequency range of three hundred (300) kHz to one hundred (100) GHz.

9~~i~~. **Repeaters** - A device used to relay a radio transmission.

21~~18~~.8 Portable Food Vending Trailers/Trucks/Carts

A. **General Provisions**

This article shall provide standards for all food vending trailers, trucks, and carts.

B. **Permits and Approval**

All food vending trailers, trucks, and carts shall obtain the necessary permit(s) and approval(s) from the Torrington Area Health District and written approval from the owner of the property where the business is located. The written approval from the

property owner shall state the specific start and end dates for the vending business and the letter must be signed by both the applicant and property owner.

C. Overnight Parking

All food vending trailers, trucks, and carts shall be removed from the premises each night where sales are permitted when not open for business.

D. Customer Parking

Each site used by food vending trailers, trucks, and carts must have access to at least four (4) off street parking spaces for customer use. The applicant must provide a sketch indicating all the uses at the site and the total number of parking spaces on site. The Zoning Enforcement Officer shall determine, based upon the regulations, that there is sufficient onsite parking for the existing businesses and for the food vendor.

E. Traffic Flow

No food vending trailers, trucks, and carts shall be located in an area which obstructs the flow of traffic on any street or in any parking lot.

F. Setbacks

All food vending trailers, trucks, and carts shall meet the required setbacks for the Zoning District.

G. Seasonal Use

No food vending trailers, trucks, and carts shall operate later than October 31st or earlier than April 1st in any year.

H. Location Plan

All applications for food vending trailers, trucks, and carts shall include a sketch indicating the location where business will be conducted. The required parking for employees and customers of the food vendor shall be shown on the location plan. The layout must be sketched to scale on the Assessor's map or if available, on an existing A-2 survey of the proposed site. The location plan shall sow all required setbacks, traffic flow, on site and proposed customer traffic flow.

I. Hours of Operation

Portable food vendors ~~can operate only~~ shall operate from 7:00 am to 3:00 pm, Monday through Friday, unless the Commission allows expanded hours due to special circumstances.~~.~~

J. Signage

All signage must be permanently attached to vending trailers, trucks, or carts. No separate free standing or temporary signs are permitted.

K. Customer Seating

No customer seating is permitted.

L. Number of Vendors Permitted

There is only one (1) portable food vendor permitted per property. The portable food vendor must be self-contained within the trailer, truck or cart. The use of extension cords or exterior propane tanks is prohibited.

M. Statement of Use

A written Statement of Use must be provided by the applicant indicating exactly what will sold by the portable food vendor. The sale of items is limited to food stuff for human consumption - no magazines, trinkets, cigarettes, etc.

N. Issuance of Permits

The Zoning Permit may be issued by the Zoning Enforcement Officer after determination that all requirements of the regulations are met. The Zoning Enforcement Officer shall report all permits issued to the Commission at the next regularly scheduled meeting. The Zoning Enforcement Officer, at his/her discretion, may hold a public hearing on said application. The issuance of the Zoning Permit does not obviate the need to apply for and receive a permit pursuant to Town Ordinance 210 - Peddling and Soliciting, enforced by the Town of Thomaston Police Dept.

21~~18~~.9 Accessory Apartments

A. General Provisions

The purpose of this section is to increase the options for rental dwelling units by allowing the construction or conversion of dwelling units in the General Commercial Zones as a special permit use.

B. General Design Criteria

1. All Dwelling units must be located above commercial uses. First floor commercial uses may not be converted into residential use. There shall be a distinct separation of uses on the same level.

2. A separate entrance is required for dwelling units. Main entrance(s) for residents shall not be located in close proximity to commercial loading or service areas.

3. One (1) off-street parking space shall be provided for all units up to six-hundred (600) square feet. Two (2) off-street parking spaces shall be provided for all units over six-hundred (600) square feet. Adequate lighting of both pedestrian and parking areas shall be provided. Parking requirements of Article 9 of these regulations shall be enforced for special permits under this section.

4. Adequate sound insulation shall be provided between commercial uses and residential areas.

5. Buildings shall contain a minimum of twelve hundred-fifty (1,250) square feet of commercial square footage. Each unit shall have a minimum of three hundred (300) square feet of habitable interior floor space. Each unit shall contain a full kitchen and a full bathroom.

C. Special Permit Criteria

The Commission shall grant all approvals subject to such conditions and safeguards as needed to carry out the expressed purpose of these regulations. The commission shall approve a special permit for mixed use residential and commercial uses only if it finds that, in addition to the design criteria, the following criteria are satisfactorily met:

1. There is a demonstrated need in the community for mixed use housing

2. The existing business uses are compatible with residential uses, with a focus on the safety of residents within the building

3. The internal traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the property and the building

4. Present and proposed utilities, streets, drainage system and other improvements have adequate capacity to accommodate the proposed use

5. There is no undue concentration of high density residential development in any area

6. All requirements of the underlying zone which are not expressly altered by the above requirements must be followed

7. The sign regulations of the underlying zone must be followed