

- paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut registered professional engineer.
- (c) Facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits; or public sanitary sewer lines and laterals, as applicable.
 - (d) Well locations and facilities for water supply.
 - (e) Underground storage for fuel or other liquids and fill facilities and connecting lines.
 - (f) Base flood elevation and floor elevation data, as specified in § 450-3.18 of these regulations, based on the datum identified in Subsection C(5)(e).
- (11) Measures for soil erosion and sediment control in accordance with § 450-3.9 of these regulations.
 - (12) A signature block for approval by the Commission and date of signing.
 - (13) The following legend below the signature block: "The statutory five-year period for completion of all physical improvements expires on _____, 20__."
- D. Sanitary waste disposal plan. If the applicant proposes to utilize a community sewerage system, as defined in ~~Connecticut General Statutes Section C.G.S. § 7-245~~, a report from the Bolton Lakes Regional Water Pollution Control Authority or any other water pollution control authority having jurisdiction in the Town of Bolton, indicating that all requirements of ~~Connecticut General Statutes Section C.G.S. § 7-246f~~ have been satisfied shall be provided. If individual on-site septic systems are to be used, the applicant shall provide a sanitary waste disposal plan which conforms to the Public Health Code as administered by the Eastern Highlands Health District. Conformance with the Public Health Code shall be certified by a written report from such Health District.
- E. Protection of surface ~~and ground~~-water and groundwater supply.
- (1) Pursuant to ~~Connecticut General Statutes Section C.G.S. § 8-2~~, as amended ~~by Public Act 85-279~~, every application for site plan shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum: **[Amended during codification]**
 - (a) A statement describing the nature of the use of any buildings or areas of the site and their method of solid and sanitary waste disposal.
 - (b) The nature of any discharges anticipated.
 - (c) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
 - (d) The nature of the ground~~groundwater~~ or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Energy and Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

- (e) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
 - (f) Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission that he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.
 - (2) The information described in Subsection **E(1)(d)**, **(e)** and **(f)** need only be provided when the information set forth in Subsection **E(1)(a)** and **(b)** indicates the presence of materials or processes which have the potential to adversely impact groundwater.
 - (3) In addition to the preceding, see any Aquifer Protection Ordinance which may hereafter be adopted by the Town of Bolton pursuant to Conn. Gen. Stats. C.G.S. § 22a-354o.
- F. Water supply; certificate for community wells.
- (1) The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.
 - (2) In accordance with Section C.G.S. § 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section C.G.S. § 16-262m(a), shall provide to the Commission a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Department of Public Utility Control Utilities Regulatory Authority. No application for site plan involving such a water company shall be deemed complete without said certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. [Amended during codification]
- G. Covenants and restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these regulations and the site plan as approved.
- H. Architectural plans.
- (1) Architectural plans of all proposed buildings and structures, drawn to scale, as follows:
 - (a) The architectural design of the proposed buildings and structures, including elevations at an appropriate scale, of the facade and all exterior elevations, showing all fenestration, signs and other architectural features in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, ~~roof liner~~ roofline, ornamentation and general character of buildings and structures, and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and ornamental or decorative features on the interior of the building designed to be capable of being seen from the exterior, all prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut. Such

submissions shall include the color and type of all exterior building materials and samples of such materials if required by the Commission~~;~~.

- (b) Floor plans to depict the interior uses of the floor area~~;~~.
- (c) Color photographs of buildings if located elsewhere or color renderings of proposed buildings~~;~~.
- (d) A drawing showing the height and architectural style of the proposed building or structure in relation to surrounding buildings and structures; composite elevations for all streets abutting the site where multiple buildings are proposed on a lot.
- (e) The height, location, fixture design~~;~~ and intensity of all exterior lighting and anticipated illumination off-site. The Commission may require the submission of a photometric plan, which plan shall depict all lighting fixtures to be used on the site.
- (f) The height, location, material, exact colors and design of all signs, fencing and screening.
- (g) Elevation drawings from all streets abutting the site with all proposed plantings superimposed thereon. Location and size of all plants and trees shall be shown.
- (h) All provisions for the design of the following appurtenances if visible from the exterior of a building or structure:
 - [1] Utility lines, meters, boxes;
 - [2] Refuse storage and pickup areas;
 - [3] Stairs, ramps;
 - [4] Flues, chimneys, exhaust fans, ventilators;
 - [5] Sunshades, awnings, louvers;
 - [6] Balconies, decks, terraces~~;~~ and patios;
 - [7] Mechanical equipment visible from the exterior, including roof-mounted units;
 - [8] Loading docks, loading spaces;
 - [9] Roof leaders, downspouts;
 - [10] Antennas~~;~~.
- (2) The application shall include all information required to demonstrate compliance with the criteria of § **450-16.3X**.
- I. Soil erosion and sediment control plan. A soil erosion and sediment control plan in accordance with the provisions of § **450-3.9** of these regulations, which plan may be combined with the site plan submitted under Subsection **C**; 14 copies shall be submitted.

- J. Wetlands, watercourses. If any part of any lot affected by the site plan is within the jurisdiction of the Inland Wetlands and ~~Water Courses~~Watercourses Regulations of the Town of Bolton, the report and/or action of the Inland Wetlands and Watercourses Commission of the Town of Bolton concerning any regulated activity on the lot shall be submitted with the application. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.
- K. Traffic impact report. For site plans involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak-hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; 14 copies shall be submitted. Such traffic study shall demonstrate that the proposed development will not cause a decrease in the level of service of surrounding intersections.
- L. Stormwater management. **[Added 6-25-2012]**
- (1) Purpose. Stormwater management requirements and controls are hereby established to protect and safeguard the quality of the ~~ground~~groundwater and surface water resources of Bolton, and to reduce adverse impacts associated with increases in peak rates of stormwater runoff.
 - (2) Stormwater management objectives:
 - (a) To incorporate decentralized stormwater management systems in any new development designs;
 - (b) To minimize the increases in peak rates of stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion, and to maintain the integrity of stream channels and downstream drainage structures;
 - (c) To minimize the increase in ~~non-point~~nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local ~~ground~~groundwater and surface water quality;
 - (d) To minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
 - (e) To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and designed to minimize potential threats to public safety.
 - (3) Design and performance criteria. In order to prevent the adverse impacts of stormwater runoff, the Commission has developed a set of performance standards that must be addressed in the design of any new site development plan or modification to an existing site development plan that disturbs 5,000 square feet or more of area.

- (a) All stormwater ~~run-off~~runoff generated from new development shall not discharge stormwater ~~run-off~~runoff directly into natural wetland systems, a water body, municipal drainage system, or abutting property without adequate pretreatment;
 - (b) A vegetative separation shall be maintained to provide a disconnection between impervious surfaces and the natural wetland systems of the site and abutting sites;
 - (c) All stormwater best management practices (BMPs) shall be designed to minimize the need for maintenance, while maintaining water quality discharge treatment standards;
 - (d) All site development plans shall be designed to minimize the need for stream bank/channel protection for the receiving natural system, but, when required, shall include provisions to prevent erosion and scouring of the stream bank/channel;
 - (e) The design of all stormwater BMPs shall convey stormwater runoff in a manner to allow for the maximum removal of pollutants and reduction in flow velocities;
 - (f) Stormwater discharges from land uses or activities with a higher potential pollutant loading may require the use of specific pretreatment structural methods and pollution prevention practices;
 - (g) All site development plans shall include the design of stormwater detention or retention facilities to attenuate the increase in peak rates of stormwater runoff for the two-, five-, ten-, ~~twenty-five~~25- and ~~one-hundred~~100-year ~~twenty-five~~25-hour-duration storm events to provide for a zero post-development increase whenever practical.
 - (h) Drainage report. A storm drainage study and runoff computations for design of storm drainage systems for the one-, two-, ten-, ~~fifty~~50- and ~~one-hundred~~100-year-frequency storms. Such study shall conform to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, stormwater renovation methods, and Best management practices specified by the Connecticut Department of Energy and Environmental Protection.
- (4) Sensitive waters and wetlands: enhanced criteria.
- (a) Stormwater discharges to critical areas with sensitive resources such as the Blackledge River, Railroad Brook, Hop River, Lower Bolton Lake, Risley Reservoir, and their contiguous wetlands, the Bolton Aquifer Protection Area, and the Town of Manchester's Lydall water supply watershed may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices. Within the aquifer protection area and the Lydall watershed, the Commission may require pretreatment of runoff from paved areas as recommended in the 2004 Connecticut Stormwater Quality Manual, as amended, concerning stormwater management practices in water supply watersheds. Land development that discharges to sensitive waters and wetlands as noted above shall meet enhanced criteria. These may include, but are not limited to:
- [1] Nutrient-sensitive waters. Enhanced control of nutrients and sediment removal for stormwater discharges shall be required.

- [2] ~~Cold-water~~ fisheries. Techniques to control temperature increases from stormwater discharges into these streams and water bodies shall be required.
- [3] Groundwater. Enhanced recharge and pretreatment of stormwater discharges shall be required to protect groundwater supplies.
- [4] Wetlands. Controls to minimize impacts to the natural or ~~predevelopment~~pre-development wetland hydrology, including limiting adverse fluctuations in surface water and groundwater elevations.
- (b) In these cases the Commission may require additional storage capacity, treatment, filtering, infiltration; or other mitigation techniques. The use of ~~non-structural~~nonstructural practices shall be used to the maximum extent practical to meet enhanced criteria. In making its determination to apply enhanced criteria the Commission shall consider the cumulative impacts of the site development plan.
- (5) Stormwater management plan requirements. All stormwater management plans shall include measures to capture and treat stormwater runoff in accordance with the guidelines outlined in the most recent version of the CT ~~DEPDEEP~~ Stormwater Quality Manual and to incorporate low-impact development design elements to the extent that is practical. No application involving any site development plan will be approved by the Commission unless it includes a stormwater management plan detailing how the stormwater runoff and associated water quality impacts resulting from the development will be controlled and managed during and after construction. The plan must be prepared by an appropriate design professional. The Commission may also require a storm drainage study and runoff computations for design of storm drainage systems for the one-, two-, ten-, ~~fifty~~50- and ~~one-hundred~~100-year-frequency storms, conforming to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, stormwater renovation methods; and best management practices specified in this section. The Commission may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate; and/or quality of ~~run-off~~runoff if the hydrologic, geologic, topographic; or land use conditions warrant greater control than provided by the applicant. Further, the Commission may restrict the use of certain ~~BMP's~~BMPs, and may require pretreatment to exceed the minimum standards established in the most recent version of the CT ~~DEPDEEP~~ Stormwater Quality Manual.
- (a) Compliance with federal and state regulations. All stormwater facilities and conveyance systems shall be designed in compliance with all applicable Town, state and federal laws and regulations. It shall be the applicant's sole responsibility to identify and obtain all required permits prior to the start of any construction.
- (b) Protection of public health, safety; and general welfare. The design of stormwater ~~BMP's~~BMPs shall consider public health, safety; and general welfare. These considerations shall include, but not be limited to: preventing flooding of buildings, structures; and travel ways; preventing long-term standing water in and near drainage facilities; ~~minimize~~minimizing the creation of ~~mosquitoes~~mosquito breeding pools; preventing attractive nuisance conditions and dangerous conditions due to stormwater depth or velocity and/or access to drainage structures, including inlet and outlet openings. In addition, designs shall not result in the creation of aesthetic nuisances due to

excessive slopes, cuts and fills, lack of suitable native landscaping and other similar conditions that would detract from the appearance of the surrounding environment.

- (c) Natural resource inventory. Stormwater management designs shall include an inventory of important natural resources features on the site, and these features shall be shown on the stormwater management plan. Protection and/or conservation of the ~~site's~~ natural features shall be a part of the stormwater management plan. The plan shall identify important natural features identified through a natural ~~resource~~ resources inventory that includes, but ~~is not be~~ limited to, the following: natural drainage features, riparian buffers, wetlands, steep slopes, soils with high infiltration capacity, significant forest cover, significant trees and natural communities, including the presence of any threatened and/or endangered species.
- (d) Site design feasibility report.
 - [1] Stormwater management practices for a site shall be selected on the basis of the physical characteristics of the site. The design professional shall submit a report outlining the stormwater practices options, including ~~low~~ impact alternatives that were considered and those that were chosen for the design based on the evaluation and analysis of site opportunities and constraints. Among the factors that should be considered:
 - [a] Depth to ~~ground water~~ groundwater/ledge.
 - [b] Hydrologic functions.
 - [c] Contributing drainage area.
 - [d] Site vegetation.
 - [e] Soil characteristics.
 - [f] Topography.
 - [g] Location in relation to environmentally sensitive features.
 - [2] A soils report based on on-site boring logs or soil test pit data shall be submitted with all designs. The number and location of soil borings/test pits and associated soil testing shall be that which is necessary to determine the suitability and distribution of soil types present at the location of the proposed stormwater measures as shown on the site development plan.
- (e) Infiltration. All stormwater designs shall include infiltration for any new site development unless the site design feasibility report and associated soils report demonstrate that the physical characteristics of the site are not suitable. ~~Low~~ impact design elements utilized for infiltration discharge into a natural system shall utilize native plant species.
- (f) Overland flood routes. Overland flood routing paths shall be provided to safely convey stormwater ~~run-off~~ runoff from the ~~one-hundred~~ 100-year, ~~twenty-four~~ 24-hour duration storm event to receiving water resource or stormwater BMP with adequate hydraulic capacity, such that the ~~run-off~~ runoff is contained within a drainage easement for the flood routing path that does not cause flooding of

buildings and abutting properties. There shall be an allowance in all designs for a minimum of one foot of ~~free board~~freeboard for all flood conveyance systems and flood control structures.

- (g) Stormwater conveyance. Stormwater conveyance systems shall be designed to:
 - [1] Maximize the flow path from inflow to outflow points;
 - [2] Include protection of inlet and outlet structures;
 - [3] Provide for the elimination of or protection from erosive velocities; and;
 - [4] Utilize infiltration systems where applicable.
- (h) Velocity dissipation. Devices and techniques to reduce stormwater velocities and prevent erosion shall be placed at discharge outlet locations and along or within the full length of any outlet channels to convey and discharge peak design flows in a manner that will not result in scouring or surface erosion, including receiving streams or channels or wetlands, so that the natural physical and biological characteristics and functions of the receiving waters are maintained and protected.
- (i) Landscaping/Planting plan. All stormwater management designs shall include have a detailed landscaping plan that identifies the types (both common and botanical names), locations, sizes and total number of all proposed plantings. Planting notes and details shall also be provided, as well as a maintenance and management plan to ensure the long-term viability of all plantings. In addition, the landscaping plan shall include a stabilization schedule for the ~~re-vegetation~~revegetation of all disturbed areas of the site. Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be seeded with temporary vegetation within seven days after the suspension of grading work is expected to last a period of 30 days or more. Permanent vegetation shall be fully established by the date of substantial completion of construction. Following the first year after the establishment of permanent vegetation and the completion of all landscaping plantings, an inspection shall be conducted by the Town to confirm their health and survival. Should any permanent vegetation or plantings be determined to be dead or dying following a one-year period, then they shall be revegetated or replaced. A second inspection shall then be conducted by the Town one year from any subsequent revegetation or replanting.
- (j) ~~Non-structural~~Nonstructural stormwater practices. To the extent that they are feasible, the use of ~~non-structural~~nonstructural stormwater treatment practices ~~are~~is required and shall be selected and designed using the appropriate criteria from the most recent version of the CT ~~DEP~~DEEP Stormwater Quality Manual or other appropriate design low-impact design manuals acceptable to the Commission.
- (k) Structural stormwater practices. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the CT ~~DEP~~DEEP Stormwater Quality Manual. For other structural stormwater controls not included in the CT ~~DEP~~DEEP Stormwater Quality Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means acceptable to the Commission, before approval of any design utilizing such structural stormwater controls.

- (l) Discharge to municipal stormwater system. If any stormwater ~~run-off~~runoff from a new or ~~modifies~~modified site development plan is discharged to a municipal separate storm sewer system (MS4) or other publicly municipally or privately owned storm sewer system, the applicant must demonstrate that the existing storm sewer system has adequate excess hydraulic capacity to convey both increases in peak discharge flow rates and runoff volumes. In addition, all such discharges shall conform to all the requirements contained in the applicable General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, the General Permit for the Discharge of Stormwater Associated with Industrial Activity, or, the General Permit for the Discharge of Stormwater Associated with Commercial Activity, as originally issued and reissued.
- (m) Operation, inspection and maintenance plan agreement and schedule.
- [1] An enforceable operation, inspection and maintenance plan agreement and schedule shall be executed to ensure that the stormwater management plan facilities ~~functions~~function as designed and approved. The agreement shall designate the responsible party for the long-term maintenance of the approved stormwater management facilities and include a provision passing the responsibility for such maintenance to successors in title. This agreement shall include easements to the Town allowing access to all stormwater management plan facilities at reasonable times for periodic inspection by the Town and/or ~~their~~its agent to ensure that the facilities are being properly maintained and in good working order. Said easements shall be executed and recorded on the Bolton Land Records with filing of the final endorsed plan.
- [2] The design and planning of all stormwater management plan facilities shall include detailed inspection procedures and frequencies, maintenance plans and schedules, as well as, ~~repair~~ procedures to ensure their continued long-term function. These items shall identify the components of the stormwater management system that need to be inspected and maintained, provide a maintenance schedule for each facility, ~~and~~ the equipment necessary to perform that maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- [3] All stormwater management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and to ensure compliance with the requirements of the CT ~~DEP~~DEEP Stormwater Quality Manual and any additional conditions assigned by the Commission. Any maintenance and/or repair needs found must be addressed in a timely manner by the owner and a ~~re-inspection~~reinspection made confirming the completion of the identified items. The owner shall submit to the Commission annually a copy of the inspection report and, if necessary, any ~~re-inspection~~reinspection reports. If the responsible party fails or refuses to fully address all items identified in an inspection report after 30 days' notice from the Commission of such failure to comply, the Commission shall commence enforcement action to achieve compliance.
- (n) Substantive changes to plan. No changes shall be made to an approved stormwater management plan without review and written approval by Town staff, or if any such changes are determined to be substantive by the Commission. Additional data may be requested to allow for a complete review and evaluation of proposed changes to ensure compliance with the required discharge standards.

- (o) Drainage report. A storm drainage study and runoff computations for design of storm drainage systems for the one-, two-, ten-, ~~fifty50-~~ and ~~one-hundred100-year-~~ frequency storms. Such study shall conform to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, stormwater renovation methods, and best management practices specified by the Connecticut Department of ~~Energy and~~ Environmental Protection.
- (p) Stormwater management requirements for single-family lot development. All building permits for new single-family homes, or additions to such homes of 500 square feet or more, taken cumulatively from the date of adoption of these regulations, or the construction of accessory structures exceeding a building coverage of 500 square feet shall comply with the design and performance criteria set ~~down~~forth in Subsection L(3)(a) through (f), but shall not otherwise be subject to the requirements of this section. Any practices approved by the ZEO under this section shall be maintained, and any deviation from an approved plan shall be deemed a zoning violation. The ZEO may require a covenant or other appropriate legal mechanism to ensure perpetual maintenance of the stormwater improvements.
- M. Cost estimates. Cost estimates for landscaping and installation of erosion and sedimentation control measures, such estimates to be in accordance with costs published by the Connecticut Department of Transportation.
- N. Additional reports. The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; 14 copies shall be submitted:
- (1) Results of potable water supply analyses and tests required under § 450-16.3K(1);
 - (2) Results of test holes and percolation tests for storm drainage and sewage ~~disposals~~disposal and the basis for design of the sewage disposal system, as required under § 450-16.3K(2);
 - (3) Identification of source of water for fire protection, and, where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for fire-fighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.
- O. Other.
- (1) Other permits. A list of federal, state, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits.
 - (2) Legal documents. Draft copies of all proposed easements and other legal documents pertaining to and/or required by the proposed use and site development.
 - (3) Sufficiency of information presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of

the requirements and criteria of these regulations, in a way that is clear and comprehensible to the Commission and its staff.

- (4) Adequacy of information to establish compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in § 450-16.3 of these regulations.
- P. Review and modification of submission. The Commission, upon written request by the applicant, may by resolution ~~a1~~) determine that the required submission of all or part of the information required under ~~Subsection~~Subsections C through O, except for ~~Subsection~~Subsections E, F, I and J, is not necessary in order to decide on the application and need not be submitted or ~~b2~~) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these regulations.

§ 450-16.3 Criteria for review of site plans.

The Commission shall consider the following criteria in evaluating a site plan:

- A. General standards. The proposed use, buildings, structures and site development shall conform to all of the requirements of these regulations and shall be designed and arranged as follows:
 - (1) To protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these regulations (See Article I of these regulations) and Chapter 124 of the Connecticut General Statutes;
 - (2) To conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site, and the lakes, ponds and rivers of Bolton identified for protection in the current Bolton Plan of Conservation and Development;
 - (3) To be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Bolton;
 - (4) To protect nearby residential, historic, and environmentally fragile areas;
 - (5) To show that reasonable consideration has been given to the restoration and protection of the ecosystem and habitat of Bolton Lake and reducing the amount of hypoxia, pathogens, toxic contaminants and floatable debris therein.
- B. Complete application. The application shall contain all information required by this Article XVI, Part 1, and the number of copies required, ~~and~~ said information ~~has~~having been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

- C. Compliance with regulations. The application shall conform in all respects with these regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, preexisting nonconformity in accordance with § 450-3.3 of these regulations. Further, the application shall conform to the Bolton Subdivision Regulations; the Bolton Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an inland wetlands permit issued by the Bolton Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these regulations.
- D. Plan of Conservation and Development. The site plan shall be in conformance with the purpose and intent of any Plan of Conservation and Development, or supplement or amendment thereto, adopted by the Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly ~~in~~with regard to but not limited to the following:
- (1) The provision or improvement of streets in the area of the site which the use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion;
 - (2) The setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
 - (3) The preservation of natural land form features, wetlands and watercourses;
 - (4) The provision, location and character of landscaping;
 - (5) The location, character and intensity of outdoor illumination; and
 - (6) The extent, character, purpose and location of signs.
- E. Neighborhood. The use of premises, buildings and other structures, the location and bulk of buildings and other structures and site development shall be of a character so as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
- F. Access and circulation. Provision shall be made for vehicular access to the premises and circulation upon the premises in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot and on the street giving access to the premises. Access and circulation shall also conform to the following:
- (1) The street giving access to the lot shall have ~~traffic~~-carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic projected to the date the proposed use will be in effect. Roadway, traffic

management and other deficiencies in the street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the street or other traveled way.

- (2) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.
- (3) Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- (4) Driveways into the lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the street line and travel way of the street in such a manner as to conform to the established cross-section for the street as may be specified by the Town or State of Connecticut.
- (5) Where a lot has frontage on two or more streets, the entry and exit from the street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- (6) Where reasonable alternate access is available, the vehicular access to nonresidential use of a premises shall be arranged to minimize traffic use of local residential streets and other traveled ways situated in or bordered by residential districts.
- (7) Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use:
 - (a) When such driveway connection will facilitate fire protection services, as approved by the First Selectman and Town Fire Marshal, or their agents; and/or
 - (b) When such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street.
- (8) There shall be no more than one driveway connecting from any lot to any street, except that ~~1a~~) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion; and ~~2b~~) additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut. See Article **XI** concerning shared driveways.
- (9) The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

- G. Existing streets. Along an existing street where the lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the street and in accordance with the pattern of development along the street. Provision shall be made for turning lanes and traffic controls within the street as necessary to provide the access specified in Subsection F.
- H. Handicapped persons. The site plan shall make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by:
- (1) Provision of walks and ramps of suitable width and grade;
 - (2) Inclined curb approaches or curbs cut flush with parking areas;
 - (3) Reserved, wide parking spaces; and
 - (4) Ground-level building entrances.
- I. Parking and loading. Off-street parking and loading spaces shall be provided in number and with location and design as specified in Article XV of these regulations.
- J. Lighting. Outdoor illumination facilities shall comply with § 450-3.20 of these regulations, and shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomforting or disabling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the community. Lighting shall be designed so as to be on two circuits, one for security light levels and one for full operation, and security light levels only shall be employed except when the use is open to the public. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this section.
- K. Sanitation. Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:
- (1) Demonstration of a suitable system of potable water supply to serve the proposed use shall include evidence from a public water company that such company is willing and able to serve the site, or, where a private well is used, evidence relating to: ~~1a~~) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of ~~Public Health Services~~, and ~~2b~~) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum ~~draw down~~~~drawdown~~. The potable water supply system shall be approved by the Eastern Highlands Health District.
[Amended during codification]
 - (2) Public sanitary sewers shall have the capacity and proximity to serve the site. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Energy and Environmental Protection (~~ConnDEPC~~ConnDEEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Eastern Highlands Health District, and by ~~ConnDEPC~~ConnDEEP when applicable, prior to approval of the site plan.

- (3) Provision shall be made for collection, storage and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Eastern Highlands Health District. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Eastern Highlands Health District. Waste management shall include control of litter by means of receptacles, fences or other means.
- L. Storm drainage. Provision shall be made for the management of stormwater in accordance with the requirements of § 450-16.2L. [Amended 6-25-2012]
- M. Utilities. Electric, telephone and cable television lines on the lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the site plan. ~~Lines~~ When necessary to be installed aboveground, ~~lines~~ shall be located, landscaped or screened in a manner to harmonize with the design of the premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of buildings being served and screened from view; and if on rooftops, shall be screened in a manner which complements the architectural style of the building.
- N. Emergency services. Suitable provision shall be made on the lot for access to lots, buildings and other structures by fire, police and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.
- O. Outside storage. See § 450-3.17 of these regulations. Hazardous, explosive, or flammable materials shall not be stored outside, except in accordance with applicable federal, state, and local laws and regulations, and in those locations depicted on a site plan approved by the Commission.
- P. Total ground coverage. See Article XI, Dimensional Requirements.
- Q. Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Article XV (~~Parking, Loading and Fire Lanes~~) Lane Requirements, and to the following:
- (1) In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and watercourses.
 - (2) All portions of the lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain, provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the premises. No landscaping shall include any invasive ~~speeie(s)~~ species as published by the Connecticut Department of Energy and Environmental Protection.
 - (3) Any parking area accommodating 10 or more cars shall ~~2a~~ be provided with interior landscaping within the paved portion of the parking area; and ~~2b~~ have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an

immediately adjacent lot. Landscaped areas within the interior of the parking area shall have a minimum size of 100 square feet and a minimum dimension of at least eight feet. Parking areas shall contain no more than 15 spaces in a row or have more than four rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five feet and shall be planted with grass or shrubs and with at least one tree for every 50 feet along such perimeter. All such trees shall be of not less than three inches caliper and 10 feet in height when planted. Landscaping required under the following ~~paragraph~~ ~~(e)~~Subsection Q(4) may, if appropriately located, be counted to satisfy this requirement. Islands within the parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Commission may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this ~~Paragraph~~subsection for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this ~~paragraph~~subsection.

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- (4) A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in General Business Zones and 30 feet in width in all other ~~non-residential~~nonresidential districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one deciduous tree not less than three inches caliper and six feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the site plan. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.
- (5) All off-street loading bays or docks visible from any street or residential zone shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- (6) Landscaping, including trees and shrubs, shall be selected, located and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- (7) All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences or other devices. Planting islands in paved areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Commission.
- (8) Landscaping, including trees, shrubs, fences, walls and other landscape features, provided in connection with an approved site plan to comply with these regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement is a continuing requirement for compliance with these regulations.

- R. Signs. All signs shall conform to the standards for the subject zoning district as specified in these regulations. The following are also applicable to signs:
- (1) Signs installed on or at the lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.
 - (2) The Commission, in connection with approval of a site plan, may require and may approve:
 - (a) An overall sign design program for the premises establishing, in advance, the area, location and character of signs and thereby avoiding the need to submit in the future each sign for individual review and approval; and/or
 - (b) A sign program for additional signs attached to buildings and designed to be read only by persons who are pedestrians on the lot, as such signs may be needed to identify the location of particular stores, offices or other occupancies.
 - (3) All illuminated signs shall be turned off when the occupant which ~~it identifies~~ they identify is not open for business to the public.
- S. Preservation of natural features. The site plan, including proposals for the location and arrangement of buildings, structures, driveways, landscaping, drainage, wetlands protection, paved areas and other development, shall be prepared with consideration for preservation of the natural assets of the lot and to minimize changes in the elevation of existing topography. When the Commission finds that there exist on the lot significant natural or man-made features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these regulations, such Commission may, after due notice and public hearing as required by law, grant a special permit reducing by not more than 25% the minimum lot dimension and/or the building setbacks specified in these regulations, or modifying the required location of the square on the lot, provided that the following requirements are met:
- (1) The reduction or modification shall be only to the degree necessary to achieve such preservation;
 - (2) The features to be preserved shall be clearly and accurately shown on the site plan element of the plan and their significance described in writing as part of the plan submission;
 - (3) The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;
 - (4) The reduced lot dimension and/or building setback requirements and modified location of square shall be shown on such site plan and reference made to this section of the regulations by notation thereon; and
 - (5) The total lot area required by the Zoning Regulations remains the same.

- T. Significant archeological sites. When a lot or premises for which a site plan is to be submitted has been identified by the State of Connecticut Archeologist or by the Bolton Plan of Conservation and Development as historically or architecturally significant, the site plan submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.
- U. Soil erosion and sediment control. Provision shall be made in the site plan for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with § 450-3.9 of these regulations.
- V. Surface water and groundwater protection. In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies, and shall diligently implement the provisions of § 450-16.2L, Stormwater management, in public water supply watersheds and aquifer protection areas. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the site plan. [Amended 6-25-2012]
- W. Water supply. No site plan depicting a development to be served by a water company, as defined ~~herein-above~~hereinabove, shall be approved unless and until a certificate of public convenience and necessity, or the waiver thereof by the Bolton Board of Selectmen, has been obtained in accordance with § 450-16.2F of these regulations.
- X. Buildings and structures, architectural and design requirements:
 - (1) Applicability. The Commission, in accordance with ~~Connecticut General Statutes Section C.G.S. § 8-2~~, shall review all applications for special permits, site plan approvals or modifications to an already approved plan, in accordance with this Subsection X.
 - (2) Purpose.
 - (a) The purpose of these architectural and design requirements is to promote and encourage public and private actions to:
 - [1] Maintain a high standard of community development;
 - [2] ~~To~~ Protect the public health, safety, convenience and welfare;
 - [3] Protect the value of all real property within the community;
 - [4] Promote aesthetically pleasing development; and
 - [5] Preserve the special character of existing neighborhoods.
 - (b) Findings as to the adequacy of design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, inappropriateness of poor quality of design in the exterior appearance of buildings erected in any neighborhood may adversely affect the desirability of the immediate area and the neighboring areas for residential, business or other purposes.

- (c) It is the policy of the Commission that it will seek improvements in design rather than practice censorship of creativity.
- (3) Evaluation. The Commission shall consider and evaluate each and every application subject to architectural and design requirements by applying, at a minimum, the following criteria:
 - (a) Appropriateness of location or use:
 - [1] The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Conservation and Development, the specific zone and the neighborhood.
 - [2] The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood, and conformity to any adopted neighborhood plan.
 - [3] The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
 - [4] The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.
 - [5] The overall effect on market values and utilization of neighborhood properties.
 - [6] Unusual topography or the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site.
 - [7] The extent, nature and arrangement of parking facilities, entrances and exits.
 - [8] Problems of fire and police protection.
 - [9] The preservation of the character of the neighborhood, including but not limited to historical significance.
 - [10] The availability of adequate sewerage and water supply.
 - (b) Safety, health and environment. Accessibility for emergency vehicles and equipment; property utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The Commission may seek reports on the application from any appropriate federal, state and local officials and agencies.
 - (c) Overall design, architectural treatment and aesthetic character. The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings or structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.
 - (d) The Commission's evaluation of the criteria in this Subsection X shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior

appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided ~~therefore~~therefor.

(e) Relationship of building to site.

- [1] The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and parking area.
- [2] Parking areas shall be treated with building wall extensions, planting berms, or other innovative means to partially screen parking areas from view from public ways. These elements should also be designed with public safety in mind.
- [3] The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- [4] Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

(f) Relationship of buildings and site to adjoining area.

- [1] Buildings adjacent to those of different architectural styles are to be made compatible by means including, but not limited to, materials, fenestration, screens and sight breaks.
- [2] Attractive landscape transition to adjoining properties is encouraged where practical.
- [3] Compatibility with adjacent buildings to texture, lines, colors and massing shall be considered.

(g) Landscaping and site treatment. Landscaping elements included in these standards consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction, except buildings and utilitarian structures.

- [1] Landscaping treatment shall be provided to enhance architectural features, strengthen vistas and provide shade.
- [2] Plant material shall be selected for interest in its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- [3] Plants shall be of sufficient size and number to ensure an attractive appearance upon completion of the landscape construction.

- [4] Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
 - [5] Existing trees at four inches caliper or greater shall be incorporated into the site plan, wherever possible.
 - [6] Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting or combinations of these. Screening shall be effective during all seasons of the year.
 - [7] In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.
 - [8] In areas where general planting will not survive, other materials such as fences, walls and pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
 - [9] Parking areas and traffic ways shall be enhanced with landscaped spaces containing shrubs, trees or tree groupings.
 - [10] For every five parking spaces, a minimum of one three-inch-caliper tree shall be provided. Preferred varieties include: pin oaks, sugar maples, crimson maples, great ash, little leaf linden and black locusts.
 - [11] Within wetlands and regulated areas, plantings must conform to those listed in the document entitled "Native Wetland Plants for the Hockanum Watershed" and outlined in "Planting Guide to Native Wetlands Plants of the Connecticut River Watershed for Wetland Restoration Use" dated February, 1997.
- (h) Building design.
- [1] Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - [2] Buildings shall be in good scale and in harmonious conformance with permanent neighboring development.
 - [3] Building materials.
 - [a] Materials shall have good architectural character;
 - [b] Materials shall be selected for suitability to the type of building and the design in which they are used; and
 - [c] Materials shall be of durable quality.

- [4] Building components, such as windows, doors, eaves, and parapets, shall have good proportion and relationships to one another.
- [5] Colors shall be harmonious.
- [6] Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building or they shall be located sp as not to be visible from any public ways.
- [7] Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view of public ways.
- [8] Monotony of design in single- or multiple-building projects is discouraged. Variation of detail, form and siting shall be used to provide visual interest.
- [9] Prototype structures (the first new structure in an area which has been designed for a particular character) shall reflect the desired character of the entire area.
 - (i) Lighting, street hardware and miscellaneous structures.
 - [1] Exterior lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.
 - [2] Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings and proportions shall be attractive.
 - (j) Signs.
 - [1] Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.
 - [2] Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - [3] The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
 - [4] The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign feneeface.
 - [5] Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
 - [6] Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

- [7] Signs which specifically advertise brand names or symbols of products of any kind shall be strongly discouraged.
- (k) Maintenance—; planning and design factors.
- [1] Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- [2] Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
- [3] Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design.
- (l) All other standards prescribed by these regulations.

§ 450-16.4 Procedures when Commission action on site plan is required.

When a use, other than a special permit use, is permitted in a zone subject to administrative approval of a site plan by the Commission, the following procedures, standards and conditions are applicable.

- A. Preliminary consideration. Prior to filing of an application for approval of a site plan, the future applicant is invited to prepare and present for informal discussion with the Commission or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than one inch equals 40 feet, and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and watercourses, test holes and percolation tests and data ~~therefore~~herefor, and significant natural and man-made features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions; or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent; and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state; or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.
- B. Application and fee. Application for approval of the site plan shall be submitted in writing to the Zoning Enforcement Officer or the Commission's designee and shall be accompanied by the following:

- (1) An application for approval of the site plan on forms approved by the Commission and an application fee as set by the Commission pursuant to Town ordinance and § **450-13.6** of these regulations.
 - (2) The following persons may apply for a site plan: an owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the ~~said~~ document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
 - (3) Site plan submission documents as specified in § **450-16.2**.
- C. Application review. When received, the Commission shall review the application and site plan submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in § **450-16.2P**. Incompleteness of a site plan submission is cause for denial. The Commission shall consider:
- (1) Whether a site plan meets the standards and criteria set forth in § **450-16.3**; and
 - (2) Whether it meets other applicable sections of these regulations, including, but not limited to, Article **III**, Parts 1 and 2, Article **XI**, Article **XII** and Article **XV**;
 - (3) The potential environmental impact of the proposed project on the Town's natural resources, with specific consideration of Bolton Lake and other watercourses in the Town.
- D. Notices of consideration.
- (1) Notices mandated by statute.
 - (a) The Commission shall notify the Clerk of any adjoining municipality of the pendency of any application concerning any site plan application in accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-~~3h-7d.~~ **[Amended during codification]**
 - (b) In accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-3i, in any site plan application for any property which is within the watershed of a water company, as defined in ~~Conn. Gen. Stats~~C.G.S. § 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

- (c) In addition to the requirements set forth in the preceding ~~paragraphs~~subsections, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
- (2) Posting of sign.
 - (a) No less than 10 days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for special permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened. If the Commission provides a mount for the sign, such sign mount shall be returned to the Commission's offices within three days after the close of the hearing. The Commission may require a cash deposit to assure such return.
 - (b) Where a site plan review is reviewed without a public hearing, all provisions of this section shall apply, except that the sign shall be posted no less than four days before the meeting at which such plan is to be reviewed.
- E. Public hearing.
 - (1) The Commission may hold a public hearing regarding any site plan submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on special permits. ~~(Conn. Gen. Stats (C.G.S. § 8-3c-)).~~
 - (2) In the event that a public hearing is scheduled, the applicant shall also notify all abutting landowners of record of the date, time and place of the public hearing of the Commission at which said site plan is to be considered no less than 10 days preceding the date of said hearing, and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.
- F. Action and notice.
 - (1) The Commission shall review the application for conformance with the criteria of this Article **XVI**, Part 1. The Commission may approve, modify and approve, or deny the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.
 - (2) The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Article **XVI**, Part 1. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for ~~non-structural~~nonstructural uses such as tag sales, outdoor

events, and the like), the Commission may grant a site plan which is temporary and will be effective only commencing on, or terminating on, specified dates.

- (3) The Commission shall publish notice of such action as required by the Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Chairman or Secretary, by certified mail, to the applicant within 15 days of its action. A copy of the decision shall also be transmitted by the Commission to the Zoning Enforcement Officer.
- G. Filing of site plan. A copy of the site plan element of an approved site plan, and as such plan may have been required by the Commission to be modified, shall be made on which meets the requirements for filing in the office of the Town Clerk and presented to the Commission for endorsement of its approval. The final plan shall include upon the face thereof a complete statement of any conditions imposed on the approval. The following are applicable to endorsement and filing of the site plan:
 - (1) Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Subsection **I**, the Chairman, Vice Chairman, or Secretary of the Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Subsection **H**, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its Clerk.
 - (2) The applicant shall then file in the office of the Bolton Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's Clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Commission may, by majority vote, extend the time of such filing for up to two additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.
 - (3) Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Commission's Clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No zoning permit shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.
- ~~H. Commencement and completion of work. For any approved Site Plan application for which a Building Permit is required, the applicant shall obtain such Permit within 12 months of the date upon which such application was approved. Otherwise, such Site Plan approval shall become null and void.~~
- H. Posting of a completion bond. The Commission, as a condition of approving a site plan, may require that the applicant, within 90 days from the date of the approval of the site plan, file with the Treasurer of the Town of Bolton a completion bond in an amount approved by the Commission as

security for the satisfactory completion of all of the work shown on such site plan, including erosion and sedimentation control per § 350-3.9 of these regulations.

- (1) Term and form of bond. Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Commission. Bonds of up to \$20,000 shall be in cash. Bonds for greater amounts may be cash or letters of credit. Surety bonds are not acceptable for any purpose. The form of the bond shall be satisfactory to legal counsel for the Commission.
 - (2) Continuing effectiveness. Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Commission. The site plan filed in the office of the Bolton Town Clerk shall so state. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the site plan have been met.
 - (3) Prerequisite to field work. No field work implementing an approved site plan shall commence until the required completion bond in content and form acceptable to the Commission shall have been filed with the Town Treasurer.
- ~~H.~~ Minor changes to site plans. The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved site plan if, in the judgment of the Zoning Enforcement Officer, such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the site plan as approved, and such changes are in conformity to the requirements of these regulations.
- ~~K.J.~~ Major changes to site plans. If the Zoning Enforcement Officer determines that changes in the site plan may alter the overall character, quality, density, intensity, uses, amenities, parking facilities or other major features of the site plan as approved, said modification shall be made only after approval thereof by the Commission. The Commission may determine that the modifications are so substantial as to require a new application.
- ~~L.K.~~ Conformance to approved site plans; deviations, amendments, misrepresentations.
- (1) No person who has obtained a site plan approval shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted; or any representations of fact made, before the Commission without an amendment as provided in these regulations. Violation of this provision shall be grounds for the Commission to void said site plan approval following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said site plan approval and the conditions attached thereto.
 - (2) In the event that the Commission determines or discovers that information submitted to it in support of any application for site plan review was incorrect or invalid, the Commission may,

following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

Part 2 Special Permits

§ 450-16.5 General.

Certain uses of land, buildings and other structures, and the construction, reconstruction, extension, moving and alteration of buildings, and other structures and site development in connection therewith in Articles **VI**, **VII**, **VIII** and **IX** of these regulations; and certain waivers/modifications and other particular uses in these regulations; are permitted in a zone subject to the securing of a special permit from the Commission. The provisions which follow establish the application and submission requirements, the general standards applicable to special permits and the procedures to be followed by the Commission. Special standards apply to particular special permit and other uses, per Article **III**, Part 2, of these regulations. In addition, the following uses require a special permit, regardless of the provisions of Articles **VI**, **VII**, **VIII** and **IX**:

- A. Multiple dwellings, whether traditional or OSCD;
- B. Excavation and filling or removal of earth products, per Article **XII**;
- C. Construction of, or addition to, any structure(s) or building(s) on a lot for which use a special permit is required, or where such construction or addition totals over 15,000 square feet of floor area, in the aggregate, whether at one time or at any time since the adoption of zoning regulations in the Town of Bolton;
- D. Mortuaries, funeral homes; and crematoriums;
- E. Uses of premises for the sale of alcoholic beverages, including sales for both off-premises and on-premises consumption;
- F. Buildings that would be accessory buildings, but to be located on a lot which lacks a principal building;
- G. Houses of worship, schools, colleges, libraries; and other civic buildings; and
- H. Commercial stabling of horses.

§ 450-16.6 Purpose and requirement; waiver.

- A. Purpose. Uses permitted as special permit uses subject to the approval of the Commission are deemed to be permitted uses in the districts specified, subject to the satisfaction of the requirements and standards of this ~~section~~Part 2. Special permit uses that may be permitted in a district are unusual uses which under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use must be considered as an individual case.

B. Special permit requirement; waiver.

- (1) In any instance involving a use or uses requiring a special permit as set forth in these regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a special permit in accordance with this Article XVI, Part 2, or amend a previously granted special permit.
- (2) The Commission may waive the requirement for a special permit where it finds that:
 - (a) One special permit use is being substituted for another similar use on the same lot which was previously granted a special permit by the Commission;
 - (b) The new use will require no greater parking or loading than the original, as set forth in Article XV of these regulations;
 - (c) The new use shall entail no exterior change to the building or premises; and
 - (d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in § 450-16.8 of these regulations.

§ 450-16.7 **Application procedure.**

- A. Informal discussion. Any proponent of a use permitted by special permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for special permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for special permit.
- B. Who may apply. The following persons may apply for a special permit: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the ~~said~~ document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
- C. Application. Application for a special permit shall be submitted in writing to the Zoning Enforcement Officer, and shall also be accompanied by the following:
 - (1) Application and fee. An application for approval of a special permit on forms approved by the Commission and signed by the applicant and by the owner if different from the applicant, and an

application fee as set by such Commission pursuant to § 450-13.6 of these regulations and Town ordinance.

- (2) Site plan. A site plan and other documentation consisting of the statement of use, site plan, architectural plans, soil erosion and sediment control plan, traffic impact report and other reports and lists as specified in § 450-16.2 of these regulations for site plans. ~~Fourteen;~~ 14 copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan and Zoning Commission, 211 Conn. 331, 334 (1989). The reference herein to § 450-16.2 is for convenience only to avoid the repetition of the information contained there, and shall not be construed as creating a separate application or request for site plan review. The materials required to be submitted in connection with a special permit application are to allow the Commission to evaluate the special permit and determine compliance with the standards of this Article XVI, Part 2.
- D. Review and modification of submission. The Commission, upon written request by the applicant, may by resolution:
- (1) Determine that the required submission of all or part of the information required under § 450-16.2 is not necessary in order to decide on the application and need not be submitted; or
 - (2) Determine that required submission of part of such information is deferred for submission and decision at a later date; and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these regulations.
- E. Complete application. A complete application shall consist of the application form and fee, together with the required information set forth in this Article XVI, Part 2. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or 35 days following the submission of such application, whichever shall first occur.
- F. Notices mandated by statute.
- (1) The Commission shall notify the Clerk of any adjoining municipality of the pendency of any application concerning any special permit in accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-3h-7d. Amended during codification
 - (2) In accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-3i, in any special permit application for any property which is within the watershed of a water company, as defined in ~~Conn. Gen. Stats~~C.G.S. § 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.
- G. Notice to abutting owners. The applicant shall also notify all abutting landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time and place of the public hearing of the Commission at which said special permit is to be considered, no less

than 10 days preceding the date of said hearing, and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

- H. Posting of sign. No less than seven days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for special permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened. If the Commission provides a mount for the sign, such sign mount shall be returned to the Commission's offices within three days after the close of the hearing. The Commission may require a cash deposit to assure such return.
- I. Submission for review. In addition to the requirements set forth in the preceding ~~paragraph~~subsection, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
- J. Time limits. The Commission shall, within 65 days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than 35 days following the opening thereof. ~~Within~~Not later than 65 days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this ~~paragraph~~subsection for a period not to exceed a cumulative total of 65 days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these regulations. [Amended during codification]

§ 450-16.8 **General standards.**

The proposed special permit use, buildings and other structures and site development shall conform to all of the requirements of these regulations, including the following general standards and any special standards that may be contained in Article **III**, Part 2, of these regulations for particular uses:

- A. Complete application. The application shall contain all information required by this Article **XVI**, Part 2, and the number of copies required, and said information ~~has been~~shall be prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

- B. Compliance with regulations. The application shall conform in all respects with these regulations, unless a certified copy of a variance from any such provision is submitted with the application, or except to the extent that the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, preexisting nonconformity in accordance with § 450-3.3 of these regulations. Further, the application shall conform to the Bolton Subdivision Regulations; the Bolton Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Bolton Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these regulations.
- C. Conformance with criteria of § 450-16.3. Any application for special permit shall, at a minimum, conform to all of the general standards for site plans of § 450-16.3. Those standards and criteria are considered the basic ones for all uses and premises in Bolton, other than uses permitted as of right, with the criteria of this § 450-16.8 being over and above those of § 450-16.3.
- D. Character. The location, type, character and extent of the use and of any building or other structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.
- E. Lot size. The lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property.
- F. Landscaping. The premises will be suitably landscaped to be in harmony with adjacent lots and the character of the neighborhood.
- G. Access. The traffic to be generated by the use and the provision to be made for vehicular access to the lot shall assure safety and convenience on the street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the use, buildings, structures and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five feet. Interior walkways should be constructed of slate, brick, concrete, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.
- H. Traffic access. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such

provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway to a public street shall exceed 30 feet in width, excluding the radius fillets at the point of intersection with the street, except as otherwise approved by the Commission after the submission of a traffic engineering study demonstrating the need for greater driveway width. No proposed driveway shall be closer than 100 feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in nonresidential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and ~~sightsight~~ lines shall comply with state standards, where applicable.

- I. Water supply. No site plan depicting a development to be served by a water company, as defined ~~herein above~~~~hereinabove~~, shall be approved unless and until a certificate of public convenience and necessity, or the waiver thereof by the Bolton Board of Selectmen, has been obtained in accordance with § ~~450-16.2F~~ of these regulations.
- J. Public health and safety; environmental protection. The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to, the following: adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with Article III, Part 3, and in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; ~~Flood proofing~~~~floodproofing~~ measures which may be desirable, even if over and above the minimum requirements of these regulations or applicable state or federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies in or adjacent to the Town, including Bolton Lake; avoidance of glare visible from streets or adjacent properties. [**Amended 1-1-2006; 12-10-2014**]
- K. Appropriateness of use. The proposed use shall be appropriate for the designated location with regard to:
 - (1) The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties;
 - (2) The capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of nonresidential traffic through residential streets;
 - (3) The development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
 - (4) The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls;
 - (5) The overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use;

- (6) The preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors;
 - (7) The availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail;
 - (8) The degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate;
 - (9) The use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes (particularly Bolton Lake), streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.
- L. Architectural character, historic preservation, site design.
- (1) The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings and structures, the preservation of scenic vistas and public access, materials used, ~~roof lines~~ rooflines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on abutting properties, in the neighborhood, or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these regulations shall constitute a violation of these regulations.
 - (2) In multi-building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, ~~roof lines~~ rooflines and other exterior treatments.
- M. Uses in, adjacent to, or impacting residential areas. In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a residential zone or area of residential uses, the Commission shall find that:
- (1) The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the ~~said~~ residential area or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.
 - (2) Where any lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of § 450-11.11 (concerning setbacks) shall apply. In addition, the Commission may require additional setbacks or buffers for uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.

- (3) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the premises shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - (4) No use shall be permitted which does not meet the requirements of Article III, Part 1-~~c~~ General Use Regulations, of these regulations.
 - (5) No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
 - (6) All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.
- N. Specific recommendations and requirements for sites and buildings. The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for a special permit, and the preferred or required features, as the case may be:
- (1) Mechanicals. All roof-mounted ventilation, heating, and air-conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that ~~they are~~it is not visible from any adjacent property at the height of the proposed building.
 - (2) Lighting. Lighting shall conform to § **450-3.20** of these regulations and shall be limited to that required for basic security and protection of the premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians. Lighting standards in most parking areas should not exceed 16 feet in height, but in no event higher than the height of the building adjacent to the area to be illuminated. No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high-crime areas shall be illuminated to the level of parking areas. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted ~~hood-lights, floodlights~~ and ornamental building lighting are prohibited in all zones.
 - (3) Walkways. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required.
 - (4) Landscaping and screening. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the

subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of 2 1/2 inches DBH, all evergreen trees shall have a minimum height of six feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

- O. Special standards-; various. The proposed special permit use, and the buildings, structures and site development proposed in connection therewith, shall also conform to any requirements contained in Article III, Part 2, Special Regulations; or any other applicable standards of these regulations.
- P. Special standards-; open space conservation development (OSCD). Open space conservation developments (~~OSCD's~~OSCDs), and the buildings, structures, and site development proposed in connection therewith, shall also conform to the applicable provisions of Article VII of these regulations.

§ 450-16.9 **Action on applications.**

A. Action.

- (1) The Commission shall review the application for conformance with the criteria of this Article XVI, Part 2. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.
 - (2) The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Article XVI, Part 2. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for ~~non-structural~~nonstructural uses such as excavations, outdoor events, and the like), the Commission may grant a special permit which is temporary and will be effective only commencing on, or terminating on, specified dates.
 - (3) The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or Clerk, by certified mail, to the applicant within 15 days of its action.
- B. Endorsement and filing. Within 65 days of the Commission approval, the applicant shall submit one set of final plans on a reproducible material suitable for filing in the Town Clerk's office and six sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the

effect that the plans submitted are the same as those approved by the Commission, except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per § 450-16.10 of these regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one set of endorsed final plans in the office of the Town Clerk. In accordance with ~~Section C.G.S. § 8-3d of the Connecticut General Statutes~~, no special permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within 90 days following the Commission's vote of approval shall become null and void; provided, however, that the Commission may grant one extension not to exceed an additional 90 days. Any special permit site plan filed in the Town Clerk's office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a zoning permit for the proposed use. The Commission may establish an effective date for the special permit, which shall be on or after the date of such filing with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk.

§ 450-16.10 **Bond.**

If the Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Bolton, in an amount approved by the Commission, to guarantee satisfactory completion of work shown on any site plan element of the approved special permit. Bonds of up to \$20,000 shall be in cash. Bonds for greater amounts may be cash or letters of credit. Surety bonds are not acceptable for any purpose. The form of the bond shall be satisfactory to the Commission's legal counsel. The approved plans shall be cited in the bond agreement. The bond may be released only after written certification, that all of the requirements of the special permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be.

§ 450-16.11 ~~Commencement and completion of work.~~

~~For any approved Special Permit application for which a Building Permit is required, the applicant shall obtain such Permit within 12 months of the date upon which such application was approved. Otherwise, such Site Plan approval shall become null and void.~~

§ 450-16.12 **Conformance to approved plans, specifications, and representations; deviations, amendments, and misrepresentations.**

- A. No person who has obtained a special permit approval shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission without an amendment as provided in these regulations. Violation of this provision shall be grounds for the Commission to void said special permit approval following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said special permit approval and the conditions attached thereto.
- B. In the event that the Commission determines or discovers that information submitted to it in support of any application for special permit was incorrect or invalid, the Commission may,

following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

§ 450-16.1312 **Change of zone (public hearing required).**

The following items shall together constitute a complete change of zone application for amendment to the Town of Bolton Master Map, and such application shall not appear on any Zoning Commission agenda until all of the following items have been submitted to the Town of Bolton:

- A. Completed and signed application form;
- B. Filing fee (see § 450-13.6 of these regulations);
- C. Written evidence of the applicant's legal interest in the subject property (deed, lease, option to purchase, bond for deed, etc.);
- D. Six copies of a plan containing a boundary survey of the subject property at a scale not smaller than one ~~feet~~foot equals 100 feet, certified at least Class D by a land surveyor licensed in the State of Connecticut, and also depicting all properties and road rights-of-way within 500 feet of the subject property;
- E. A list of all current property owners within 500 feet ~~to~~of the subject property, as shown in the records of the Town Assessor, with coded reference to the particular properties depicted on the above-mentioned plan;
- F. Stamped mailing envelopes listing the name and primary mailing address of all current property owners within 500 feet of the subject property, as shown in the records of the Town Assessor;
- G. A list of all hazardous or potentially hazardous materials which will be present on the property as part of the proposed use, with a full description of procedures that will be used to assure safety;
- H. A written statement of intended use of the subject property if the change of zone is approved;
- I. Any other items or information which the Commission may feel is pertinent to review of the application (This requirement need not delay placement of the application on a Planning and Zoning Commission agenda~~).~~).

§ 450-16.1413 **Zoning regulations ~~amendment~~amendments (public hearing required). [Amended during codification]**

The following items shall together constitute a complete application for amendment to these regulations, and such application shall not appear on any Planning and Zoning Commission agenda until all of the ~~above~~following items have been submitted to the Town of Bolton:

- A. Completed and signed application form;
- B. Filing fee (see § 450-13.6 of these regulations);
- C. Six copies of a statement containing all proposed new wording and/or deletions listed under the section ~~o~~for subsection to be affected.

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§ 450-16.~~4514~~ **Waiver.**

The Commission may waive a portion or portions of the application filing requirements, or may permit the combining of various forms of information onto a small number of plan sheets, if, in its opinion, circumstances warrant such action.

§ 450-16.~~4615~~ **Criteria for consideration ~~and~~; permitted stipulations.**

- A. Criteria for consideration. The Planning and Zoning Commission may require an applicant to submit any of the following items for review before making its decision on a special permit, site plan review, change of zone or zoning regulation amendment application (This requirement need not delay placement of the application on a Planning and Zoning Commission agenda~~);~~):
- (1) Drainage calculations for the existing and proposed development conditions for the two-, ten-, ~~twenty-five~~25- and ~~one-hundred~~100-year storms.
 - (2) Methods to limit the increased drainage flow rates from a site for the proposed development to be 10% or less than the existing development flow rates for the two-, ten-, ~~twenty-five~~25- and ~~one-hundred~~100-year storms.
 - (3) Traffic studies and proposed traffic improvements to ensure that development will not create or worsen traffic hazards or create traffic congestion any worse than a Level of Service "C" as defined by the Highway Capacity Manual.
 - (4) Perspective sketches or color drawings of the developed site and buildings to represent the final proposed conditions.
 - (5) A lighting plan by a qualified lighting designer that shows adequate on-site lighting for safety and security and shields adjacent properties from glare.
- B. Permitted stipulations. The Commission, in approving a special permit, site plan review, change of zone or zoning regulation amendment application, after applying these regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development~~;~~ or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design, architectural treatment and massing.

§ 450-16.~~4716~~ **Expiration.**

For any approved site plan review or special permit application for which a building permit is required, the applicant shall apply for such initial permit within 12 months of the date of the Commission meeting at which such application was approved. Otherwise, such approval shall become null and void. Within the initial twelve-month period, the applicant may apply for, and the Commission may grant, one extension of this time period for not more than 12 months.

§ 450-16.1817 **Consultant assistance.**

For any site plan review, special permit, change of zone or zoning regulations amendment application, the Commission may engage the services of a professional engineer and/or professional planner or other qualified professional to assist in the review of plans and information submitted by the applicant. Such planner or engineer may also make recommendations to the applicant and to the Commission.

ARTICLE XVII Wireless Telecommunication Sites

§ 450-17.1 **Purpose.**

The purpose of this regulation is to provide for the operation of wireless telecommunication services within the Town of Bolton while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications sites (WTS) through careful design, siting and screening. More specifically, this regulation has been developed in order to:

- A. Maximize use of existing towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- B. Encourage providers to co-locate their facilities on a single tower;
- C. Site facilities below visually prominent ~~ridge lines~~ridgelines;
- D. Minimize the location of facilities in visually sensitive areas;
- E. Encourage creative design measures to camouflage facilities;
- F. Protect historic and residential areas from potential adverse impacts of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

§ 450-17.2 **Definitions.**

For the purpose of applying the provisions of this ~~section~~article, the terms below shall be defined as follows:

ANTENNA

A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas and dish antennas.

CO-LOCATION

Locating wireless communication facilities from more than one FCC-licensed provider on a single support structure, such as a tower or existing structure.

HEIGHT OF TOWER

The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the topmost point of the tower, including any antenna or

other appurtenances. The "existing elevation" shall mean the actual or approved elevations of the property at the time of application.

TOWER

A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include, but are not limited to:

- A. Self-supporting lattice;
- B. Guyed; and
- C. Monopole.

WIRELESS TELECOMMUNICATION SERVICES

Licensed wireless telecommunication services, including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), wireless video services, paging services and similar services that are marketed to the general public.

§ 450-17.3 Location of wireless telecommunication sites.

The locations for siting the antennas and equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in Subsections A through F below, in order of preference:

- A. On existing or approved towers.
- B. On existing structures such as but not limited to buildings, water towers, steeples and utility poles.
- C. On new towers less than 75 feet in height located in business or industrial zones.
- D. On new towers 75 feet or greater in height located in business and industrial zones.
- E. On new towers less than 75 feet in height located in residential zones.
- F. On new towers 75 feet or greater in height located in residential zones.

§ 450-17.4 Uses allowed by site plan review.

- A. The following uses which generally pose minimum adverse visual effect, as determined by the Commission, are permitted uses subject to the standards in § 450-17.6 and subject to the site plan review requirements of Article XVI. Uses that do not comply with the requirements of this § 450-17.4 shall comply with the requirements of § 450-17.5.
 - (1) Wireless telecommunication sites with no towers but with antennas located on nonresidential buildings and shielded from view from all surrounding streets and driveways used by the general public. The method and materials used to shield such sites must be approved by the Planning and Zoning Commission as part of the site plan review, provided that the standards in Subsection B are met.

(2) Wireless ~~telecommunication~~telecommunication sites with no new towers where the antenna is mounted to existing towers, utility poles, water towers, steeples, light standards, bridges or other structures not classified as buildings, provided the standards in Subsection **B** are met:

B. WTS standards for site plan review:

(1) No changes are made to the height of such structure, except that an antenna may extend no more than 72 inches above the structure.

(2) No panel antenna shall exceed 72 inches in height and 24 inches in width.

(3) No dish antenna shall exceed three feet in diameter.

(4) All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Planning and Zoning Commission as part of the site plan review.

(5) The following information shall be submitted in accordance with each particular application, where applicable:

(a) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

(b) Details of all proposed antenna and mounting equipment, including size and color.

(c) Elevations of all proposed shielding and details of materials, including color.

(d) An elevation of all proposed equipment buildings or boxes.

(e) Details of all proposed fencing, including color.

(ef) Maps depicting the extent of the provider's planned coverage within the Town of Bolton and the service area of the proposed wireless telecommunication site. Maps indicating the search radius for the proposed wireless telecommunication site showing the least number of towers and all towerless antenna locations possible.

§ 450-17.5 Uses allowed only by special permit.

All proposals to develop or expand a wireless telecommunication site shall be subject to the requirements in this Article **XVII** and the special permit requirements in Article **XVI** of these regulations, except as otherwise provided for in these regulations. In addition, the following information shall be submitted in accordance with each particular application, where applicable:

A. Items listed in § **450-17.4B(5)** above.

B. A design drawing, including cross-section and elevation of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The design shall illustrate how the tower will collapse without encroaching upon any adjoining property line.

- C. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
- D. If applicable, a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements.
- E. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
- F. For towers located in or within 100 feet of an R-1, R-2, or R-3 Zone, upon request of the Commission, the applicant shall provide a ~~view shed~~viewshed analysis showing all areas from which the tower would be visible.

§ 450-17.6 **Dimensional requirements.**

- A. Lot size. Each wireless telecommunication site located in a Residence Zone and containing a tower shall comply with the following requirements:
 - (1) Each tower shall be located on a lot that has at least the minimum frontage for the zone that the lot is in.
 - (2) Each tower shall be located on a lot that has at least the minimum lot area of 40,000 square feet per tower, exclusive of all other uses.
 - (3) Any other uses on a lot with a tower shall comply with the area requirements of Article **XI**, exclusive of the tower(s) area requirements.
- B. Height.
 - (1) The maximum height of a tower proposed under this regulation shall be 150 feet, including the antenna and all other appurtenances.
 - (2) The maximum height of any building shall be as required by Article **XI**.
- C. Setbacks.
 - (1) All towers shall be located a minimum distance from any property line equal to 125% of the proposed tower height.
 - (2) All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.
- D. Building size. The lot coverage area of all buildings for wireless telecommunication services shall not exceed 500 square feet per tower.

§ 450-17.7 **General requirements.**

- A. No tower wireless telecommunication service shall be located within 200 feet of an existing dwelling.
- B. No tower shall be located within 200 feet of the boundary of an existing approved historic district or a site on the National Registry of Historic Places.
- C. No lights shall be mounted on proposed towers unless otherwise required by the FAA or applicable law. All strobe lighting shall be avoided if possible. Any required lights on a tower shall be directed upwards as much as possible. There shall be no outdoor lights in use except while a person is on the site, and there shall be no direct light beyond the property line.
- D. Towers not requiring special FAA painting or markings shall be a ~~non-contrasting~~noncontrasting blue or gray or other unobtrusive color as approved by the Commission.
- E. Towers may not be used to exhibit any commercial signage or other advertising.
- F. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- G. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- H. No proposed wireless telecommunication site shall be designed, located or operated so as to interfere with public safety communications.
- I. All applications for wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in § **450-3.18** of these regulations.
- J. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for ~~non-ionizing~~nonionizing electromagnetic emissions. A report shall be provided from a Connecticut licensed engineer in the field of telecommunications broadcasting indicating that the proposed wireless telecommunication site will comply with the emission standards found in § **450-17.7** of this regulation.
- K. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- L. All generators installed in conjunction with any wireless telecommunication site shall comply with all state and local noise regulations.
- M. Any building in a residential zone or on a lot adjacent to a residential zone shall be made to look like a residential building with a pitched roof.

- N. Appropriate trees and other vegetation as approved by the Commission shall be planted and maintained to screen a tower and any equipment buildings from view from nearby residences and roads. Existing trees and vegetation should be used as much as possible to provide this screening.
- O. The Commission may require that an appropriate bond be submitted as surety to remove any abandoned towers, buildings or equipment.

§ 450-17.8 Factors upon which special permit decisions of Commission shall be based.

A. In order to approve applications for wireless telecommunication sites, the Commission must find:

A. in the case where an application for the proposed location of a wireless telecommunication site is not a preference A through C location in § 450-17.3, the applicant has adequately described the efforts and measures taken to pursue those preferences and has provided an adequate explanation as to why a higher preference location was not technologically, legally or economically feasible.

B. The documentation supplied by the applicant should include an evaluation of the following factors:

- (1) Whether the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower and whether the interference can be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- (2) Whether the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies and whether such deficiencies cannot be eliminated at a reasonable cost, as documented by a Connecticut licensed engineer, in the field of telecommunications broadcasting.
- (3) Whether the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant and whether the interference cannot be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- (4) Any restriction or limitation imposed by the FCC.

§ 450-17.9 Abandonment.

A wireless telecommunication site that is determined by the Commission or its agent to be not in use for 12 consecutive months shall be removed by the service facility owner. The Commission shall send the service facility owner a notice of abandonment by certified mail. This removal shall occur within 90 days of the date that the notice of abandonment is sent. Upon removal the site shall be restored to its previous appearance and, where appropriate, ~~re-vegetated~~, revegetated to blend with the surrounding area.

§ 450-17.10 Expiration of approval.

The approval of an application for special permit or site plan review shall be void and of no effect unless the applicant has obtained a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support and construction of the WTS is completed within one year from the date of the approval granted by the Commission. The

Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall not grant an extension unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and the applicant provides adequate evidence that construction is able to be completed within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approvals shall extend the aforementioned one-year period the length of such appeal. The Commission may, as a condition of approval of a special permit, establish a time period that such special permit shall remain in effect.

§ 450-17.11 **Existing towers.**

Any existing tower as of the effective date of this Article **XVII** may continue to be used to the full approved height of the tower in accordance with all the requirements of Article **XVII** except for height.

ARTICLE XVIII

Signage

[Added 4-20-2011]

§ 450-18.1 **Purpose. [Amended 6-25-2012]**

The purpose of this ~~section~~article is to promote the public safety and welfare by providing adequate standards to control the number, height, size and location of signs and by providing criteria for the illumination and design of signs. The provisions and controls of this ~~section~~article have been formulated to preserve the right of free speech and expression, and to protect against traffic distractions and hazards, to provide reasonable standards by which permitted uses within the various zones may relate their function to the public and to aid in preserving and enhancing the aesthetic and historical values of the community. The purpose of this ~~Regulation~~article is also to encourage unified, multi-use development in the Gateway Mixed Use Industrial Zone and the Rural Mixed Use Zone by providing additional sign area for such mixed-use ~~development~~developments that share common access and shared signs, and that provide a streetscape that emphasizes landscaping or pedestrian-friendly buildings along the street line.

§ 450-18.2 **General.**

- A. No sign shall be established, constructed, structurally altered or moved except in conformance with these regulations. Except for those signs specified in §§ **450-18.5** and **450-18.6**, a zoning permit shall be obtained for all signs in accordance with the provisions of § **450-3.8** of these regulations. In situations where a proposed sign or signs are one component of a comprehensive construction project, the sign authorization may be incorporated into one comprehensive zoning permit for the subject construction project.
- B. Wherever commercial speech is allowed by these regulations, the same degree of ~~non-~~~~commercial~~noncommercial speech is hereby permitted.

§ 450-18.3 **Definitions.**

The definitions pertaining to signage are found in Article **II** of these regulations.

§ 450-18.4 **Prohibited signs.**

The following signs are prohibited:

- A. Abandoned signs.
- B. Advertising signs.
- C. Permanent banner signs, except noncommercial banners (such as streetscape banners) installed by public entities.
- D. Signs on structural canopies.
- E. Electronic message ~~boards~~boards.
- F. Flashing, rotating, or moving signs. This provision shall not apply to clocks or time/temperature signs that have been approved by the Planning and Zoning Commission in connection with a site plan or special permit approval.
- G. Graphic light projection signs.
- H. Moving message ~~boards~~boards, except time/temperature signs.
- I. Roof signs.
- J. Signs that are illuminated in a manner or with such intensity or brightness that they may tend to cause glare, distraction or nuisance to operators of vehicles, pedestrians, or neighboring property owners.
- K. Signs including structural elements that may tend to endanger vehicular or pedestrian traffic on a street, driveway or public way by obstructing or obscuring visibility or by causing confusion with traffic control signs or signals.
- L. Signs including structural elements that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress ~~to~~ or egress from any building or structure, except as may be permitted under ~~Section 18E.8~~§ **450-18.5**.
- M. Pennants, or streamers, aerial signs, inflatable signs or flag-like devices hung from or attached to any part of a building, vehicle, structure or otherwise on a lot for commercial purposes, except where specifically exempted pursuant to §§ **450-18.5** and **450-18.6** of these regulations.
- N. Structural canopy signs.
- O. Vehicle signs.
- P. Signs located in Town rights-of way, except those authorized pursuant to § **450-18.5** of these regulations.

- Q. Portable signs, such as sandwich board signs or A-frame signs, which are moveable and not permanently attached to a building, structure or the ground, except as may be authorized on a temporary basis as temporary signs pursuant to § 450-18.5 of these regulations.

§ 450-18.5 **Temporary signs.**

- A. The following signs are authorized without zoning permit approval, provided that they comply with all other applicable provisions of these regulations and with the specific standards noted below:
- (1) "Help Wanted" signs, provided that the size of any such signs shall not exceed two square feet in area.
 - (2) Window signs for authorized commercial uses, provided the signs do not cover more than 40% of the window area, or do not cover more than 25% of the glass area of a door used actively as an entrance door, such 25% covering the lower half of the door.
 - (3) Political signs.
 - (4) Project and real estate signs. Except as noted below, one ~~non-illuminated~~nonilluminated sign not exceeding six square feet in area, pertaining only to the sale, lease, rental or construction or improvement of the land or building upon which it is displayed.
 - (a) Real estate signs shall be removed within 30 days after the subject property is sold (i.e., the closing has occurred), leased, or rented.
 - (b) For construction projects, project signs shall only be displayed during the period of active construction, and shall be removed when construction is complete.
 - (c) For commercial or industrial projects approved by the Planning and Zoning Commission, one ~~non-illuminated~~nonilluminated sign not exceeding 24 square feet in area, pertaining only to the contractors or professionals involved in the project may be maintained on the premises where the work is being performed. Said sign shall be removed prior to the issuance of any certificate of zoning compliance and occupancy permits. [Amended during codification]
 - (d) For subdivisions containing a new road, one ~~non-illuminated~~nonilluminated sign not exceeding 24 square feet in area may be maintained on the premises, provided it bears only a map of the project, the name of the project, and the name of the contractor and professionals involved in the project. The sign shall be removed after 75% or more of the lots have been sold. The Commission may approve well-maintained additional signage in connection with the subdivision approval.
 - (5) Special events signs for community-wide public, educational, charitable, or religious events. One ~~non-illuminated~~nonilluminated sign or banner not exceeding 32 square feet in area, for public, charitable, educational or religious events, provided the sign is posted at the site of the event no sooner than 21 days prior to the event, and provided the sign is removed within 24 hours of the close of the event. In addition, up to three off-site directional signs are permitted, provided each of said signs does not exceed five square feet in area, and provided the signs are posted and removed as per the aforementioned time requirements.

(6) Signs associated with agricultural and horticultural sales. One ~~non-illuminated~~~~nonilluminated~~ sign not exceeding 16 square feet in area, provided the sign is located at the stand site, and provided it is utilized only when products are available for sale. In addition, up to 32 square feet of off-site directional signs are permitted, provided no one sign exceeds eight square feet in area, and provided the signs comply with the locational provisions of § 450-18.11 of these regulations.

B. The following signs are authorized without zoning permit approval, provided that the property owner or tenant submits to the Zoning Enforcement Officer a notice of intent form to be provided by the ZEO to install a sign or signs authorized as follows. In all other respects, such signs shall comply with all other applicable provisions of these regulations and with the specific standards noted below:

(1) Grand opening event signs. One ~~free-standing~~~~freestanding~~ sign or banner no larger than 16 square feet in area, subject to the following requirements:

- (a) Grand opening signs shall be permitted only in business and industrial zones.
- (b) The proposed grand opening event shall be a bona fide opening of a new commercial or industrial business at the site or a bona fide change of business ownership at the site.
- (c) All grand opening event signs shall be located on the site of the subject commercial or industrial business.
- (d) All grand opening event signs shall be displayed on the site and remain on-site for no more than 20 days.
- (e) All grand opening event signs shall comply with the location and height provisions of § 450-18.7 of these regulations.
- (f) All grand opening events shall be conducted within six months of the business opening.

(2) Signs for seasonal or special sales.

- (a) Seasonal and special events signs will be permitted for a total period of 120 days annually, as documented by the required notice of intent form.
- (b) All signs for seasonal or special sales must be constructed of weather-resistant materials, professionally constructed, and have clear, legible lettering, and may be double-sided.
- (c) All seasonal or special sales signs may be an A-frame sign, self-standing sign, or a banner sign.
- (d) Temporary banner signs for seasonal or special sales shall be no larger than 16 square feet in size and must be securely and neatly fastened to the building wall located on the business or tenant space.
- (e) A-frame or self-standing signs for seasonal or special sales may be two-sided signs, but shall be no larger than 2 1/2 feet by 3 1/2 feet and may not contain materials such as papers, balloons, winds socks, streamers, pennant flags, lights, etc. Such signs shall be installed level, and the height of the

sign shall not exceed four feet from the existing ground, nor be artificially increased above the allowed maximum height by placement of additional materials under the base of the sign, except as necessary to level the sign.

- (f) All A-frame and self-standing signs must be located:
 - [1] On the property the subject of the sale event;
 - [2] A minimum of 100 feet from another temporary sign along the road frontage for single-tenant properties; a minimum of 50 feet for multiple-tenant occupancies;
 - [3] Outside of any sight line from an ingress/egress;
 - [4] Outside of parking spaces, drive lane,lanes or Town or state rights-of-way; and
 - [5] So as not to interfere with pedestrian and vehicular traffic.
- (g) In multiple-tenant occupancies, no more than two A-frame and self-standing signs may be permitted at any one time.
- (h) All seasonal or special sales signs must be secured to the ground so as to withstand strong winds so as to not cause a roadway hazard.
- (i) All seasonal and special events signs shall be professionally made and made of weather-resistant materials.
- (j) Any seasonal or special sales sign placed in violation of these regulations will result in a violation notice and will result in the suspension of a business's temporary sign permit privileges for the remainder of the calendar year, upon notice by the Zoning ~~Official~~ Enforcement Officer.
[Amended during codification]

§ 450-18.6 Permanent signs not requiring zoning permit.

The following signs are authorized without zoning permit approval, provided that they comply with all other applicable provisions of these regulations and with the specific standards noted below:

- A. Public flags, provided they do not pose an obstruction as set ~~down~~forth in ~~Section 18D.5~~ § 450-18.4E and ~~6F~~ and § 450-18.11 of these regulations.
- B. Public signs. Signs erected in the public interest by or on the order of a local, state or federal official in the performance of duty, such as, but not limited to, traffic control signs and identity signs of public buildings, parks or historical sites, signs for governmentally -funded events, and public banners (such as for streetscape projects). This section does not apply to political signs.
- C. Residential ~~name-plate~~nameplate/street address/home occupation. For any residence, or authorized home occupation on the premises, one ~~name-plate~~nameplate with street address and one home occupation sign are authorized, provided neither sign is larger than 0.5 square foot in area if located within 20 feet of the street line, or no more than three square feet if located more than 20 feet from

the street line. Home occupation signs shall not be internally illuminated and, if lighted externally, the sign shall be lighted only during the hours open for business.

- D. "No Trespassing" signs or signs indicating the private nature of a premises or the restricted use of the premises, provided that the size of any such signs shall not exceed two square feet in area.
- E. ~~Name plates~~Nameplates or public convenience signs for authorized commercial and industrial uses identifying the building occupant, store hours, or other ~~non-advertising~~nonadvertising notices, provided the size of any such signs shall not exceed two square feet in area.
- F. "Open/Closed" flag signs (no more than one per business), provided the longest side does not exceed four feet.
- G. In lieu of an "open/closed flag sign permitted in Subsection ~~F~~F above, signs displayed in windows or doors of commercial uses, including neon or LED signs, indicating whether the subject use is "open" or "closed," provided the size of any such sign shall not exceed four square feet in area.

§ 450-18.7 Permanent signs requiring zoning permit. [Amended 6-25-2012]

The Zoning Enforcement Officer shall issue a zoning permit in connection with the following signs within 30 days after receipt of a request demonstrating compliance with these regulations:

- A. Business identification signs for industrial and commercial uses. (For residential uses, see §§ ~~450-18.5 and 450-18.6~~450-18.5 and 450-18.6.)
 - (1) Wall signs in General Business, Gateway Mixed Use Industrial, and Industrial Zones.
 - (a) Wall signs.
 - (b) Wall signs shall have an area not exceeding a total area of 1/2 square foot for each linear foot of building front for the first 50 feet of building front; 1/4 square foot for each linear foot of building front for the next 50 feet of building front; and 1/8 square foot for each linear foot of building front for the third 50 feet of building front, such calculation to be based on the front building wall of each individual occupancy.
 - (c) Neon or LED signs are permitted on the exterior of a wall or interior of a window, provided that the sign area is included in the total area of the wall sign as set ~~down~~forth above, provided the sign area or face of the neon sign is no more than 25% of the total permitted wall sign area, and provided that the LED sign message is fixed and not intermittently displayed.
 - (d) Entrance canopy signs and awning signs are permitted, provided that the sign face does not exceed 25% of the total canopy or awning area, and provided that the square footage of the sign is ~~including~~included in the total wall sign area allocation.
 - (e) No credit for sign area shall be provided for linear building front exceeding 150 feet.
 - (f) Wall signs may be internally illuminated or externally illuminated.

- (2) Freestanding signs in General Business, Gateway Mixed Use Industrial~~7~~ and Industrial Zones.
- (a) No more than one freestanding sign per lot shall be permitted on a lot or lots comprising a single development in the General Business and Industrial Zones. In the Gateway Mixed Use Industrial Zone, no freestanding sign shall be permitted except as provided in Subsection **A(3)(b)** below~~5~~.
- (b) A freestanding sign shall not exceed 36 square feet in area, except that such freestanding signs for properties with multiple occupancies may be increased by 12 square feet for each additional occupancy.
- (c) Neon or LED signs are permitted as components of freestanding signs~~2~~, provided that the sign area or face of the neon sign is no more than 25% of the total permitted freestanding sign area, and provided that the LED sign message is fixed and not intermittently displayed.
- (d) A freestanding sign shall be not less than 15 feet from any lot line, except the front yard setback wherein the setback is zero, or 20 feet from the sight line, whichever is greater.
- (e) A freestanding sign shall be located at least 100 feet from an adjacent residential zone.
- (f) Maximum height from ground level to the top of a freestanding sign shall not exceed 12 feet.
- (3) Total sign area in General Business, Gateway Mixed Use Industrial Zone~~7~~ and Industrial Zones.
- (a) The total sign area of all signs on the premises shall not exceed three square feet per linear ~~feet~~foot of building front or 250 square feet, whichever is smaller, except as provided in Subsection **A(3)(b)** and (c).
- (b) Freestanding signs in the Gateway Mixed Use Industrial Zone. The Commission may allow one ground sign per street frontage, which sign shall not exceed 36 square feet in area and shall be not less than zero feet from any street line and not less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of 12 feet measured from the ground level to the top of the sign. Freestanding signs shall comply with all provisions of this Subsection **A(23)**, except as specifically waived in this subsection. The purpose of such sign is to identify the name of the development to identify its anchor tenants or occupants. In addition, the Commission may allow one directory sign mounted on the ground or on a building wall, which sign shall not exceed 32 square feet in area and shall be not less than 50 feet from any street line nor less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of eight feet measured from the ground level to the top of the sign. Such directory sign shall not be located along the travel lane(s) of a primary site access driveway, but shall be located where motorists and pedestrians may safely view it without obstructing through-traffic (such as at a turnoff). The Commission may allow such ~~sign~~-freestanding or directory signs only under the following conditions:
- [1] The development consists of two or more individual buildings and two or more individual businesses;
- [2] The development is designed to face inward upon itself to form a village-style design where individual buildings are oriented around a green, a pedestrian plaza~~7~~ or other central pedestrian-friendly common space;

- [3] All parking is used by the businesses in common and street access is restricted to one public entrance per lot frontage [The Commission may allow a secondary truck/loading access, which shall not be allowed to have a ground sign, but may have a directional sign per Subsection **A(3)(c)** below].
- [4] The development includes a landscaped area along all road frontages, other than access and loading driveways;
- [5] No individual building displays a wall sign that is visible from the street;
- [6] Approval of the ground sign and directory sign under this ~~section~~ subsection shall not be precluded by the subdivision of any parcel of land which would otherwise be eligible for such signs, provided that the lot owners agree to a perpetual restriction on individual ground or directory signs absent the approval of the Commission.
- (c) Directional signs. The Commission may allow directional signs not to exceed two square feet in area nor higher than four feet measured from the ground level to the top of the sign. Such signs may direct the visitor to businesses located on the site for multi-building or multi-business sites; may identify truck or delivery access driveways or emergency ~~access ways~~ accessways; indicate one-way traffic; identify drive-through aisles; or otherwise assist pedestrians and motorists to navigate their way around the site. All such directional signs shall be identified on the proposed site plan.
- (4) Wall signs in Neighborhood Business Zones and Rural Mixed Use Zones.
- (a) Wall signs. Wall signs for each occupancy shall have an area not exceeding a total area of 1/4 square foot for each linear foot of building front for the first 50 feet of building front; and 1/8 square foot for each linear foot of building front for the next 50 feet of building front, such calculation to be based on the front building wall of each individual occupancy.
- (b) No credit for sign area shall be provided for linear building front exceeding 100 feet.
- (c) Wall signs shall be externally illuminated; internally illuminated signs are prohibited.
- (5) Freestanding signs in Neighborhood Business Zones and Rural Mixed Use Zones.
- (a) Not more than one freestanding sign per lot shall be permitted on a lot or lots comprising a single development in the Neighborhood Business Zone. In the Rural Mixed Use Zone, no freestanding sign shall be permitted except as provided in Subsection **A(5)(b)** below.
- (b) A freestanding sign shall not exceed 18 square feet in area, except that freestanding signs for properties with multiple occupancies may be increased by eight square feet for each additional occupancy.
- (c) LED signs are permitted as components of freestanding signs, provided that the sign area or face of the LED sign is no more than 25% of the total permitted freestanding sign area, and provided that the LED sign message is fixed and not intermittently displayed.

- (d) A freestanding sign shall be not less than 15 feet from side and rear lot lines, and may be zero feet at the front property line.
- (e) Maximum height from ground level to the top of a freestanding sign shall not exceed six feet.
- (f) Freestanding signs shall be externally illuminated; internally illuminated signs are prohibited. **[Amended 4-20-2011]**
- (6) Total sign area in Neighborhood Business Zones and Rural Mixed Use Zones.
 - (a) The total sign area of all signs on the premises shall not exceed 1.5 square feet per linear ~~feet~~foot of building front or 150 square feet, whichever is smaller, except as provided in Subsection **A(4)(b)** and (c).
 - (b) Freestanding signs in the Rural Mixed Use Zone. The Commission may allow one freestanding sign per street frontage, which sign shall not exceed 18 square feet in area and shall be not less than zero feet from any street line nor less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of six feet measured from the ground level to the top of the sign. Freestanding signs shall comply with all provisions of this Subsection **A(6)**, except as specifically waived in this subsection. The purpose of such sign is to identify the name of the development to identify its anchor tenants or occupants. In addition, the Commission may allow one directory sign mounted on the ground or on a building wall, which sign shall not exceed 18 square feet in area and shall be not less than 50 feet from any street line nor less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of eight feet measured from the ground level to the top of the sign. Such directory sign shall not be located along the travel lane(s) of a primary site access driveway, but shall be located where motorists and pedestrians may safely view it without obstructing through-traffic (such as at a turnoff). The Commission may allow such freestanding or directory signs sign only under the following conditions:
 - [1] The development consists of two or more individual buildings and two or more individual businesses;
 - [2] The development is designed to face inward upon itself to form a village-style design where individual buildings are oriented around a green, a pedestrian plaza, or other central pedestrian-friendly common space;
 - [3] All parking is used by the businesses in common and street access is restricted to one public entrance per lot frontage ~~(The Commission may allow a secondary truck/loading access, which shall not be allowed to have a ground sign, but may have a directional sign per Subsection **A(6)(c)** below.);~~
 - [4] The development includes a landscaped area along all road frontages, other than access and loading driveways;
 - [5] No individual building displays a wall sign that is visible from the street;
 - [6] Approval of the ground sign and directory sign under this section shall not be precluded by the subdivision of any parcel of land which would otherwise be eligible for such signs, provided that

the lot owners agree to a perpetual restriction on individual ground or directory signs absent the approval of the Commission.

- (c) Directional signs. The Commission may allow directional signs not to exceed two square feet in area nor higher than four feet measured from the ground level to the top of the sign. Such signs may direct the visitor to businesses located on the site for multi-building or multi-business sites; may identify truck or delivery access driveways or emergency ~~aeess-ways~~accessways; indicate one-way traffic; identify drive-through aisles; or otherwise assist pedestrians and motorists to navigate their way around the site. All such directional signs shall be identified on the proposed site plan.

§ 450-18.8 Signs subject to site plan review approval by Planning and Zoning Commission.

- A. Comprehensive signage plan. Any use subject to site plan approval by the Planning and Zoning Commission shall be required to apply for any and all signage associated with the application, including the requirement for a comprehensive signage plan for the overall property. The Commission may delegate approval of specific sign details to the Zoning Enforcement Officer. All signs shall be subject to the requirements of § **450-16.3R** and **X(3)(j)** of these regulations. The time period for action on these signs shall be the same as for the site plan application for approval of the use.
- B. Changeable-copy signs in Business and Industrial Zones. The Commission may allow a changeable copy sign by site plan review pursuant to Article **XVI**, Part 1, for up to 20% of either the allowable wall sign area or 20% of the allowable freestanding sign area for purposes of on-premises special event or sale advertising, which area is in addition to the maximum allowable sign area permitted in § **450-18.7**. No temporary signs or message board signs pursuant to §§ **450-18.6** and **450-18.9**, other than a grand opening sign, shall be permitted for any property for which a changeable copy sign has been approved. The time period for action on these signs shall not exceed 35 days, notwithstanding the provisions of Article **XVI**, Part 1.
- C. Message board signs. The Commission may allow message board signs by site plan review, provided that the signs meet the following standards:
- (1) The message board component is integral to the freestanding sign.
 - (2) The message component of the sign face shall be encased to provide protection from the weather.
 - (3) The sign shall not be internally lit.
 - (4) The sign shall not exceed 16 square feet in area, shall count towards either the wall sign or freestanding sign size limitations, as applicable, and shall be no more than 50% of the total area of the sign.
 - (5) No temporary signs or changeable-copy signs pursuant to §§ **450-18.6** and **450-18.8**, other than a grand opening sign, shall be permitted for any property for which a message board sign has been approved.
 - (6) The time period for action on these signs shall not exceed 35 days, notwithstanding the provisions of Article **XVI**, Part 1.

D. Off-site signs. The Commission may grant a site plan review to endorse the permitting of an off-site sign by the Board of Selectmen within a Town ROW, or by the state DOT within a state ROW, provided that the following standards are adhered to:

- (1) The property is in a GB or I Zoning District, or is a bona fide agricultural commercial use in a residential district and does not have frontage on a state route.
- (2) Compliance with the siting requirements of § 450-18.11.
- (3) The height and size of the sign are in accordance with the requirements for a freestanding sign in a GB or I Zoning District.
- (4) A freestanding composite sign for multiple properties shall be permitted in accordance with the size requirements of § 450-18.7A(2)(b).
- (5) The time period for action on these signs shall not exceed 35 days, notwithstanding the provisions of Article XVI, Part 1.

§ 450-18.9 **Special signage regulations.**

In addition to the standards of this Article XVIII, the following standards shall apply; and in the case of any conflicts, the following standards shall prevail. Signs in this section shall be subject to the approval of a zoning permit, which shall be acted on within 30 days of receipt of a sign application.

A. Signs associated with adult-oriented establishments in GB Zones. No sign visible from the exterior shall contain photographic or artistic representation or written description of the human form, or of any specified anatomical areas as defined in the Town's Adult-Oriented Establishments Ordinance.

B. Signs associated with golf courses developed in accordance with Article X of these regulations.

- (1) One ~~free-standing~~freestanding sign not to exceed 32 square feet.
- (2) No closer than zero feet ~~from~~to the property line along the public road from which access is provided, but 15 feet from side or rear yards.
- (3) No interior lighting.
- (4) ~~Twelve-foot~~Maximum height of 12 feet.
- (5) No interference with visibility or traffic hazard.
- (6) ID message allowed on reverse side of sign board.

C. Signs associated with continuing-care facilities and multifamily complexes.

- (1) Such signs shall be located at the driveway entrance.
- (2) Such signs shall be no more than 32 square feet in area.

(3) Such signs may be located on the street line, but shall maintain a fifteen-foot setback from any side or rear yard.

D. Identity signs for governmental, nonprofit, educational, charitable, or religious institutions.

(1) One freestanding sign not to exceed 24 square feet in area.

§ 450-18.10 Orientation of signs in Business and Industrial Zones.

A. No sign shall face the side of an adjoining lot if such lot is in a Residence Zone.

B. No sign shall face a limited-access highway or other street from which the lot has no direct vehicular access.

§ 450-18.11 Hazards or obstruction to vehicular and pedestrian traffic.

No sign shall be placed so as to obstruct pedestrian or vehicular traffic, or create a sight line impediment to such traffic.

§ 450-18.12 Determination of sign area.

The area of a sign shall be determined in accordance with the definition of "sign area or face" contained in Article II of these regulations.

§ 450-18.13 Construction/ and design.

All signs (including temporary signs permitted pursuant to § 450-18.5) shall be professionally designed and constructed of weather-resistant materials. Special events signs shall not be subject to the same standards as other temporary signs.

§ 450-18.14 Illumination.

All signs shall meet the outdoor lighting requirements of § 450-3.20 of these regulations.

§ 450-18.15 Removal of sign faces after termination of use.

All wall and freestanding sign faces shall be removed within 30 days after the permanent closure of any business, but such removal shall not affect the right of the current or future property owner to install a sign within each sign face equal to or less than the area of the sign previously existing on the property. Removal of the structure supporting each sign shall be deemed to be permanent abandonment, and consequently the installation of new signage and structures supporting those signs must conform to these regulations in effect at the time the new sign is proposed.

ARTICLE XIX

Zoning Board of Appeals

[Amended 6-1-2006; 7-15-2009; 4-20-2011]

§ 450-19.1 Powers and duties.

The Zoning Board of Appeals shall have the powers and duties as set forth in ~~Section 8-6 of the Connecticut General Statutes of Connecticut~~C.G.S. § 8-6, as amended from time to time.

§ 450-19.2 Use variances.

The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in zones in which such uses are not otherwise allowed.

§ 450-19.3 Submission of appeals or applications.

Any appeal or application addressed to the Zoning Board of Appeals (ZBA) shall be on a form prescribed by the ZBA, accompanied by the required fee, written evidence of the applicant's interest in the subject property (deed, lease, purchase option, etc.) and three copies of a plot or site plan with the following information:

- A. Applicant's name and address, together with names of any other parties involved.
- B. Location of the property and names and addresses of all current property owners within 500 feet, as shown in the records of the Town Assessor.
- C. Descriptions of the hardship claimed and of the variance or action requested, including the specific ~~paragraph~~ section/subsection of the zoning regulations to be varied.
- D. Statement of any previous request for any similar variance and its disposition.
- E. A concise statement of appeal (if applicable), indicating why a decision or action of the Zoning Enforcement Officer should not be sustained. Such statement, plus all associated information, must be submitted within 30 days of the date of the action being appealed.

§ 450-19.4 Supplemental notice.

- A. Posting of sign. No less than 10 days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any request for variance. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the general nature of the application, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. An information sheet providing specifications for the construction of the sign shall be available in the Land Use Office. No sign need be posted for the continuation of a public hearing once it has opened.
- B. Notice to abutting landowners. The applicant shall also notify all landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time, ~~and~~ and place of the public hearing of the Board, and the general nature of the application, at which said variance is to be considered, such form of notice to be provided by land use staff. The applicant shall mail such notice at least 10 days preceding the date of said hearing, and shall submit to the ZEO certificates of mailing of the abutter notices. No notice shall be required for the continuation of a public hearing once it has been opened.

§ 450-19.5 Findings; action by Board.

After conducting a public hearing according to statutory requirements, the Zoning Board of Appeals may grant or deny the appeal within limits established by the Connecticut General Statutes and by these

regulations, as amended from time to time. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Zoning Board of Appeals that all of the following conditions exist:

- A. That if the owner or applicant complied with the provisions of these regulations, the owner or applicant would not be able to make any reasonable use of the property.
- B. That the difficulties or hardship ~~are~~ is peculiar to the property in question, in contrast with those of other properties in the same zone.
- C. That the hardship was not the result of the owner's or applicant's own action.
- D. That the hardship is not merely financial or pecuniary.

ARTICLE XX
Severability; Effective Date
[Amended 6-1-2006; 7-15-2009; 4-20-2011]

§ 450-20.1 Severability.

If any section, paragraph, subdivision, clause, provision, sentence, phrase, or word of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, provision, sentence, phrase, or word as adjudged, and the remainder of these regulations shall be deemed valid and effective.

§ 450-20.2 Effective date.

The effective date of these revised regulations shall be: August 1, 2011.

Attachments:

[Attachment 1 - Appendix A, R-1 Cul-de-Sac Frontage Diagram](#)

[Attachment 2 - Appendix B, Setback and Minimum Lot Width Requirements for Irregular Lots](#)

[Attachment 3 - Appendix C, Architectural and Site Design Guidelines](#)

[Attachment 4 - Route 44 Incentive Housing Zone Study](#)

[Attachment 5 - Zoning Map](#)