

Town of Haddam  
Connecticut  
Zoning Regulations

Amended  
February 18, 2016  
March 3, 2016  
October 20, 2016  
January 5, 2017  
February 16, 2017

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17. Site Plan Review	1/13/84	
18. Buffer Strips	11/13/84	7.4
19. Certificate of Zoning Compliance	11/13/84	30.6
20. Construction yards	11/19/84	7.3.k
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22. Interior lots	2/4/85	4
23. Temporary roadside stands	2/4/85	6

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
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31. Signs	2/4/85	17
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33. Timber cutting	2/4/85	19.3a
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38. Erosion & Sedimentation Req.	2/15/85	14.2
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40. Validity	6/15/85	2
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44. Performance bond	9/9/85	14.3
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46. Special permit: industrial	1/1/87	8
47. Commercial motor vehicles	1/1/87	21.4
48. Height, building	4/26/87	3
49. Water company	4/26/87	3

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
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64. Interior Lot access strip	12/8/89	4
65. Exemption for accessory residential structures near water course	12/8/89	5
66. Minimum Lot requirement additions dwelling in minimum area conservation easement not included. Minimum rectangle behind front setback lines on corner lots.	12/8/89	4
67. Definition of side yard	12/8/89	3
68. Delete laundries from Use Table	4/26/90	7.2.F
69. Delete hotels & motels from Use Table	4/26/90	7.3.F
70. Prohibit Industrial Waste Discharge	4/26/90	8.4.F
71. Allow Elderly housing in R-2A zones	4/26/90	6.3.G
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<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
72. Delete reference to fees	4/26/90	15.9
73. Require approved plans to be filed within 90 days	4/26/90	14.4
74. Accessory Apartments	4/26/90	6.1
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75. Add #3 & #4 to Waiver of certain site plan requirements	10/25/91	14.6.c
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76. Add corner lot requirements	7/1/92	Table 1
77. Outdoor recreation facilities	7/1/92	6.3.c
78. Amend discontinuance	7/1/92	29.3
79. Delete Discontinuance	7/1/92	29.10
80. Delete housing nonconforming uses	7/1/92	29.12
81. Delete fee	7/1/92	2
82. Revisions to outdoor signs	7/1/92	17
83. Revisions to outdoor signs	10/1/92	17
84. Professional and business offices	9/1/93	6.3.J
85. Amend Flood Hazard Regulations	11/1/93	11
	11/1/93	11
86. Add or replace definitions for attic, grade, height	11/1/93	3
	11/1/93	3
87. Amend maximum building height req.	11/1/93	Table 1
88. Add construction near wetlands	11/1/93	5.6
89. Clarify interior lot access strip measurement & fee sample req.	11/1/93	4.2
90. Amend outdoor rec.facilities	8/1/94	6.3.c

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
91. Amend Special Flood Hazard Area	5/1/95	11
92. Site Plan Requirements - CGS	5/1/95	14
93. Communication Towers	8/7/95	25
94. Communication Towers	8/7/95	25
95. Communication Towers	8/7/95	25
96. Public Hearing Sign	8/7/95	30
97. Access strip	10/4/95	4
98. Review Considerations	10/4/95	14.5
99. Review Considerations	10/4/95	14.6
100. Interior lot provisions	11/9/95	4
101. Home Occupations	1/23/97	23
102. Bed and Breakfast	1/23/97	7
103. Bed and Breakfast	1/23/97	6
104. Bed and Breakfast	1/23/97	3
105. Marinas	1/23/97	3
106. Accessory Apartments	3/16/98	6.4
107. Accessory Recreation Facilities	3/16/98	6.7
108. Fences	3/16/98	22.3
109. Accessory Uses	3/16/98	24.5
110. Professional Office in Residential Zone	12/21/98	6.3.j.i
111. Correct Section 4, Table 1 Use Regulations	2/1/99	Table 1
112. Create Industrial-2 Zone	2/1/99	8A
113. Add Industrial I-2 to Section 5	12/1/99	5
114. Eliminate Water course Setback	1/20/00	5.6



<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
115. Accessory Apartments	1/20/00	6.5
116. Buffering Requirements	1/20/00	7.4
117. Permit Revocation/Termination	1/20/00	15.10
118. Trailers	1/20/00	16.1
119. Bonding	1/20/00	28.2
120. Certificate of Zoning Compliance	1/20/00	30.6
121. Appeals	1/20/00	30.7
122. Revocation/Termination	1/20/00	30.8
123. Section 4, Table 1	1/20/00	Table 1
124. Moved Timber Cutting Section to Inland Wetlands Regulations, Forest Practices	1/20/00	19
125. Create Continuing Care Residential	2/7/00	13A
126. Communication Towers	10/10/00	25
127. Delete –Driveway Grade	12/1/01	4.1.b.3.a.
128. Driveway grade	12/1/01	4.2
129. Interior lots	12/1/01	4.1.b. #7
130. Delete references to Commercial and Non-Commercial cutting and removal of trees	12/1/01	14.6.a 14.6.b.
131. Correct line R-2	12/1/01	Section 4, Table1
132. Add Commercial Zones Uses	12/1/01	7.1.
133. Sign Posting	12/1/01	2.2
134. Sign notifying of public hearing	12/1/01	30.5
135. Length of Access Strip	2/1/02	4.1.3.F
136. Village District	4/1/02	7A.

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
137. Table 1	4/1/02	4. Table 1
138. Height, Building	12/3/02	3
139. Conservation Subdivisions	12/3/02	4A
140. Zone Change R-2 to R-2A	12/16/02	
141. Dwelling, Housing for Elderly from 62 to 55 years old	12/16/02	3 & 13
142. Elderly Maximum Density from 3 bedrooms to 4	1/30/03	3
143. Maximum number of bedrooms per Development from 48 to 96	1/30/03	13
144. Permanent year-round farm markets	12/15/03	6.3.L
145. Private Schools	12/1/03	3 & 6.3.
146. Child Day Care Centers	11/22/04	6.3.K.9
147. Gateway Conservation Zone	12/1/04	6.3.O
148. Gateway Conservation Zone	12/1/04	10.3, 10.4, 10.5, 10.6, 10.7, 10.8
149. Elderly and/or Physically Handicapped Persons	5/1/05	6.3(H), 13.4
150. Minimum Rectangle	9/23/05	4.2
151. Lots First Split	9/23/05	4.3
152. Zones	9/23/05	5.3
153. Outdoor Wood-Burning Furnace	12/1/07	3
154. Yard, Side	12/1/07	3
155. Minimum Lot Frontage	12/1/07	4 (Table 1)
156. Prohibited Uses in Residential Zones	8/15/08	6
157. Special Flood Hazard Area Regulations	8/28/08	3, 11

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
158. Fences	1/22/09	22
159. Definitions	1/22/09	3
160. Definitions	3/15/2012	3
161. Lots	3/15/2012	4
162. Conservation Subdivisions	3/15/2012	4A
163. Residential District	3/15/2012	6
164. Commercial District	3/15/2012	7
166. Village District	3/15/2012	7A
165. Industrial Districts	3/15/2012	8
166. Trailers	3/15/2012	16
167. Tag Sales (Section Removed)	3/15/2012	20
168. Parking	3/15/2012	21
169. Fences (Section Removed)	3/15/2012	22
170. Mixed Uses within a Zone	3/15/2012	26
171. Non-Conforming Buildings and Uses	3/15/2012	29
172. Administration and Enforcement	3/15/2012	30
171. Table I Area Height and Bulk Regulations	3/15/2012	
172. Definitions: commercial kennel, medical marijuana and microbrewery added.	3/12/14	3
173. Lots: new requirement of Special Permit for Interior Lots	3/12/14	
4.1(B) 174. Section 5: Zones: added prohibited uses	3/12/14	5
175. Section 6: Residential: removed prohibited uses to Section 5 and added commercial kennels. Removed professional and/or business offices allowed next to commercial.	3/12/14	6.3.N
176. Section 7: Commercial: added medical marijuana, microbreweries as special	3/12/14	7

AMENDMENT

EFFECTIVE  
DATE

SECTION

177. Section 7A: Village District: 8-2 J, added ARC	3/12/14	7A
178. Section 8: Industrial Zone: added medical marijuana, microbrewery	3/12/14	8
179. Section 8A:Industrial: added medical marijuana, microbrewery	3/12/14	8A
180. Section 9: Industrial Park Zone: added medical marijuana, microbrewery	3/12/14	9
181. Section 14:Site Plan Review: informal preliminary consideration, and added commencement and completion of work	3/27/14	14.1.2
182. Section 15:Special Permit: Informal preliminary consideration	3/27/14	15.1.2
183. Section 29 Nonconforming: cessation of nonconforming use	3/27/14	29.5
Changes in February/March 2016:		
184. Definitions: Added; accessory structure, impervious surface		
185. Definitions: Amended; accessory building, building		
186. Section 6.1 Permitted Uses in Residential Zones: added buildings, uses and structures accessory to permitted Principal uses, buildings and structures.		
187. Buildings, uses, and structures accessory to site plan principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval, Added to the following Sections: Section 6.2, Site Plan Uses in Residential Zones Section 6.3, Special Permit Uses in Residential Zones Section 6.4, Amend Subsection A to read: Accessory Apartments within an existing dwelling, in accordance with Section 23.7.5 [balance of section moved to 23.7.5] Accessory Apartments located on lots of two acres and greater in accordance with Section 23.7.5 [balance of section moved to 23.7.5] Section 6.5.U addition of artisan galleries and classrooms Section 7.1, Permitted Uses in Commercial Zones Section 7.2, Permitted Uses in Commercial Zones Section 7.3, Special Permit Uses in Commercial Zones Section 7A.4.7, Demolition by Affirmative Act or Neglect Section 7A.4.B, Site Plan Uses in Village Districts 1		

Changes in February/March 2016 (continued):

- Section 8.1.A, Permitted uses in Industrial Zone I-1
- Section 8.2, Special Permit uses in Industrial Zone I-1
- Section 8A.1, Industrial Zone I-2, special permit uses
- Section 9.4, Special Permit uses in Industrial Park Zone
- Section 13.B, Housing Opportunity District (NEW)
- Section 14, Site Plan Review 14.5.11 modification moved to Section 30
- Section 17 Signs, 17.5 non-residential signs
- Section 23 Home Business changed to ACCESSORY USES

Changes in October 2016:

- Section 23 Section 23.6.3.B Detached accessory apartments
- Table 1 Area Height and Bulk Regulations modification to max % land coverage Industrial Park Zone

Changes in January 2017:

- Section 9, Industrial Park Zone, removed sections 9.5.A through 9.5.D: Open Space Ratios

Changes in February 2017:

- Section 2.2, Interpretations, Changes, Validity: Changes, Added requirement for mailing abutters when zone change is requested

## HADDAM ZONING REGULATION AMENDMENTS

November 4, 1974  
November 21, 1974  
July 2, 1975  
September 3, 1975  
January 1, 1977  
September 1, 1977  
November 1, 1977  
December 1, 1978  
February 1, 1980  
November 10, 1980  
November 10, 1980  
November 10, 1980  
November 10, 1980  
November 10, 1980  
August 1, 1982  
October 2, 1982  
November 1, 1983  
November 7, 1983  
November 13, 1984  
November 19, 1984  
February 4, 1985  
June 15, 1985  
September 9, 1985  
January 1, 1987  
April 26, 1987  
September 16, 1987

August 1, 1994  
May 1, 1995  
August 7, 1995  
October 2, 1995  
November 9, 1995  
January 23, 1997  
March 16, 1998  
December 21, 1998  
February 1, 1999  
November 1, 1999  
January 20, 2000  
February 7, 2000  
October 10, 2000  
December 1, 2001  
February 1, 2002  
April 1, 2002  
December 3, 2002  
December 16, 2002  
January 30, 2003  
February 15, 2003  
December 1, 2003  
November 22, 2004  
December 1, 2004  
May 1, 2005  
September 23, 2005  
December 1, 2007

## HADDAM ZONING REGULATION AMENDMENTS

March 24, 1988  
December 8, 1989  
April 26, 1990  
October 25, 1991  
July 1, 1992  
October 1, 1992  
September 1, 1993  
February 18, 2016  
October 20, 2016  
February 16, 2017

August 15, 2008  
August 28, 2008  
January 22, 2009  
March 15, 2012  
April 15, 2013  
March 12, 2014  
March 27, 2014  
March 1, 2016  
January 5, 2017

## SECTION 1

### PURPOSE AND EFFECTIVE DATE

#### 1.1 Purpose

These regulations, pursuant to the authority granted by Chapter 124 of the General Statutes of the State of Connecticut, as amended, are adopted by the Town of Haddam to promote the health, safety, convenience, and welfare of the inhabitants by dividing the municipality into zones and regulating therein the uses of land and the uses of buildings with a view to encouraging the most appropriate use of land in the municipality.

#### 1.2 Effective Date

Zoning Regulations for the Town of Haddam were first effective on October 10, 1958. A revision was approved November 4, 1974, effective November 21, 1974. There were numerous revisions from 1974 through 2008. Another revision became effective April 1, 2012 and another on May 30, 2012. Another revision was adopted at the meeting of the Planning and Zoning Commission on March 18, 2013 and became effective April 15, 2013. This revision was amended March 6, 2014 and became effective March 12, 2014. Another revision consisting of changes to Section 23 and Table 1 was amended and became effective in October 2016. A revision to Section 9 became effective in January 2017. A revision to Section 2.2 became effective in February 2017.



## SECTION 2

### INTERPRETATION, CHANGES, VALIDITY

#### 2.1 Interpretation

In their interpretation and application the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare.

It is not intended by the regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, regulations or ordinances, except those specifically repealed by these regulations, or with private restrictions placed upon property by covenants running with the land (to which the Town is a party). Where these regulations pose a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of regulations, ordinances, contracts or deeds, the provisions of these regulations shall control.

#### 2.2 Changes

The Planning and Zoning Commission may, after public notice and hearing, change, amend or repeal these regulations, in accordance with the provisions of Section 8-3 of the Connecticut General Statutes, as amended

The owners of any property affected by these regulations may petition the Planning and Zoning Commission, requesting a change, or changes, in the boundaries of a zoning district or districts, in the manner herein prescribed. Such petitions shall (a) be in writing; (b) be signed by the property owner or owners requesting such changes; (c) outline specifically the boundary changes which are requested; and (d) be accompanied by the required application fee; and a sign shall be posted in accordance with Section 30.5 of these regulations, and shall do a mailing sent by certificate of mail to all properties within 200 feet of the lot where the zone change is requested. Said letter shall be mailed a minimum of ten days prior to the public hearing and shall state the address and the date of the hearing before the Commission. The receipt of certificate of mailing shall be provided to the Commission when the public hearing is opened.

#### 2.3 Validity

If any section or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

## SECTION 3

### DEFINITIONS

For the purpose of these regulations, the following terms and their definitions shall have the meaning given herein. When not inconsistent with the context, verbs used in the present tense include the future, and nouns in the plural include the singular, and the word “shall” is intended as a mandatory directive. When not defined in this Section, any term with regard to Land Use and Zoning in Haddam will be defined by a recognized Dictionary of The English Language.

**Accessory Apartment (Attached):** A dwelling unit that shares a common wall with the principal dwelling unit.

**Accessory Apartment (Detached):** A dwelling unit with bedroom, kitchen and bathroom facilities created in an accessory structure that is separate and detached from the principal structure.

**Accessory Building:** A building, the use of which is customarily incidental and subordinate and incidental to that of the principal building and located on the same lot therewith.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of a building, and located on the same lot with such principal use or building.

**Accessory Structure:** A structure which is customarily incidental and subordinate to the principal building, use, or structure and located on the same lot therewith. Examples include swimming pools, ground mounted solar panels, wind generators, and the like; but not including signs.

**Address Sign:** Any sign indicating street address, name of occupant and/or name of residence.

**Alter, Alteration:** As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing the height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity or scope of the use, including but not limited to , the extension of hours of operation, the addition of other activities, equipment, functions, or process, or the extension into additional land or building area.

**Animal Hospital:** see veterinary clinic.

**Aquifer:** A geologic unit capable of yielding usable amounts of water.

**Assisted Living Facility:** A facility with an overnight residential component that assists residents with personal care as defined by the State of CT Public Health Code Section 19-13-D105.

**Automobile Gasoline Station:** A facility that offers retail sales to the public of gasoline or motor fuels and may include up to three service bays. For boat fueling docks see "Marina".

**Automobile Service and Repair Station without gasoline sales:** A facility up to four bays that services automobiles, trucks and noncommercial vehicles.

**Attic:** The space between the ceiling beams of the top story and the roof rafters.

**Bars, Taverns and Brew Pubs:** An establishment with a valid liquor license that may serve food, and that generates the majority of its revenue from the sale of alcohol for on- premises consumption, or an establishment that identifies itself as a bar, tavern or pub in its signage or name.

**Base Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Basement:** A portion of a building partly underground, but having less than half of its clear height below the average grade of the adjoining ground.

**Bed and Breakfast Inn:** A residence where lodging for no more than six guest rooms is provided for compensation.

**Brewery:** See Microbrewery.

**Building:** Any structure having a roof supported by columns or by walls. The term "Building" shall include fabric cover or enclosures supported by hoops, poles, or other rigid frames.

**Cellar:** A portion of a building, having half or more than half of its clear height below the average grade of the adjoining ground.

**Certificate of Zoning Compliance:** A document stating that the site plan of a proposed use has been adhered to and completed and/or is in conformance with these Regulations.

**Certification:** a signed, written declaration or statement that a thing is true, accurate or meeting the applicable requirements of these regulations.

**Child Care Center:** A premises or portion thereof (commercial or residential) used as a place for the day care, guidance or supervision of six or more minors not related to the property owner or to the tenant that are cared for in the absence of a parent or guardian. All child care centers must be registered with The State of CT Department of Public Health per Section 19a-79-1a to 19a-79-13 of the Public Health Code.

**Commercial Cruise Line Facility:** A dock, wharf, slip basin or similar landing facility whose primary use is the docking of vessels engaged in commercial boat cruises, excursions and tours, and which may include minor nonstructural repairing and servicing of such vessels and may include company offices, ticket offices, and waiting rooms, but which expressly excludes construction, major repairing of structural components, overhauling and dry-docking of such vessels.

**Commercial Fishing Dock or Marina:** A dock, wharf, slip basin, or similar landing facility for vessels engaged in fishery or shell fishery.

**Commercial Vehicle:** See Motor Vehicle.

**Cost:** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**County Soil and Water Conservation District:** The Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the Connecticut General Statutes.

**Coverage:** The percentage which the aggregate building area of all buildings, parking and impervious surfaces such as impervious walkways and courtyards in relation to the total area of that lot.

**Cutting, Commercial:** Any cutting or removal of trees which exceeds one acre in extent and is not covered under the definition of non-commercial cutting contained herein.

**Cutting, Non-Commercial:** The cutting, clearing or removal of trees on a lot for the purpose of preparing a site for the construction of a building, structure or other use and/or cutting for the customary maintenance and improvement of a lot.

**Debris:** Material which is incapable of performing the function for which it was designed including, but not limited to: abandoned, discarded, or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, scrap wood and building materials, tires, batteries, containers, and garbage which are in the public view.

**Decay:** A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten.

**Development:** Any construction or grading activities to improved or unimproved real estate, or any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Dilapidated:** Decayed or rotten beyond repair.

**Disturbed Area:** An area where the ground cover is or will be destroyed or removed such that the exposed land is subject to accelerated erosion.

**Dwelling - Housing for Elderly and/or Physically Handicapped Persons:** Dwelling units, 1) designed exclusively to be occupied by and to meet specific requirements and design standards suitable for occupancy by one or more persons at least one of whom is at least 55 years of age and/or is physically handicapped; and, 2) which shall conform to the requirements of State and/or federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, the owner's architect, and engineers that such housing conforms to the State and/or federal agencies' program requirements for elderly housing regardless of whether such housing is constructed under such program. Dwellings for the elderly and/or physically handicapped persons may include accessory community rooms and facilities for the use of the occupants as well as other essential service facilities, such as laundry rooms.

**Dwelling, Single-family :** A building containing one dwelling unit on a lot for the use of one family.

**Dwelling, Two-family:** A building containing two dwelling units.

**Dwelling, Multifamily:** a structure that contains more than two residences either side by side or one on top of the other and that are distinct and separate apartments and not a boarding house or a townhouse.

**Enlargement, or to Enlarge:** Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

**Erect:** to build, construct, raise up, set up, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

**Erosion:** any movement of soil or rock fragments by water, wind, ice or gravity.

**Extend, or to make an Extension:** An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

**Family:** The term "family," as used in these regulations, includes the following: (1) An individual; (2) Two or more persons related by blood, marriage or adoption; and up to five unrelated individuals.

**Federal Emergency Management Agency (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).

**Fences and Walls:** any structure that is constructed above the natural contour from materials such as, but not limited to; wood, metal, wire, earth, sod, stone, concrete, or brick.

**Finished Living Space:** Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (RFE) cannot have finished living space and needs to be designed for exposure to flood forces. This space can only be used for parking, building access or limited storage.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Boundary and Floodway Map:** An official map of the Town of Haddam on which the Federal Insurance Administration has delineated the 100 year, 500-year and floodway boundaries.

**Flood Insurance Rate Map:** An official map of the Town of Haddam on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the town, as well as base flood elevations at selected locations.

**Flood Insurance Study:** The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor Area:** The sum of the gross horizontal areas for residential use of the several floors of a building, measured from the interior faces of exterior wall or from the center lines of walls separating two dwelling units. Floor area also includes:

1. Basement or cellar which is used primarily for year-round living accommodations (e.g. finished recreation room).
2. Attics and top half-stories provided that:
  - a) the height shall not be less than seven and one-third feet over not less than one-third the area of the floor when used for sleeping, study or similar activity, and,
  - b) such areas be connected with the floor below by a permanent inside stairway.
3. Stairways
4. Closets
5. Halls

and excludes shafts without openings and courtyards.

**Grade:** The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

**Grading:** Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Hazardous Waste:** Waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976.

**Height, Building and Structures:** Definition for all properties located outside of the Gateway Conservation Zone. The vertical distance from the average height of the roof surface, or in the case of a structure without a roof, the highest point to grade plane. For the purpose of this definition grade plane means the average of the finished ground levels between the structure and a point one foot from the structure. Architectural features such as church steeples, and chimneys are exempt from this definition.

For all properties located within the Gateway Conservation Zone the following definition applies: The vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, and the lowest point of a building or structure, which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

**Highest Adjacent Grade (HAG):** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure :** Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**Hotel:** an establishment that provides lodging and meals, and various personal services for the public for a fee.

**Impervious Surface:** An area of a lot which has been improved in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (roads, driveways, parking lots, sidewalks, patios, etc.), and swimming pools.

**Inoperable condition:** A motor vehicle is in an inoperable condition when such motor vehicle is incapable of performing the function for which it was designed by virtue of having parts missing, or essential components broken or severely damaged.



**Inland Wetland:** Those areas designated and defined as inland wetlands by the [town] Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

**Interior Lot:** A building lot which does not meet the frontage requirements of Table I.

**Junk:** Discarded material, such as glass, rags, paper, metal or other debris; articles worn out or fit to be discarded.

**Kennel, Commercial:** The keeping, boarding, or training of four or more dogs for compensation, that are over the age of 12 weeks, for overnight stays that are not registered to the owner or occupant of the property. For-profit and non-profit rescue leagues are considered commercial kennels.

**Lot:** A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses to such building and including such open spaces as are intended to be used in connection therewith or as are required by subdivision. In the case of commercial, industrial, public, or institutional buildings, or housing for elderly and/or physically handicapped persons, a group of buildings devoted to a common interest or use and under the same ownership may be considered as occupying the same lot.

**Lowest Floor:** The lowest floor of the enclosed area of a building (including basement and/or cellar.)

**Manufactured and Modular Home:** A structure that is transportable in one or more sections, built on a permanent foundation.

**Marina:** A waterfront land use which offers berths for recreational boating and providing such ancillary indoor and outdoor boat facilities as boat storage, sales of provisions, fuel, materials and supplies, rentals, and services for boaters, such as rest rooms, showers, laundries, repairs and parking.

**Market Value:** Market value of the structure shall be determined by a professional appraiser.

**Mean Sea Level (MSL):** The North American Vertical Datum (NA VD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**Medical Marijuana Dispensary (licensed):** A pharmacist licensed pursuant to Chapter 400j of the CGS, who the Department of Consumer Protection has licensed to acquire, possess, distribute and dispense marijuana pursuant to sections 1-15 inclusive of "An Act Concerning the palliative Use of Marijuana" and which is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy.

**Medical Marijuana Producer (licensed):** a person or organization that is licensed as a producer by the Connecticut Department of Consumer Protection under Section 10 of “An Act Concerning the palliative Use of Marijuana” and whose purpose is to cultivate marijuana for palliative use and selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under Section 1 to 15, inclusive of the above Act.

**Microbrewery:** Breweries producing less than 15,000 barrels of beer annually and permitted by the State of Connecticut Liquor Control Commission.

**Mobile Home:** As used in Section 16 of these regulations shall include trailers and campers used as primary living quarters, and can be mounted on wheels, and may be propelled, either by their own power or by another power-driven vehicle to which it may be attached.

**Motel:** An establishment that provides lodging for motorists in rooms usually having direct access to an open parking area.

**Motor Vehicle:** Any vehicle which is self-propelled and designed to travel along the ground, including but not limited to automobiles, buses, trucks, campers, towable camping trailers, motor homes and the quantity of parts equivalent in bulk to constitute a motor vehicle.

**Motor Vehicle (Abandoned):** Any vehicle parked, stored or left for a period of time greater than 24 consecutive hours on any public or private property within the town without the consent of the owner, occupant or public agency in control of such property.

**Motor Vehicle (Commercial):** Any motor vehicle other than an automobile, sport utility vehicle, motorcycle, motor-scooter, minivan, passenger van, conversion van, pickup truck, or similar vehicle, registered and intended exclusively for personal use or farm use.

**Motor Vehicle (Recreational):** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**New Construction:** Structures for which the “start of construction” commenced on or after the effective date of the floodplain management regulations, and includes any substantial improvements to such structures.

**Non-Conforming Lot:** a lot legally existing prior to the effective date of these regulations, or any applicable amendment, that predates the effective date of these regulations, or applicable amendment, and does not conform to these regulations for the zone it is situated.

**Non-Conforming Use:** A legally established use of a building or of land that predates the effective date of these regulations, or any applicable amendment, and does not conform to these regulations for the zone in which it is situated.

**Non-Conforming Building or Structure:** A legally constructed building or structure that predates the effective date of these regulations, or any applicable amendment, and does not conform to these regulations for the zone it which it is situated.

**Outdoor Recreational Facilities:** One or more buildings, structures or uses either used for, or accessory to, the provision for organized recreational activities or opportunities for persons other than those who lawfully reside on the premises. Outdoor recreational facilities include, but are not limited to campgrounds, fairgrounds, camping sites, cabins for seasonal use, horse or riding stables, facilities where horses are bred, boarded or trained (other than horses owned by persons lawfully residing on the premises), golf courses or driving ranges, ball fields, tennis courts or clubs, swimming pools or facilities, ski slopes or areas, or any combination thereof or similar or related uses.

**Outdoor Wood-Burning Furnace:** an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chimney. Outdoor wood-burning furnaces are prohibited in all zones as of December 1, 2007.

**Parking Space:** The area required for parking one automobile. See Section 21 of these regulations.

**Person:** Any man, woman, corporation, or other legal entity capable of owning real property.

**Pet Training Facility and Day Care:** a commercial establishment where dogs and cats are kept or maintained for compensation and shall not include overnight boarding or outdoor runs.

**Premises:** A platted lot or part thereof or un-platted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term “premises,” where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this article.

**Primary Recharge Area:** That area immediately overlying the stratified-drift aquifer and adjacent areas of stratified drift that may not have sufficient thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between stratified drift and adjacent till or bedrock.

**Private property:** Any real property within the town which is privately owned and which is not public property as defined in this section.

**Private School:** Any building or group of buildings the use is solely for primary, secondary or higher education, which meets the State’s requirements for primary, secondary or higher education and which is not operated or predominately funded by the Town, State, or Federal Government. This may include a campus style setting with a variety of buildings including but not limited to residential dormitories, administrative buildings, athletic fields, gymnasiums, cafeterias, classrooms, as well as staff housing in the form of single family, duplex or multifamily dwellings.

**Public property:** Any street or highway within the town, accepted as a public highway by the State of Connecticut or the Town of Haddam, including the entire width between the boundary of every way publicly maintained for the purpose of vehicular travel, and any other property or facility within the Town of Haddam, the State of Connecticut or the United States government.

**Public View:** Visible from any public right of way, or from any neighboring property, or the Connecticut River.

**Recreational vehicle:** see Vehicle

**Refuse:** Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

**Secondary Recharge Area:** The land adjacent to the primary recharge area from which groundwater moves down gradient into the aquifer.

**Sediment:** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Self-Storage Facility:** A single story facility containing rental units for cold storage of household goods; recreational equipment; business, commercial or industrial inventory; fixtures, and other similar personal property. No service or repair shall be permitted in the storage units or on the property. Individual units shall not be serviced by water or electrical service.

## **SIGNS:**

**Sign:** Any external surface, fabric or device which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, character, animal, or geometric shape (*as with inflatable signs*), designed to attract attention or convey information visually and which is exposed to public view; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. For the purpose of this regulation, the term “sign” shall include all structural members and shall include vending machines, the exterior surface of which are so designed as to convey information as to the contents offered therefrom.

**Animated Sign:** Any sign that uses movement, inflation, or change of lighting, color or text. This definition includes signs with rotating panels. (see Electronic Message Center Sign).

**Banner Sign:** Any sign intended to be hung, possessing characters, letters, illustrations or ornamentation applied to or composed of paper, plastic or fabric of any kind. National flags, flags of political entities and state or town flags shall not be considered banners.

**Billboard Sign:** An outdoor advertising sign which advertises goods, products or services or a business, organization, event, person, place or thing not sold on the premises on which the sign is located.

**Changeable Sign:** Any sign, either fixed or mobile, that is designated so that character, letters or illustrations can be changed or rearranged without altering the surface of the sign upon which the characters, letters or illustrations are located.

**Construction Sign:** Any sign giving the names of the architects, engineers, contractors, developers and/or lending institutions responsible for construction on the site where the sign is located.

**Directly Illuminated Sign:** Shall mean any sign emitting artificial light directly, or through any transparent or translucent material.

**Directional Sign:** A sign not located on the premises of a business which assists in locating the business.

**Directory Sign:** Any sign where the name or names and locations of a business, organization, event, person, place or thing or of the occupants or of the building is given.

**Electronic Message Center:** A sign that uses computer-generated or electronic means to change advertising copy, messages, or color, including signs that flip or rotate including message boards, neon and LED.

**Area of a Facade Sign:** Shall mean a surface defined by one continuous perimeter of the geometric shape which encompasses all lettering, wording, design or symbols, together with any background different from the balance of the wall on which it is located. Such sign perimeter, however, shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

**Area of a Free-Standing or Attached Sign:** All wording, lettering and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed. The area does not include minimal supporting framework or bracing, but it does include any decorative structure.

**Home Occupation Sign:** Any sign as defined herein erected to advertise the location of a home occupation in accordance with Section 23 of these Regulations.

**Indirectly Illuminated Sign:** Any sign illuminated with an artificial light external to the sign. The light shall be so shielded that rays from it are not directed beyond the lot upon which the sign is located.

**Interior Sign:** A sign located on or within three feet of a window inside a building with the intent of being seen from the exterior.

**Real Estate Sign:** Any sign which is used to offer for sale, lease or rent the property upon which it is located.

**Street Banner Sign:** Any banner sign which is stretched across and hung over a public right-of-way.

**Temporary Sign:** Any sign erected for a maximum time of two weeks prior to an event and is removed within two days after the event has occurred.

**Traffic Sign:** Any sign denoting entrances, exits or parking for the premises upon which the sign is located.

**Soil:** Any unconsolidated mineral or organic material of any origin.

**Soil Erosion and Sediment Control Plan:** A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Special Exceptions or Special Permits:** A use allowable by the approval by the Planning and Zoning Commission in accordance with Section 15 of these regulations.

**Special Flood Hazard Area:** An area shown as an overlay on the Zoning Map of the Town of Haddam which contains the land in the flood plain within the town subject to a one percent or greater chance of flooding in any given year. The special Flood Hazard Area includes all Flood Insurance Zones A and A1-A30 as designated on the Flood Insurance Rate Maps.

**Start of Construction:** Includes substantial improvements, and means the date the building permit was issued, provided the actual state of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alternation of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Street Frontage:** Frontage on any public street or highway.

**Structure:** That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires permanent location on the ground or in the water. The following are not considered structures; walls and fences that are less than six (6) feet in height, driveways, sidewalks, parking areas, curbing and liquefied petroleum tanks for residential use either above or below ground that are not located in the Gateway District (such tanks shall conform to the latest provisions of the applicable fire and or building codes).

**Structure, Temporary:** A structure that rests on a property (the ground or water) for a period less than 3 months and is not used for the purpose of agriculture.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method, the segregated cost method or the square foot method either: a) before the improvement or repair is started, or b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Tag Sale:** The temporary use of land and the buildings thereon for the purpose of public sale of personal household goods by the owner thereof in conjunction with the cleaning-out or vacating of residential premises to be conducted no more than twice annually. The term “tag sale” shall include “garage sale,” “yard sale,” “barn sale,” and any similar activity.

**Trailer Non-Commercial:** A trailer used to move or haul equipment or animals not related to a business.

**Trailer, Commercial:** A trailer used to haul or move equipment or animals related to a business.

**Use:** Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

**Variance:** A grant of relief by the Zoning Board of Appeals to allow the placement of a structure or use of a property, or construction in a manner otherwise prohibited by these Regulations and where specific enforcement would result in unnecessary hardship.

**Vertical Wall Area of a Building:** The square footage of the wall, including windows and doors, said surface being measured up to but not including the roof.



**Veterinary Clinic or Hospital:** A place where animals are given medical care by a licensed veterinarian and indoor boarding of animals is limited to short term care accessory to the hospital use.

**Violation:** A violation means the failure of a structure or other development to be fully compliant with these Regulations.

**Water Dependent Use or Facility:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**Water Company:** Any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system for the purpose of supplying water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eight percent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purpose of this definition.

**Watercourse:** Those areas designated and defined as watercourses by the Haddam Wetlands Commission and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

**Water Surface Elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Wetland:** See "Inland Wetland".

**Yard, Front:** An open, unoccupied space, extending across the full width of the lot between the front wall of a building and the front lot line.

**Yard, Side:** An open, unoccupied space between a building and the side lot line, extending from the front yard, or front lot line, to the rear line. A corner lot shall be considered to have two front yards and two side yards except when a new road is proposed and the existing front lot would now become a corner lot, in which case, the lot would be required to have only one front yard.

**Yard, Rear:** An open, unoccupied space, extending across the full width of the lot between the rear-most wall of a building and the rear lot line.

## SECTION 4

### LOTS

- 4.1 No building shall be used, built or placed on any lot unless such lot has the required minimum frontage for the underlying zoning district on a town road or an approved subdivision street. However, frontage requirements shall not, apply to the following:
- A. Any existing lot having at least 25 feet frontage on such a street if such lot was not, on February 25, 1970, and at no time thereafter, contiguous to, or a part of, any tract or parcel of land under the same ownership which had, including such lot, at least 50 feet frontage on such street; or
  - B. Any lot served by an access strip, and having no frontage, or only such frontage as is afforded by the entrance of said access strip into such lot, provided that:
    - 1. Interior lots may be approved by the Commission, after approval of a special permit, only if it finds that the land characteristics and physical conditions both on-site and in close proximity to the proposed lot(s) would not make the creation of such lot(s) impractical, unreasonable, or undesirable; and in compliance with this section.
    - 2. The minimum rectangle of an interior lot shall not lie more than one (1) lot removed from a town road as shown on the most current map entitled "Town Roads Haddam" prepared by the Connecticut Department of Transportation and designated as TR-60, or approved subdivision street, as measured along the access strip;
    - 3. Access strips shall conform to the following:
      - a. Access strip shall provide unobstructed vehicular access for such lot to and from a town road or street in an approved subdivision;
      - b. No portion of such access strip serves more than one (1) lot, except when it crosses a wetland; up to a maximum of three (3) lots;

- c. Such access strip shall be not less than 25 feet in width for residential uses and not less than 50 feet in width for commercial or industrial uses;
  - d. No portion of such access strip laterally adjoins more than one other access strip or driveway, with a minimum distance of 450 feet between non-adjoining access strips;
  - e. The length of the access strip, as measured along its centerline, from the edge of the street right-of-way to the closest point of the minimum rectangle, shall not exceed 500 feet except in the case of lots in excess of 5 acres. In such cases the length of the access strip may be increased to a maximum of 1,000 feet.
4. Such access strip either forms a part of such lot or is over a permanent and recorded vehicular and utility access easement in favor of such a lot, existing at the time of the adoption of this regulation, with rights to construct, install, and the obligation to maintain the necessary facilities.
  5. The minimum area of such lot shall not be less than one acre greater than that required for the zone in which such lot is located. In any case where a lot is located so as to include two different zones, the requirements of the zone with the greater area demands shall be met;
  6. The deeded right of way of an interior lot shall not be included in the lot area computation of any lot;
  7. Not more than one interior lot shall be allowed in a subdivision containing up to five lots. No more than two interior lots shall be allowed in a subdivision containing up to 11 lots, and one interior lot for each additional 11 lots, or fraction thereof.
  8. Interior lots in excess of five (5) acres are not subject to the restrictions set forth in 4.1.B.7.

4.2 The minimum lot area shall consist of one contiguous acre of land in which a proposed dwelling can be located, (one-half acre in the “C-1 Zones”). This minimum lot area shall be unencumbered by easements for vehicular access, or conservation purposes, private right-of-way for vehicles, utility and drainage easements shall not exceed 15 percent of the area (a right-of-way or access with no defined dimensions shall be assumed to be 25 feet in width),

wetland, watercourse or flood hazard area. Said minimum lot area shall be capable of accommodating a rectangle, between the front, side and rear yard setback lines, and a 50 foot setback from wetlands and watercourses with each of the four sides not less than 150 feet, (100 feet in "C-1 Zones"). The minimum rectangle shall not include: (1) land subject to easements for drainage facilities, utilities (except for utility service to one or two dwellings) and vehicular access; (2) land classified as wetland, swamp, watercourse or flood hazard area; or (3) land with a slope in excess of 25 percent as measured over 100 foot intervals perpendicular to the contour lines of the original grade.

Proposed dwellings shall be located within the minimum rectangle.

The rectangle on a corner lot shall be placed behind both the front yard setback lines.

All driveways shall have a maximum grade of 15% and constructed of a minimum of 8" of gravel. Driveways that exceed 10% shall be surfaced with a minimum of 2" of bituminous concrete.

- 4.3 Any plot of land which legally existed prior to March 17, 1956, the effective date of the initial enactment of the subdivision by the Town of Haddam, shall be entitled to a lot division, into no more than two lots in the aggregate, which lots shall meet the requirements of the Town of Haddam current Zoning Regulation if the owner of said lot can demonstrate to the satisfaction of the Commission or its agent the following:
- A. The lot, which is the subject of the application, preexisted the enactment of subdivision regulations by the Town of Haddam.  
subdivision regulations by the Town of Haddam.
  - B. Proof of preexistence shall be by way of a certificate of title certified to the Haddam Planning and Zoning Commission or its agent issued by an attorney licensed to practice law in the State of Connecticut and an opinion letter from said attorney that in his opinion the lot predated the enactment of Subdivision Regulations in the Town of Haddam, has since that date not been subsequently divided to create another lot and that this shall constitute a first division of the land OR,

- C. Proof of preexistence shall be by way of a chain of title, certified to the Haddam Planning and Zoning Commission or its agent, issued by a land surveyor licensed to practice land surveying in the State of Connecticut, and an opinion letter from said surveyor that in his opinion the lot predated the enactment of Subdivision Regulations in the Town of Haddam, and has not been subsequently divided to create another lot, and that this shall constitute a first division of the land. Such opinion letter shall be signed and contain the embossed seal of the land surveyor. The land surveyor shall supply certified copies of deeds relating the parcel from the Office of the Haddam Town Clerk.
  - D. An A-2 Survey shall be provided demonstrating compliance with the Haddam Zoning Regulations.
- 4.4 Applications for Zoning Permits on parcels, which do not meet the requirements of the current Zoning Regulations and are claimed to have existed prior to October 10, 1958, the effective date of the initial enactment of Zoning Regulations by the Town of Haddam, the applicant shall provide the Zoning Enforcement Office with evidence in accordance with 4.3.2A or 4.3.2B above.

## SECTION 4A.

### CONSERVATION SUBDIVISIONS

#### 4A.1. Purpose

The Commission finds that certain parcels of land, because of their unique physical characteristics, may benefit from additional flexibility in the design of subdivisions. Such benefits may include: improved living and working environments; more economical subdivision layouts; greater ingenuity and originality in total subdivision and individual site design; and, especially, the preservation of valuable open space to serve recreational, scenic, and other public purposes. The Commission also finds that, in order to achieve these benefits, it will sometimes be necessary to permit modifications of the minimum lot area, frontage, width, and yards, and the maximum building height and percentage of allowable land coverage. These Conservation Subdivision Regulations are therefore intended to provide a mechanism to permit such modifications, while, at the same time, assuring (1) adequate maintenance and restricted use of open space areas for maximum public benefit; (2) adequate protection of the neighborhood; and (3) the conservation of natural resources and of Haddam's rural character.

#### 4A.2. Special Permit Required

Conservation Subdivisions shall require a special permit. Any such special permit must comply with the standards, criteria and procedures set forth in both Section 4A and Section 15 of the Zoning Regulations.

#### 4A.3. Standards for Approval

- A. There shall be no minimum number of lots required for the approval of a Conservation Subdivision.
  
- B. Minimum Area, Yards and Coverage. The following minimum standards shall apply to Conservation Subdivisions in lieu of the standards that would otherwise apply to lots in the underlying zoning district pursuant to other provisions of these Zoning Regulations:

<b>Standard</b>	<b>R-2/R-2A Zones One Family or Two Family</b>
Minimum Lot Area	15,000 square feet 20,000 square feet
Minimum Lot Frontage	25 Feet
Minimum Front Yard	20 Feet
Minimum Side and Rear Yards	15 Feet except that a minimum yard of 75 feet shall be maintained along the boundary of any part of land that is not part of a Conservation Subdivision.
Cul de Sac length	1000 feet subject to modification by the Planning and Zoning Commission
Maximum % of Land Coverage	30%

C. Determining Maximum Lot Density or "Yield":

Applicants shall estimate the maximum, legally permissible lot density on the basis of a "yield plan." Such "yield plans" shall consist of "conventional" lot and street layouts (i.e., layouts conforming to the provisions of the Zoning Regulations and Subdivision Regulations that would be applicable in the absence of these Conservation Subdivision regulations). Although such plans may be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a conventional layout. Except as provided in Section 4A.3.d of these Regulations, the maximum density of lots in the Conservation Subdivision shall be no greater than the density in the conceptual yield plan, provided the Commission finds that the yield plan is reasonably accurate.

In order to prepare a realistic yield plan, applicants generally first need to map, at a minimum, basic topography, locations of wetlands and watercourses, 100-year floodplains, and slopes exceeding 25%. On "conceptual" lots that will not be served by a public or community sewerage system, the applicant must demonstrate the suitability of the soils for individual septic systems. The Commission may require additional testing in areas that have not been adequately tested or that are determined to be marginal. The Commission may allow testing on fewer than all of the proposed "conceptual" lots if it finds that the testing has been adequate to constitute a representative sampling of soil conditions.

D. Minimum Percentage of Open Space:

1. A minimum of fifty (50%) not including the following kinds of land, shall be designated as permanent open space (the "Minimum Open Space Acreage"):
  - a. Land required for street rights-of-way, stormwater management ponds or basins, and rights-of-way for underground pipelines, telephone, cable, or electrical power lines, or other public utilities.
  - b. Land under permanent easement prohibiting future development (including easements for drainage, access and utilities).

The percentage of the Minimum Open Space Acreage that comprises wetlands and watercourses, as defined by Conn. Gen. Stat. § 22a-38, as amended (together hereinafter referred to as "Non-Buildable Land"), shall not be greater than the percentage of such Non-Buildable Land in the subdivision tract as a whole.

2. Any approved conservation subdivision issued pursuant to this Section 4A shall set forth a Minimum Percentage based on the following criteria:
  - a. If greater than sixty percent (60%) of the total tract area consists of Non-Buildable Land, the Minimum Percentage shall be forty-five percent (45%).
  - b. If forty percent (40%) to sixty percent (60%) of the total tract consists of Non-Buildable Land, the Minimum Percentage shall be fifty percent (50%).
  - c. If less than forty percent (40%) of the total tract area consists of Non-Buildable Land, the Minimum Percentage shall be fifty-five percent (55%).
3. Upon a demonstration by the applicant that one or more septic systems or water-supply wells cannot reasonably be placed within the proposed residential lots without compromising an important design element of the Conservation Subdivision, the Commission may permit a portion of the Minimum Open Space Acreage to be used for individual or community septic systems or wells.



within the proposed residential lots without compromising an important design element of the Conservation Subdivision, the Commission may permit a portion of the Minimum Open Space Acreage to be used for individual or community septic systems or wells.

E. Density Incentives To Encourage Public Access:

The Commission may offer a lot-density bonus to encourage the dedication of additional open space land for public use, including trails, active recreation, etc. The density bonus shall be computed on the basis of a maximum of one additional lot per five additional acres of publicly accessible open space provided by the applicant. For purposes of this Section 4A.3.e, "additional acres of publicly accessible open space" shall mean open space that exceeds the Minimum Percentage required by Section 4a.3.d. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Commission. In making that decision, the Commission shall be guided by the recommendations contained in Haddam's Plan of Conservation and Development, particularly those sections dealing with trail networks and/or recreational facilities. The Commission may require that a percentage of the land dedicated to publicly accessible open space be suitable for active recreation purposes. However, in order to preserve a reasonable portion of natural areas on the site, no more than fifty percent (50%) of the open space shall be utilized for active recreation. The application for a special permit for the Conservation Subdivision shall specify the purposes for which publicly accessible open space areas are proposed.

4A.4 Special Permit Criteria:

In determining whether to approve a proposed Conservation Subdivision, the Commission shall give due consideration to the standards and criteria set forth in Section 15 of these Regulations. A special permit that is issued for a Conservation Subdivision shall not, in and of itself, be sufficient to allow the creation of a Conservation Subdivision. Rather, the special permit shall simply entitle the applicant to seek subdivision approval using the modified standards set forth in Section 4A.3 of these Regulations. If the applicant is denied a special permit for a Conservation Subdivision pursuant to this Section 4A, the applicant may file an application for a standard subdivision pursuant to Section 2 of the Town of Haddam Subdivision Regulations.

## SECTION 5

### ZONES

- 5.1 For the purposes of these regulations, the Town of Haddam is divided into a number of zones as shown on the zoning map. The zones are:

Residential (R-1)  
Residential (R-2)  
Residential (R-2A)  
Commercial (C-1)  
Village District Industrial (I-1)  
Industrial (I-2)  
Industrial Park (IP-1)

- 5.2 There are a number of overlay zones that provide additional regulations for property in those zones. The overlay zones are:

Gateway Conservation Zone  
Flood Hazard Zone  
Aquifer Protection Zone

- 5.3 The zone boundary lines are intended generally to follow the center lines of streets and similar rights-of-way, rivers, lot lines, or town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from the center line of the traveled way or other boundary line as indicated.

- 5.4 In case of uncertainty as to the true location of a zone boundary line in a particular instance, the determination thereof shall be made by the Zoning Enforcement Officer.

- 5.5 This section eliminated on January 20, 2000.

- 5.6 Any use not listed as permitted in a zone shall be deemed prohibited. Without limiting the scope of this provision, the following uses are expressly prohibited, whether as a principal or accessory use or in any other guise:
- A. Outdoor wood-burning furnaces
  - B. Dumping or storage of Solid Waste, Biomedical Waste, or Bulky Waste, Construction and Demolition Waste other than the temporary storage of small amounts such material for brief periods pending final lawful disposition.

## SECTION 6

### RESIDENTIAL ZONES

6.1 Moved March 2014 to Section 5 of these Regulations.

6.2 The following uses are permitted by **right**:

- A. Single family and two-family dwellings and accessory buildings and uses. See Table 1 for lot requirements for single and two-family dwellings.
- B. Bed and Breakfast limited to two (2) bedrooms and serving no meals except breakfast to overnight guests only.
- C. Agriculture, forestry, truck gardening, livestock and poultry raising and dairy farming.
- D. Temporary roadside stands for the seasonal sale of farm produce and products grown within the Town of Haddam, only when accessory to the premises on which they stand, provided they shall contain not more than 200 square feet in area. Such stand shall be not less than 20 feet from any street line, and not less than 50 feet from any street intersections, and not less than 10 feet from the side boundary.
- E. Tag sales, and yard sales, provided that there are no more than two such sales on any property in any calendar year.
- F. Home occupations (See Section 23)
- G. Buildings, uses and structures accessory to permitted principal uses, buildings and structures.

6.3 The following uses are permitted subject to approval of a **Site Plan** in accordance with Section 14 of these regulations:

6.4

- A. Nursery schools and day care centers for twelve (12) or fewer children.
- B. Public recreational uses. Shooting ranges, racetracks, amusement parks and other uses so deemed by the Commissioner are prohibited. Municipal parks may be allowed under site plan review.

- C. Home occupations (See Section 23.2)
- D. Nursery gardening and greenhouses.
- E. Buildings used for the storing, processing and manufacture of agriculture and forestry products accessory to a farm
- F. Buildings, uses, and structures accessory to principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval

6.5 The following uses may be permitted subject to the issuance of a **Special Permit** by the Planning and Zoning Commission in accordance with Section 15 of these regulations, and for such length of time as determined by the Commission.

- A. Accessory Apartments within an existing dwelling in accordance with Section 23.6.3.A.
- B. Detached accessory apartments located on lots of two acres and greater in accordance with Section 23.6.3.B.
- C. Bed and Breakfasts and Inns provided;
  1. there are no more than six guest rooms and,
  2. parking is provided at one space per guest room and,
  3. the only meal served is breakfast to overnight guests only.
- D. Bona fide clubs or community houses not operated for profit
- E. Cemeteries
- F. Change of Use for Non-Conforming Uses per Section 29
- G. Churches and schools, except correctional institutions.
- H. Communication towers subject to the provisions of Section 25.
- I. Housing for elderly and/or physically handicapped persons. In addition to customary special permit requirements, the provisions of Section 13 shall be applied.
- J. Kennels (commercial) provided that no outside dog runs or kennels are within 300 feet of the property lines.

- K. Nursing and convalescent homes. In addition to the customary special permit requirements, the following conditions must be met:
1. The maximum area of the building measured to the outside walls shall not exceed ten percent of the gross area of the lot.
  2. Off-street parking shall be provided in accordance with the provisions of Section 21. The parking area shall be exclusive of the front, side and rear yard requirements, and shall be screened from rear and side lot lines by a landscaped strip at least fifteen feet wide, seeded to grass and properly planted to trees and shrubs. The requirements of this section are in addition to and not in lieu of other requirements for the districts involved. Nursing and convalescent homes are not permitted except in the specified districts and in accordance with this section. In the case of a nursing or convalescent home existing on or before August 18, 1970, the parking and screening requirements herein shall apply only to an addition or expansion and not to the nursing or convalescent home existing at the time of such expansion or addition.
- L. Outdoor Recreational Facilities, both public and private, whether commercial or of a non-profit or charitable nature.
- M. Police stations, fire houses, volunteer ambulance headquarters or other municipal buildings and uses
- N. Child day care centers or group day care homes licensed under Section 19a-77 of the *Connecticut General Statutes* or a school for kindergarten age children per Section 10 of the *Connecticut General Statutes* are permitted by Special Permit in professional and/or business offices.
- O. Post offices, serving only the Town of Haddam, and operated by the United States Postal Service provided:
1. The maximum combined coverage of buildings, accessory structures and uses, driveways and parking areas shall not exceed 50% of the lot area (15% if in the Gateway Conservation Area).
  2. Off-street parking shall be provided for at least one automobile per employee. Parking spaces shall also be provided in the ratio of one car to every 150 square feet of gross floor area of the building. Parking areas shall be designed so as to avoid conflict with on-site loading and unloading of vehicles.

3. Front, side and rear yards, as defined in these regulations, shall not contain buildings, accessory structures and uses, parking areas and driveways, except as necessary for ingress and egress to the site.
4. On the lot or part thereof adjoining a Residential Zone, without separation by a street or road, there shall be a 15 foot buffer strip, which shall not be used in satisfying yard requirements, seeded to grass and properly landscaped with trees and shrubs. Failure to maintain such strip in good condition shall constitute a violation of these regulations by the owner of such lot or portion thereof.
5. The applicant's plan shall address the following:
  - Maximization of road sight distances
  - Maximization of pedestrian safety
  - Minimization of potential points of conflict with respect to vehicular turning movements
6. Building plans, including front, side and rear elevations, shall be submitted to insure a harmonious relationship with surrounding residential uses.

P. Permanent year-round farm markets provided they meet all of the following conditions:

1. The market shall be on a parcel, which abuts a state highway or a town collector road.
2. Products and services which may be sold shall include produce, dairy and food products primarily from products grown or produced on the premises or elsewhere in Connecticut when reasonably available and except during times of winter weather conditions; farm bakery products; hot and cold deli products which must be prepared on site; light grocery, soups, coffee, cider, juices, and soda; flowers; seasonal farm products (such as honey, maple syrup, jams, dried fruits and candy); seasonal crafts (such as wreaths, baskets ornaments, flower pots); pick your own vegetables and fruits; pre-cut Christmas trees, and horticultural supplies.
3. Buildings shall meet setback requirements of the zone in which they are located.
4. Adequate off street parking shall be provided but in no event, less than one (1) space for each 250 square feet of gross building area of the market.

5. The market shall be located within either an existing farm structure or a permanent separate rural, farm-like structure that is not to exceed 1,500 square feet and is compatible with the neighborhood.

Q. Private Schools

Such use shall be permitted only in the R-2 and R-2A Zones.

Minimum lot area shall be seven (7) Acres.

Minimum front yard shall be seventy (70) Feet.

Minimum side and rear yards shall be thirty five (35) feet.

Maximum height shall be thirty five (35) feet.

Maximum coverage of buildings and impervious surfaces shall not exceed twenty (20 %) percent unless the school is LEED certified in which case maximum coverage can be up to forty percent (40%).

The Commission may impose such buffering and/or screening requirements as it deems necessary to protect adjacent properties from any off site impacts of the proposed use.

- R. Residential dwellings in excess of 4,000 square feet of total floor area, within the Gateway Conservation Zone pursuant to the standards and criteria of Section 10, Gateway Conservation Zone. (Effective Date: December 1, 2004)

- S. Veterinary hospital provided that no dogs are kept in any buildings or enclosures within 300 feet of any property line, and further provided that none of these uses shall create offensive odors or noise noticeable off the premises.

- T. Buildings, uses, and structures accessory to principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval

- U. Artisan galleries, art studios and art classrooms.

6.6 Parking and Storage of Commercial Vehicles Residential Districts (see Section 23)

## SECTION 7

### COMMERCIAL ZONES - C1

- 7.1 The following uses are permitted by right:
- A. Bed and Breakfast limited to two (2) bedrooms and serving no meals except breakfast.
  - B. Agriculture, forestry, truck gardening, livestock and poultry raising and dairy farming.
  - C. Temporary roadside stands for the seasonal sale of farm produce and products, only when accessory to the premises on which they stand, provided they shall contain not more than 200 square feet in area. Such stand shall be not less than 20 feet from any street line, and not less than 50 feet from any street intersections, and not less than 10 feet from the side boundary.
  - D. Existing residential units and their expansion
  - E. Buildings, uses and structures accessory to permitted principal uses, buildings and structures.
- 7.2 The following uses are permitted subject to approval of a **Site Plan** in accordance with Section 14 of these regulations:
- A. Retail stores.
  - B. Bed and Breakfast Inns up to six guest rooms.
  - C. Restaurants, bars brew pubs, and taverns with indoor seating capacity less than 50 including carry out food establishments
  - D. Professional and business offices.
  - E. Barber shops, spas and hair salons.
  - F. Watch, appliance and shoe repair.
  - G. Funeral Homes
  - H. Financial institutions



- I. Churches and schools
- J. Bona fide clubs or community houses not operated for profit
- K. Public recreational uses, non-profit parks and playgrounds
- L. Nursery gardening and greenhouses
- M. Buildings used for the storing, processing and manufacture of agriculture and forestry products accessory to a farm.
- N. Personal Services, such as hair and nail salons, wellness services, and dry cleaning where dry cleaning is done off site.
- O. Mixed Use per Section 26 of these Regulations
- P. Museums and Libraries
- Q. Veterinary Clinics and Offices with no overnight stays or outdoor kennels.
- R. Buildings, uses, and structures accessory to principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval

7.3 The following uses are permitted subject to the issuance of a **Special Permit** by the Planning and Zoning commission per Section 15 of these Regulations:

- A. Automobile Gasoline stations
- B. Automobile sales and repair shops
- C. Automobile parking lots
- D. Change of Use for Non-Conforming Uses per Section 29 of these Regulations
- E. Dog Grooming establishments with no outdoor kennels
- F. Car washes
- G. Marinas, docking facilities for commercial fishing boats and commercial boat cruise line facilities and passenger terminals.
- H. Medical Marijuana Dispensaries (Licensed)

- I. Medical Marijuana Producers (Licensed) in all commercial districts, but properties located in the Gateway Conservation Zone will be subject to the special permit standards described in Section 15 and Section 10.6 d of these Regulations.
- J. Microbreweries, in all commercial districts, but properties located in the Gateway Conservation Zone will be subject to the special permit standards described in Section 15 and Section 10.6 d of these Regulations.
- K. Stores for the sale of alcoholic beverages.
- L. Restaurants with a drive-thru aisle or window
- M. Restaurants and taverns with outdoor seating
- N. Restaurants and taverns with seating for 51 or more patrons with or without outdoor seating.
- O. Pet Training Facility or Dog Day Care, provided dogs are housed indoors.
- P. Post offices.
- Q. Police stations, fire houses, ambulance headquarters or other municipal building and uses.
- R. Housing for elderly and/or physically handicapped persons. In addition to customary special permit requirements, the provisions of Section 13 shall be applied.
- S. One or more dwelling units in combination on a lot with other uses permitted in the commercial zone subject to the provisions of Section 26.
- T. Contracting or construction yards subject to the following:
  - 1. The Commission may require a planted buffer strip between 10 and 100 feet in width and where necessary, require landscaping as in Accordance with Section 7.4.
  - 2. All fences erected shall be no closer than 15 feet from the lot boundaries and at a height determined appropriate by the Commission.

- 3. All other aspects of the activity must be compatible with other surrounding uses as determined by the Commission.
- U. Communication towers subject to the provisions of Section 25.
- V. Self- Storage Facilities
- W. Veterinary Clinics and Hospitals with overnight stays
- X. Buildings, uses, and structures accessory to principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval.

7.4 Buffering Requirements

Where any lot or part thereof abuts a lot devoted to residential use without separation by a street, or where the lot is used for a contracting or construction yard, the Commission may require a buffer strip as deemed necessary. Where such a strip is required, the Commission may determine the size or width of the buffer and it shall be properly seeded with grass and/or planted with trees and shrubs to insure an adequate screening between commercial and residential uses. Plans showing the landscape work to be done, with a planting and maintenance schedule, shall be filed with and approved by the Planning and Zoning Commission before such lot or portions thereof may be used for commercial purposes. Where such a buffer strip is required by the Commission, the buffer strip shall be located on the lot devoted to the commercial use. Failure to maintain such a buffer in good condition shall constitute a violation of these regulations.

## SECTION 7A

### VILLAGE DISTRICT

#### 7A.1 Purpose and Scope

The purpose of this zoning district (the Village District) is to integrate and reconcile the protection and preservation of aesthetic resources and promote environmental protection, economic development, education, recreational development, historic preservation and the preservation of community character concerning the Higganum Center area of the Town of Haddam that possesses characteristics consistent with village centers. Specifically, this Village District exists to promote and preserve community assets and unique resources, and encourage denser commercial development consistent and in harmony with existing structures in the Higganum Center area of the Town of Haddam. These regulations are promulgated pursuant to C.G.S. 8-2j.

Furthermore, it is the intent of this Section to encourage the conservation, conversion and preservation of existing buildings and uses in a manner which maintains or enhances the historic, natural and community character of the Higganum Center area of the Town of Haddam, and is consistent with village center architecture, denser commercial village land use patterns, and a pedestrian friendly atmosphere. The arrangement and orientation of any proposed building or site improvement should be both appropriate for the property, and consistent with the development of the village center, adjacent properties, and properties within the immediate neighborhood.

In addition to specifying minimum standards for the Village District, and in order to encourage denser commercial development consistent with village centers, this Village District also provides a special procedure that authorizes the Planning and Zoning Commission (the Commission) to modify certain standards of the Regulations under special circumstances. The purpose of this modification procedure is to encourage property and business owners to develop commercial uses that go beyond simply meeting the minimum standards in order to substantially advance the goals of this Village District. This modification procedure is limited to certain regulatory standards, and is further limited in the degree to which any modification may be approved. Specifically, this modification procedure to be utilized by the Planning and Zoning Commission does not provide for complete variance relief as is delegated to the Zoning board of Appeals of the Town of Haddam, as provided by law.

### 7A.2 Application Review Process

These Village District Zoning Regulations provide for certain permitted uses within the District subject to one of the following processes:

- A. Administrative Review and Zoning Permit by the officer and/or person charged with the enforcement of these Regulations by the Commission as provided by Section 7A.6 of these Regulations;
- B. Site Plan review as provided by this Section, and as further provided by Section 14 of these Regulations; and/or
- C. Special Permit review as provided by this Section, and as further provided by Section 15 of these Regulations.

The purpose and intent of this regulatory review procedure is to promote the efficient review of proposals, and consistent application of the Regulations, whereby less intense uses may be permitted subject to the Administrative Review and Zoning Permit process, with more intense uses being subjected to either the Site Plan or Special Permit review process. The procedure further provides that the Commission may specially modify, in limited fashion, certain regulatory standards when reviewing proposed uses. This modification procedure is specified in Section 7A.5.

This Village District shall not apply to existing non-conforming buildings and uses unless otherwise provided by Section 29 of these Regulations.

### 7A.3 Minimum Standards

- A. Scope of Review. This Section 7A shall govern (1) the design and placement of buildings, (2) the maintenance of public views, (3) the design, paving materials and placement of public roadways, and (4) other elements that the commission deems appropriate to maintain and protect the character of the village district.
- B. General Design Standards. At a minimum, all development in the Village District shall be designed such:
  - 1. that proposed buildings or modifications to existing buildings be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification,

2. that have a functional or visual relationship to a proposed building or modification, that all spaces, structures and related site improvements visible from public roadways be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification,
3. that the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping, and
4. that the removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.

C. Design Objectives. All development in the village district shall be designed to achieve the following compatibility objectives:

1. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
2. Proposed streets shall be connected to the existing district road network, wherever possible;
3. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting;
4. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district, shall be integrated into the site design;
5. The landscape signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and
6. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district design shall complement the district's landscape patterns;
7. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and
8. the scale, proportions and massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

### 7A.3.1 Specific Standards.

- A. The minimum standards for all uses in the Village District are the standards set forth in Section 4, Table 1 of these regulations, plus the following standards:
1. New streets or major driveways (e.g., common driveways or driveway serving buildings of more than 15,000 square feet of total floor area) shall be connected to a state highway or town road.
  2. Notwithstanding any provision of these Regulations, and to the extent permitted by state health and sanitation regulations, shared septic and well system arrangements that facilitate denser commercial development are encouraged.
  3. The landscape design of any site development proposal shall reinforce functional qualities of existing open space and landscape patterns within the Village District.
  4. To the extent possible relative to site constraints, safety issues and traffic patterns, parking areas shall not be located in a required minimum front yard, and parking areas shall be designed with no more than ten (10) spaces without a landscaped island or buffer area.
  5. Notwithstanding any provision of Section 21 of these Regulations, parking areas shared with adjacent properties, or parking on public streets in designated places, are encouraged and may receive credit for compliance with Section 21 subject to any shared parking being consistent with the purpose and scope of this Section and the public safety. To the extent possible, given constraints, all shared parking areas shall include access to adjacent parking areas and undeveloped parcels to assure a coordinated and consistent parking area for the entire Village District. Where shared parking is provided or on street parking is available, the Commission shall have the discretion to determine the total required spaces consistent with the use of the properties.
  6. Provision for safe and convenient pedestrian access shall be included.
  7. To the extent possible given site constraints, exposed storage areas shall be limited, and machinery, waste containers, service areas, truck loading areas, utility buildings, and central air conditioning facilities shall be screened from view of public streets and abutting properties using plantings, fencing or other methods compatible with the purpose and scope of this Section as may be determined by the Commission.

8. Plain concrete, plain metal, and plain plywood are not permitted building materials for the exterior street or parking area façade(s) of any building unless such materials are approved by the Commission within its discretion, or as part of a modification request as provided herein
9. Architectural and site design shall conform to the design standards included as Appendix 1 to these Regulations.

#### 7A.4 Permitted Uses

Any use not expressly permitted hereunder is prohibited. The following uses are permitted as of right subject to these regulations:

- A. The following uses are permitted by Administrative Review and Zoning Permit as provided by Section 7A.6 of these Regulations, where the total floor area for such proposed use does not exceed 2,000 square feet of total floor area:
  1. Retail;
  2. Business or professional office;
  3. Theatre;
  4. Barber shop, beauty salon and standard personal service establishments;
  5. Bank or financial institute (provided that no drive-through services are permitted unless the drive-through use is approved by the Planning and Zoning Commission as provided by Section 7A.5 of this Section);
  6. Restaurant (provided that no drive-through services are permitted
  7. Restaurants and taverns with outdoor seating
  8. Restaurants and taverns with seating for 51 or more patrons with or without outdoor seating.
  9. Bakery or other food service shops
  10. Bed and breakfast establishment: Single-family residential use where such residential use in part of a mixed use development the ratio of residential to commercial units shall be within the discretion of the Commission given the attendant circumstances;
  11. Artist, artisan and craft establishment; and
  12. Municipal, State or Federal park, or duly qualified private land trust subject to limitations of Section 24 of these Regulations.
  13. Buildings, uses and structures accessory to permitted principal uses, buildings and structures.



B. Site Plan Review

The following uses are permitted subject to site plan approval as provided by Section 14 of these Regulations and this Section:

1. All those uses as provided in Section 7A.4.A.1. of this Section, where such use is in excess of 2,000 square feet of total floor area. Provided, any retail use shall not exceed 15,000 square feet of total floor area, and no bakery or other food service shop shall exceed 5,000 square feet without a special permit.

C. Special Permit Review

The following uses are permitted subject to special Permit review as provided by Section 15 of these Regulations, and this Section:

1. Public transportation facility;
2. Hotel, and/or conference center;
3. Post office;
4. School or educational facilities;
5. Church or house of worship;
6. Bakery or other food service shop (in excess of 5,000 square feet);
7. Housing for the elderly (see Section 13);
8. Assisted living or congregate housing (see Section 13A);
9. A multi-family residential use where such use is part of a mixed use development (see Section 26);
10. Health club or private recreational facility (not subject to limitations of Section 24);
11. Dry cleaning facilities;
12. Clubs owned and managed by qualified charitable organizations;
13. Light manufacturing with accessory retail sales and/or storage, not to exceed 5,000 square feet in total floor area;
14. Recreational facilities including outdoor recreational facilities (see Section 24), Municipal uses except those housing public works facilities;

15. Recreational facilities including outdoor recreational facilities (see Section 24), Municipal uses except those housing public works facilities;
16. Municipal or private community sewer or sewage treatment facilities.
17. Change of Use for Non-Conforming Uses per Section 29.4
18. Microbreweries
19. Medical Marijuana Dispensaries (licensed)

#### 7A.5 Design Review by Designated Village Architect or Equivalent

In accordance with the Connecticut General Statutes §8-2j, all applications for new construction and substantial reconstruction within the Village District and in view from public roadways shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners selected and contracted by the commission and designated as the village district consultant for such application. Alternatively, the Commission may designate as the village district consultant for such application an architectural review board whose members shall include at least one architect, landscape architect or planner who is a member of the American Institute of Certified Planners. The village district consultant shall review an application and report to the Commission within thirty-five days of receipt of the application. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision. Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations.

#### 7A.6 Referral of Applications to Other Agencies

The Commission may seek the recommendations of any town or regional agency or outside specialist with which it consults, including, but not limited to, the regional planning agency, the Gateway Commission, the Haddam Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

7A.7 Demolition by Affirmative Act or By Neglect; Alteration of Façade:

No building or structure shall be demolished, in whole or in part, nor shall any building or structure be allowed to deteriorate to the point where it is no longer capable of occupancy in accordance with applicable health and safety codes, except upon the approval of a Special Permit by the Commission. In addition, the façade of no building that is visible from a public space shall be altered in its architectural character, color, roof line, or other physical features except upon the approval of a Special Permit by the Commission. In evaluating such application, the Commission shall seek to minimize the removal or disruption of historic traditional or significant structures or architectural elements.

If the application may involve the removal or disruption of historic traditional or significant structures or architectural elements, the applicant may, at its option, file a simultaneous site plan review or Special Permit application (as the case may be) for modified or replacement uses, buildings, or structures in order to demonstrate that the removal or disruption sought is justified by the improvements depicted in the application for Special Permit under this section. The Commission may approve a Special Permit under this section subject to the condition that the modified or replacement uses, buildings, or structures be constructed as submitted within a specified period after the removal or disruption approved under this Section; and that any site plan or Special Permit for the modified or replacement uses, buildings, or structures be in effect. Failure to construct the modified or replacement uses, buildings, or structures shall be grounds for denial of any other application submitted for the subject site.

7A.8 Modification Procedure for Uses Permitted in Village District:

In an effort to encourage denser development within the Village District consistent with a village center, and promote environmental development, historic preservation and the preservation of community character within this Village District, an applicant may seek a modification of certain regulatory requirements as provided by this subsection. In addition, to those minimum standards required by this Section, and those standards provided by the Administrative Review and Zoning Permit, Site Plan, and Special Permit review and approval processes, the applicant must demonstrate to the satisfaction of the Commission that such modification adds to and complements the character of the Village District, does not adversely impact upon adjacent property or properties in the Village District, and substantially satisfies the

standards as provided in this subsection. This is not a variance procedure as permitted by C.G.S. 8-6 and the procedure is limited to the following regulatory requirements applicable to the Village District and if not expressly provided for herein no modification of any other requirement may be granted by the Commission nor may the Commission grant a modification or change in use:

1. Lot coverage;
2. Minimum lot size;
3. Minimum lot frontage;
4. Front, side and rear yard setbacks;
5. Building height;
6. Sizes of outdoor signs;
7. The requirement that dwelling units and other permitted uses be in the same structure (Section 26.1.(a)).
8. Dwelling density (Section 26.1.(b)), commercial gross square footage (Section 26.1.(d)), and recreation and open space requirements (Section 26.1.(i)) applicable to mixed uses under Section 26 hereof;
9. Parking requirements;
10. Construction materials

The Commission may not grant any modification in excess of 75% of the regulatory requirements sought to be modified in effect at the time of the request.

Any application to modify any of the aforementioned regulatory standards is subject to a public hearing as provided by Section 9-7d of the Connecticut General Statutes. In addition, any such application must satisfy this subsection, and Sections 14 and 15, if such proposal requires Site Plan or Special Permit approval, respectively. No showing of a hardship shall be necessary for the commission to grant any modification pursuant to Section 7 inclusive nor shall any regulation herein prohibit any applicant from seeking a variance in addition to any modification which may be granted hereby.

In addition to the regulatory standards set forth in Section 7A.3, in reviewing a modification request as provided for in this Section, the Commission may consider any of the following standards if it determines such standards to be applicable or relevant to the application, and may approve such modification application if it determines in its discretion that such application substantially satisfies such standards:

- A. The locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site development design.

Creative reuse of existing buildings of significant historical or architectural interest is encouraged in order to reduce or minimize the removal or loss of historic, traditional or significant structures or architectural elements.

- B. Exterior signage, site lighting and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the adjacent properties and properties within the Village District. The design and material of any exterior structures shall be consistent with a village theme in the Village District, including the color, size height, proportion of openings, roof treatments, building materials and landscaping.
- C. The scale, proportions, massing and detail of the proposed construction shall be comparable to the scale, proportion, massing and detailing of structures located on adjacent properties, and other properties in the Village District, and shall be consistent with a village theme.
- D. The use and integration of stone walls, landscaping, walkways, benches and attractive fences consistent with a pedestrian-friendly atmosphere shall be incorporated into the site plan.
- E. Provision shall be made for parking bicycles in locations that are safely segregated from automobile traffic and parking.
- F. The applicant shall consider minimizing parking by demonstrating whether the applicant has been able to enter into a long-term parking sharing agreement with an adjacent property owner, or owners of properties within the Village District in the immediate vicinity of the subject real property, or by making use of available on street parking.
- G. The applicant shall provide an architectural plan illustrating project elevations, architectural features, building materials, lighting designs and landscaping designs.
- H. The applicant shall demonstrate to the satisfaction of the Commission that the proposed modification will produce equal or better results than could be achieved by a site development without the requested modification, and further demonstrate that the requested proposed modification is the minimum necessary to achieve a site development consistent with the purposes, scope, goals, objectives and standards of this Section, and is consistent with the public health and safety as provided by these Regulations.

- I. If the Commission determines in its discretion that the applicant has substantially satisfied the requirements for a modification, the Commission may, by a majority vote of the commission, vote to approve the modification application request. This modification approval shall be specifically noted on the approved plans, and notice of such modification shall be recorded on the land records of the Town of Haddam within sixty (60) days of the date of approval, or within sixty (60) days of the expiration of any appeal period, as provided by law.

**7A.9 Administrative Enforcement:**

- A. The Planning and Zoning Commission authorizes the Zoning Enforcement Officer of the Town of Haddam (“ZEO”) to approve certain uses as provided by Section 7.A.4.A of these Regulations entitled “Administrative Review and Zoning Permit” which is a subsection of Section 7A entitled “Village District Zoning Regulations”. This is not a delegation of enforcement authority for such enforcement that may be provided for under Connecticut General Statutes. 8-6.
- B. The ZEO may approve certain uses as provided by Section 7.A.4.A, subject to the applicable provisions provided in these Regulations. Any application for Zoning Permit as provided by this Section 7A.6 shall be requested, in writing, by the owner of the subject property.
- C. Any decision by the ZEO concerning an application for a Zoning Permit as provided in this Section 7A.6, shall be noticed by newspaper publication within fifteen (15) days of such decision. The applicant shall be responsible for the cost of publication and the Town shall cause same to be published. Any such cost and fees shall be collected as part of the application fee when the application is submitted to the clerk of the commission.
- D. Any party aggrieved by a decision of the ZEO concerning an application for a Zoning Permit as provided by this Section, may petition the Planning and Zoning Commission within fifteen (15) days of the date that notice of the ZEO’s decision is published to review the application. This provision applies to an aggrieved applicant who must publish notice of the ZEO’s decision as provided by Section 7A.6(C) regardless as to whether the ZEO’s decision is to approve or deny the applicant’s application for Zoning Permit. The Commission shall entertain a public hearing or meeting, at its discretion, concerning such petition at the Commission’s next regular scheduled meeting provided that notice of such public hearing, in the event the Commission requires same, is published as provided by Section 8-7 of the Connecticut General Statutes.

The provisions of Section 8-7d of the Connecticut General Statutes shall apply to such public hearing. A filing fee for such appeal shall be required which shall include an amount sufficient to satisfy costs associated with all public hearing and decision publication requirements.

- E. The Commission will review de novo any application submitted pursuant to this Section 7A.6. for the purpose of determining whether the application complies with the terms and provisions of Section 7.A.7A.6. The Commission shall render a decision on any such application. Any such decision by the Commission shall be published as provided by law, and is subject to appeal as provided by Section 8-8 of the Connecticut General Statutes.

## SECTION 8

### INDUSTRIAL ZONE I-1

8.1 The following uses are permitted by right:

- A. Single family and two family dwellings and accessory buildings and uses existing prior to the effective date of this regulation. Residences in industrial zones shall conform to the regulations prescribed for R-1 zones. See Section 4, Table 1 for lot requirements for single and two family dwellings.
- B. Pet Training Facilities and Day Care
- C. Buildings, uses and structures accessory to permitted principal uses, buildings and structures.

8.2 The following uses are permitted subject to the issuance of a **special permit** by the planning and zoning commission:

- A. Medical Marijuana Producers (Licensed) in the I-1, however, properties located in the Gateway Conservation Zone will be subject to the special permit standards described in Section 15 *and* Section 10.6 d of these Regulations.
- B. Microbreweries, in the I-1, however, properties located in the Gateway Conservation Zone will be subject to the special permit standards described in Section 15 *and* Section 10.6d of these Regulations.
- C. Veterinary Clinic or Hospital
- D. Legal industrial uses which are not dangerous by reason of fire or explosion hazard, nor injurious, noxious or detrimental to the community or neighborhood by reason of the emission dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature, except for the following which are prohibited: Acetylene gas manufacture; acid manufacture; alcohol and ammonia manufacture; ash storage or treatment/arsenal; asphalt manufacture or refining; blast furnace; bleaching powder or chlorine manufacture; boiler works, brewery; cement, lime, gypsum or plaster- of-Paris manufacture; coke oven;



crematories; creosote manufacture or treatment, disinfectants manufacture; distillation of bones, coal or wood; dyestuff manufacture; explosives or fireworks manufacture or storage; fat rendering; fertilizer manufacture; gas manufacture; glue, size or gelatin manufacture; oilcloth or linoleum manufacture; paper and pulp manufacture; refining of, or wholesale storage of petroleum or its products; rolling mill or drop-forge; shoe polish manufacture; smelting of tin, copper, zinc, or iron ores; slaughter of animals or fowls and stockyards; tanning, curing or storage of rawhides or skins; tar distillations or manufacture; tar roofing or waterproofing manufacture; yeast plant; junk yard.

- E. Change of Use for Non-Conforming Uses per Section 29.4
- F. Buildings, uses, and structures accessory to principal uses, buildings, and structures, provided that they are included in the site plan approval or as modifications of such approval

### 8.3 Buffering Requirements

Where any lot or part thereof abuts a lot devoted to residential use without separation by a street or where the lot is used for a construction or contracting yard and the Commission determines a buffer strip necessary, there shall be a fifteen (15') foot wide landscaped buffer strip properly seeded with grass and planted with trees and shrubs to insure an adequate screening between industrial and residential uses. Plans showing the work to be done, with assurance of completion and future maintenance, shall be filed with and approved by the Planning and Zoning Commission before such lot or portions thereof may be used for industrial purposes. The buffer strip shall be located on the lot devoted to the industrial use. Failure to maintain such strip in good condition shall constitute a violation of these regulations by the owner of such lot or portion thereof.

### 8.4 Performance Standards

- A. Dust, dirt, fly ash and smoke: No dust, dirt, fly ash or smoke shall be emitted into the air as to endanger the public health and safety; to impair the safety, value and enjoyment of other property; or constitute a critical source of air pollution by itself or in conjunction with other existing sources of dust, dirt, fly ash or smoke.
- B. Odors, gases and fumes: No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.

- C. Noise: With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.
- D. Glare and heat: The use shall be arranged so that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any property line.
- E. Vibration: With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates.
- F. Sewage: The disposal of sanitary wastes shall comply with standards and regulations established by the most recent edition of the Public Health Code of the State of Connecticut. The discharge of substances into rivers and streams shall be subject to regulations of the Connecticut Department of Energy and Environmental Protection and to any other applicable regulation. There shall be no discharge of industrial waste onto the ground or into ground or surface waters.
- G. Fire and explosion hazards: The uses shall conform to the Fire Safety Code of the State of Connecticut, and any other applicable regulation.
- H. Ionizing radiation and radioactive materials: The use shall conform to the most recent edition of the Public Health Code of the State of Connecticut with regard to sources of ionizing radiation and radioactive materials and to any other applicable regulation.
- I. Electromagnetic interference: The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

## SECTION 8A

### INDUSTRIAL ZONE I-2

8A.1 The following uses are permitted subject to the issuance of a **special permit** by the Planning and Zoning Commission per Section 15 of these Regulations:

- A. Gas powered electric generation facilities subject to the performance standards enumerated in Section 8.4.
- B. Ancillary executive and administrative offices.

For the following uses that are located in the Gateway Conservation Zone, the Special Permit Standards in Section 15 and Section 10.6.D of these Regulations apply.

- A. Microbreweries
- B. Medical Marijuana Producer (licensed)
- C. Pet Training Facilities and Day Care
- D. Veterinary Clinic or Hospital

## SECTION 9

### INDUSTRIAL PARK ZONE

#### 9.1 Description and Purpose

The Industrial Park District has been established in order to provide for the most rational and orderly development of land uses. Further development of residences is prohibited in the district in order to effectively utilize the supply of suitable industrial land and to prevent residences from being established under mutually adverse conditions.

The regulations for this district are intended to encourage development compatible with surrounding or abutting residential, institutional and public uses, and to insure suitable open spaces, landscaping and parking area. To these ends, development is limited to a relatively low density; external effects are minimized; and permitted uses are confined to those administrative, storage, distribution, and manufacturing activities that can be carried on in a stable and orderly manner, and to permit those facilities that are necessary to serve the needs of the district.

#### 9.2 The following uses are permitted by right:

- A. Pet Training Facilities and Day Care
- B. Executive or administrative offices.

#### 9.3 The following uses are permitted subject to an approval by a site plan in accordance with Section 14 of these Regulations: none

#### 9.4 The following uses, and no others, shall be permitted in the industrial park district subject to the issuance of a **Special Permit** in accordance with Section 15 of these regulations, including site plan review, by the Planning and Zoning Commission:

- A. Medical Marijuana Producers (Licensed) properties located in the Gateway Conservation Zone will be subject to the special permit standards described in Section 15 *and* Section 10.6 D of these Regulations.
- B. Microbreweries, properties located in the Gateway Conservation Zone will be subject to the special permit standards described in Section 15 *and* Section 10.6 D of these Regulations.
- C. Research laboratories.
- D. The manufacture, processing or assembling of goods.

- E. Warehousing or wholesale businesses.
- F. Any necessary or related uses customarily incidental to any permitted use or necessary to adequately serve the needs of the district shall be permitted in the Industrial Park District.
- G. Veterinary Clinic or Hospital
- H. Communication towers subject to the provisions of Section 25.

9.5 Open Space and Other Requirements

Each lot shall have a minimum of two acres and shall have a frontage of 200 feet or more on an accepted Town road and for each acre over the minimum lot size an additional 25 feet frontage on an accepted Town road shall be required.

A ratio of seven square feet of land area to one square foot of floor area excluding basement floor area but including the area occupied by accessory structures and outdoor uses, shall be maintained.

- A. A portion of or all abutting permanent public open space land may, at the discretion of the Commission, be considered to fulfill in part the open space land required in the determination of the permitted floor area, to the extent that the Planning and Zoning Commission determines it to be:
  - \* an equitable distribution among abutting industrial uses as determined by the Commission, and
  - \* consistent with the objectives of this ordinance and the interests of the community.
- B. A portion or all of the area occupied by accessory buildings, parking areas, and outdoor uses may, at the discretion of the Commission, be considered to fulfill in part the open space land area required in determination of the permitted floor area to the extent that the Planning and Zoning Commission determines it to be consistent with the objectives of this ordinance and the interest of the community.
- C. No primary building shall be less than 5,000 square feet in floor area;
- D. No building or other structure shall extend within 70 feet of any street line or within 30 feet of any lot line.

## 9.6 Performance Standards

- A. Dust, dirt, fly ash and smoke: No dust, dirt, fly ash or smoke shall be emitted into the air as to endanger the public health and safety; to impair the safety, value and enjoyment of other property; or constitute a critical source of air pollution by itself or in conjunction with other existing sources of dust, dirt, fly ash or smoke.
- B. Odors, gases and fumes: No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
- C. Noise: With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.
- D. Glare and heat: The use shall be arranged so that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any property line.
- E. Vibration: With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates.
- F. Sewage: The disposal of sanitary wastes shall comply with standards and regulations established by the most recent edition of the Public Health Code of the State of Connecticut. The discharge of substances into rivers and streams shall be subject to regulations of the Connecticut Department of Energy and Environmental Protection and to any other applicable regulation. There shall be no discharge of industrial waste onto the ground or into ground or surface waters.
- G. Fire and explosion hazards: The uses shall conform to the Fire Safety Code of the State of Connecticut, and any other applicable regulation.
- H. Ionizing radiation and radioactive materials: The use shall conform to the most recent edition of the Public Health Code of the State of Connecticut with regard to sources of ionizing radiation and radioactive materials and to any other applicable regulation.
- I. Electromagnetic interference: The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

9.7 General Requirements:

- A. Only outdoor storage areas which are in accord with the objectives of the Industrial Park District and are shown on the approved Site Development Plan on file with the Town Clerk are permitted.
- B. Off-street parking and loading spaces shall be provided in accordance with Section 21.
- C. Provisions shall be made in the development of any parcel, when deemed practical and necessary and in accordance with the objectives of the Industrial Park District, to allow for future access to abutting parcels.
- D. All utilities shall be placed underground.
- E. Appropriate screening shall be provided for parking areas, loading areas, accessory buildings, storage areas and other appropriate areas as required by Section 8.3 for Industrial Zones.
- F. All roads shall be constructed according to the standards set forth in the Regulations for Public Improvement and the Subdivision Regulations of the Town of Haddam.
- G. Where any lot or part thereof abuts a lot devoted to residential use without separation by a street, there shall be a fifteen (15') foot wide landscaped buffer strip properly seeded with grass and planted with trees and shrubs to insure an adequate screening between commercial or industrial and residential uses. Plans showing the work to be done, with assurance of completion and future maintenance, shall be filed with and approved by the Planning and Zoning commission before such lot or portions thereof may be used for commercial purposes. The buffer strip shall be located on the lot devoted to the commercial or industrial use. Failure to maintain such strip in good condition shall constitute a violation of these Regulations by the owner of such lot or portion thereof.

## SECTION 10

### GATEWAY CONSERVATION ZONE

#### 10.1 Permitted Uses

With the exception of uses prohibited in Section 10.2, all uses, which are permitted by right, permitted with site plan review or permitted by Special Permit, under the Haddam Zoning Regulations, in the zone designated in Section 5.1 shall also be permitted with the same conditions, in such zones within the Gateway Conservation Zone.

#### 10.2 Prohibited Uses

- A. Dumping and Storing of Refuse: No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition, or shall any new public solid waste disposal facility be established or an existing facility be expanded in area.
- B. Removal of Earth Materials: The removal of soil and earth materials shall be prohibited except as indicated in Section 18 of these regulations.
- C. Signs, Directional: Signs which call the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located are prohibited.

(The following Sections were effective December 1, 2004.)

#### 10.3 Setback from a Water Course

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100) feet of the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the local commission having jurisdiction may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks, and boathouses.

Buildings and structures accessory to a conforming residential use, not intended for human occupancy, and outside the Gateway Conservation Zone, are exempt from this regulation.



#### 10.4 Definitions

For the purposes of Section 10, Gateway Conservation Zone, the following terms, phrases, words, and their derivations shall have the meaning given therein. When not inconsistent with the context, words used in the present tense include the future, and the plural includes the singular, and the word “shall” is intended to be mandatory.

##### Commercial Cutting Plan:

A plan showing the applicant’s property and abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the “Minimum Standards for Cutting Timber” set forth in “Town of Haddam Wetlands Commission Forest Practices Regulations” adopted 1/10/2000.

##### Developed Area:

To be determined and defined by the Haddam Planning and Zoning Commission.

##### Non-Commercial Cutting:

The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting.

##### Earth Materials Removal:

The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

##### Erosion and Sedimentation Control Plan:

A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

##### Height:

The vertical distance between a horizontal plane drawn through the highest point of a building or structure, excluding chimneys, and the lowest point of a building or structure, which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

The Commission may consider and may approve a Special Permit application which allows maximum height to be measured from a new finished manufactured grade if such new grade is determined by the Commission to be consistent with the standards of special permit requirements for residential structures in excess of four thousand (4,000) square feet of total floor area. The special permit is mandatory for all structure in excess of four thousand (4,000) square feet, and optional for structure with a total floor area of four thousand (4,000) square feet or less.

Human Occupancy:

The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.

Multi-Family Project:

Any group of three or more dwelling units in one or more buildings on a single lot.

Site Plan:

A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot, utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities, adjacent ownership, outstanding physical features, watercourses and wetlands, any proposed modification or alteration of the lot's natural features, including the disturbance of vegetation and soil cover and such further information as may reasonably be required.

Story:

That part of a building, other than a cellar, included between the surface of any floor and the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story Above Grade:

Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the finished surface of the floor next above is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (12) feet at any point.

Town:

A town which has voted to be governed by the provisions of Sections 25-102d through 25-102h of the Connecticut General Statutes, Lower Connecticut River Conservation Zone.

Total Floor Area:

The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has a structural headroom of at least six (6) feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

Wetlands:

Those areas identified and defined in Section 22a-32, Connecticut General Statutes, as amended and Section 22a-38, Connecticut General Statutes, as amended.

10.5 Special Permit for Residential Structures in the Gateway Conservation Zone:

A Special Permit is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of 4000 square feet, in accordance with Sections 14 and 15 of the Haddam Zoning Regulations.

10.6 Residential Dwellings with Total Floor Area greater than 4,000 Square Feet:

- A. Purpose -- To assure that large scale residential structures and significant site modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional river scene.
- B. Exception -- A special permit shall not be required for residential structures over four thousand (4,000) square feet in total floor area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.
- C. Submission -- In addition to other town requirements for special permit applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

D. Special Permit Criteria:

1. Proposed site development shall maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.
2. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
3. Structures located above the crest of hillsides facing the river shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural coordination.
4. Vertical architectural elements shall not be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
5. Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
6. Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape, are preferred.
7. Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation Zone.
8. Development shall be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during development and the length of exposure should be kept to shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.

9. Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided and contours should be curved to blend with the natural slope.

10.7 Findings:

- A. The following findings shall be made by the Commission for Special Permits within the Gateway Conservation Zone:
- B. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- C. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- D. The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material to buffer mass of the building from the river or its tributaries in the Gateway Conservation Zone.
- E. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.

10.8 Vegetated Buffer:

There shall be no cutting of vegetation within a strip of land extending 50 feet in horizontal distance inland from the high tide line, as defined in Section 22a-359c of the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this section.

- A. There shall be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than three feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.

- B. There shall be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees shall be made by the zoning enforcement officer, or a letter stating the necessity of such action submitted to the Zoning Enforcement Officer by a public or consulting forester.
- C. In no event shall an opening be cleared for development, including but not limited to surface regrading, stormwater drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.
- D. A footpath not to exceed five feet in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
- E. Stairs or similar structures may be allowed with a permit from the zoning enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five feet in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- F. A vegetated buffer shall not be required for areas within the Conservation District which have been mapped and designated by the Planning and Zoning Commission as “developed areas”. In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the river scene.

## SECTION 11

### SPECIAL FLOOD HAZARD ZONE REGULATIONS

#### 11.1 Purpose

- A. It is the purpose of these regulations to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- B. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
- C. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- D. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- E. Control filling, grading, dredging and other development which may increase erosion or flood damage;
- F. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### 11.2 Objectives

The objectives of these regulations are:

- A. To protect human life and health;
- B. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- C. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- D. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,

- E. To insure that potential home buyers are notified that property is in a flood area.

11.3 Basis

The basis for establishing the Special Flood Hazard Area is the Federal Insurance Administration's scientific and engineering report entitled "The Flood Insurance Study for the Town of Haddam, Connecticut, Middlesex County," effective August 28, 2008, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodways Maps, as amended or revised. Such Study, maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of these regulations.

11.4 General Provisions

- A. A building permit, zoning permit, site plan approval and/or special exception shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.
- B. The Zoning Enforcement Officer shall notify adjacent communities and the Connecticut Department of Energy and Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and evidence of such notification shall be sent to the Federal Insurance Administration. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- C. The Zoning Enforcement Officer shall advise applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but are not limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
- D. The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.
- E. Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations shall be prohibited in the Special Flood Hazard Area, except in conformance with these regulations.



- F. When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood evaluation of floodway data available from Federal, State or other source in order to administer Section 11.5 and 11.7 of these regulations.
- G. The Zoning Enforcement Officer shall record and maintain the following:
  - 1. the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all or new or substantially improved structures,
  - 2. the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
  - 3. certification as to floodway heights, and
  - 4. any and all certifications required under Section 11 of these regulations.
- H. The Zoning Enforcement Officer shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

#### 11.5 General Standards

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic or hydrostatic load, including the effects of buoyancy.
- B. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- C. All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- H. All manufactured homes (including “mobile” homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six feet above ground level.
- I. A building permit, zoning permit, site plan approval and/or special exception/permit shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.
- J. In a zone where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development ( including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- K. Use of land, construction other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.

#### 11.6 Specific Standards

The following provisions shall apply in all areas of special flood hazard A1-30, AE, AH or A zones where base flood elevation data has been provided in accordance with Section 11.4F or 11.7D of these regulations.

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- B. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.
- C. All manufactured homes (including “mobile” homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be
- 1) elevated so that the lowest floor is above the base flood elevation and
  - 2) placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not limited to, the use of over-the-top or frame ties to ground anchors.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, and other developments shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
2. All new construction and substantial improvements in the floodway shall comply with flood hazard reduction provisions noted in this Section.

#### 11.7 Standards For Subdivision Proposals

- A. In all special flood hazard areas the following requirements shall apply:
- B. All subdivision proposals shall be consistent with the need to minimize flood damage;
- C. All subdivision proposals shall have public utilities and facilities such

as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- D. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
- E. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

11.8 Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Haddam or by any officer or employee thereof for any flood damages resulting from reliance on this ordinance or any administrative decision lawfully made thereunder.

11.9 Adoption Date of Regulation – See Section 01 of these regulations.

11.10 Effective Date of Regulations – See Section 01 of these regulations.

11.11 Citation of Statutory Authorization

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

11.12 Disclaimer of Liability Section - See Section 11.08 of these Regulations.

11.13 Severability Section

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

11.14 Abrogation and Greater Restriction Section

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11.15 Compensatory Storage

The water holding capacity of the floodplain, except those areas that are tidally influenced shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site unless easements have been gained from adjacent property owners. It shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

11.16 Equal Conveyance

Within the floodplain except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

11.17 Aboveground Oil Tanks

Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

11.18 Portion of Structure in Flood Zone

If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

11.19 Structures in Two Flood Zones

If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

11.20 No Structures Entirely or Partially Over Water

New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

11.21 That For New Construction or Substantial Improvements

Require that fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit offload waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

11.22 Variance – See Section 30 to these regulations.

11.23 Enforcement – See Section 30 to these regulations.

11.24 Violation/Penalty – See Section 30 to these regulations.

## SECTION 12

### AQUIFER PROTECTION ZONE

#### 12.1 Purpose

To protect the quality of groundwater through control of those activities that contribute pollutants to aquifers designated as existing or potential sources of public water supply.

#### 12.2 The boundaries of the Aquifer Protection Zone, comprising primary and secondary recharge areas of aquifers designated as existing or potential sources of public water supply, are based on data established by the U.S. Geological Survey. Such boundaries shall be superimposed on the existing land use zones on the “Town of Haddam Comprehensive Zoning Map”.

There are other areas within the Town of Haddam that have been identified as aquifers by the Natural Resource Center, Department of Environmental Protection in cooperation with the U.S. Geological Survey. However, these aquifers have not been designated as existing or potential sources or public water supply and are not included in the Aquifer Protection Zone.)

#### 12.3 Use Regulations

- A. Within a designated Aquifer Protection Zone, no land shall be used and no structure erected, constructed, reconstructed, altered or used except in conformance with these regulations and all other requirements of the applicable zone. All uses which are permitted in the existing land use zones are also permitted in an Aquifer Protection Zone with the following exceptions, restrictions and requirements.
- B. The following uses are prohibited:
  - 1. Disposal of solid waste in sanitary landfills or dumps, and
  - 2. Disposal of hazardous wastes.
- C. Road salt storage shall be permitted when such piles are located in a storage shed or covered so that rain water does not leach the salt. Storage must be underlaid by an impervious surface and run-off should be collected in an evaporative detention basin, or discharged to a surface water body with sufficient discharge to dilute the run-off.
- D. Underground fuel oil storage tanks and piping shall be designed in conformance with the Rules and Regulations of the State Fire Marshal as authorized under Section 29-62 through 29-66 of the Connecticut General Statutes. The building Inspector or Fire Marshal shall inspect the fuel storage facilities prior to backfilling to insure prevention of leakage.

- E. All commercial and industrial uses are subject to a site plan review by the Planning and Zoning Commission. All commercial or industrial uses which involve the use, storage or manufacture of hazardous materials, including but not limited to those identified by section 3001 of the Resource Conservation and Recovery Act, shall be referred to the Connecticut Department of Environment Protection. In addition to the requirements set forth in Section 14 of the Haddam Zoning Regulations, the site plan shall be accompanied by a report detailing the following information:
1. Amount of composition of industrial or commercial wastes including fly-ash and proposed method of disposal of such wastes outside the aquifer protection zone.
  2. Amount and composition of any hazardous materials including, but not limited to, those identified by Section 3001 of the Resource Conservation and Recovery Act of 1976, that are used, stored, transported, manufactured, or discharged at the site.
- F. New and enlarged manure storage sites shall be approved by the Department of Environmental Protection.
- G. Municipal septage disposal sites and lagoons are subject to a special permit and site plan review by the Planning and Zoning Commission. As part of the application for special permit and site plan review, the applicant shall submit the approval of the Water Compliance Unit of the Department of Environmental Protection. The application for special permit and site plan review will be considered incomplete and no public hearing shall be scheduled, without such approval.



## SECTION 13

### HOUSING FOR ELDERLY AND/OR HANDICAPPED PERSONS

- 13.1 The purpose of this section is to provide for alternative housing types with flexibility in the design and siting of structures exclusively for elderly and/or handicapped persons.
- 13.2 The applicant shall provide justification to the Commission that there is a need, among the citizenry of the Town of Haddam for housing for elderly and/or physically handicapped persons, sufficient to warrant consideration of the applicant's proposed development.
- 13.3 The applicant shall demonstrate to the Commission that future elderly and/or physically handicapped residents of the proposed development will be adequately served by transportation, shopping, recreation and service facilities and that the location is appropriate to insure that the health, safety, welfare and quality of living of residents are protected.
- 13.4 Applications for housing for elderly and/or physically handicapped persons, made pursuant to this section, shall be subject to the issuance of a special permit by the Planning and Zoning Commission and shall be permitted in residential and commercial zones only. Applications under this section shall meet the open space requirements for conservation subdivisions as set forth in Section 4.A.

Applications shall be subject to all requirements of Section 15, Special Permits.

13.5 Specific Requirements:

- A. Minimum Lot Area: 5 (five) acres
- B. Yards and Coverage:
1. Minimum Front Yard - 50 ft. or 2.5 times building height, whichever is greater.
  2. All other yards - 40 ft. or 2.5 times building height, whichever is greater.
  3. Maximum percent of land coverage by buildings: 15%
- C. Density: Maximum density shall be calculated on the basis of 4 (four) bedrooms multiplied by the adjusted area. Adjusted area calculations shall be in accordance with Table II, of these regulations, the purpose of which is to provide for the deletion of unbuildable land in computing the maximum allowed density.

- D. Dwelling Units: No building shall contain more than eight (8) dwelling units and there shall be no more than 96 bedrooms per development.
- E. The maximum number of bedrooms in each dwelling unit shall be two.
- F. No space having its floor level above the second floor level above the finished grade shall be used for dwelling purposes and no space having its floor level below the finished grade shall be used for dwelling purposes except as a recreation or utility room.
- G. A statement of proposed residency shall be submitted with the application. It shall include a provision that a surviving spouse under age of 55 may be permitted to remain in the complex and that, except where prohibited by federal or state laws or regulations, Haddam residents shall be given first preference in occupancy.
- H. As part of the application, the applicant shall submit a statement from the Town Director of Health certifying that the land on which the housing will be constructed is satisfactory for on-site sewage disposal and water supply systems.

## SECTION 13A

### CONTINUING CARE RESIDENTIAL COMMUNITY

- 13A.1 The purpose of this section is to provide for the development of housing for an aging population which needs assistance in daily living. It is intended that this type of development will provide assistance where necessary to elderly persons who desire to live in their own residences to the maximum extent possible and to provide for increasing levels of care and assistance as needed. It is anticipated that such facility will be operated only by licensed professionals as mandated by the Connecticut Department of Public Health. Certification of such licensure will be required with any application for a special permit.
- 13A.2 A Continuing Care Residential Community may include independent living units in townhouses or attached single family houses, Assisted Living Facilities, Day Care Center for the Elderly, Convalescent or Nursing Facilities and associated recreation facilities which are intended for the use of the residents of the development.
- 13A.3 The total density calculation shall include a maximum density for independent living/assisted living units (residences) not to exceed six (6) two (2) bedroom units per acre and the number of nursing facility beds shall not exceed six (6) beds per acre.
- 13A.4 Building heights shall not exceed two and one half (2 ½) stories or thirty five (35) feet in height, whichever is less.
- 13A.5 All utility lines shall be placed underground.
- 13A.6 For purposes of this section, interior courtyards without roofs shall not be included in building area calculations but shall be included in the maximum coverage calculations in Table 1 for commercial uses.
- 13A.7 Off-street parking shall be in accordance with Section 21, except that one half (1/2) of the parking may be constructed of “grassy pavers”.
- 13A.8 A pedestrian circulation system, with wheel chair access, shall be designed to provide separation between pedestrian and vehicular traffic.
- 13A.9 Buildings shall be integrated in terms of architecture, color, texture, scale and shall be compatible to Colonial Style Architecture.

- 13A.10 The development site shall be located only in an area which contains soil with characteristics which will support an on-site water supply system and septic disposal.
- 13A.11 The development shall contain restrictions requiring at least one person in each independent living unit and all persons residing in any nursing home be over the age of sixty (60) years.
- 13A.12 The total number of nursing home beds shall not exceed the number of independent living/assisted living units.
- 13A.13 The minimum site size for a Continuing Care Residential Community shall be at least five (5) acres.
- 13A.14 Continuing Care Residential Communities shall be subject to the granting of a Special Permit by the Planning & Zoning Commission and may only be constructed in Commercial Zones.
- 13A.15 This section is not subject to variances or waivers of any zoning regulation and the Zoning Board of Appeals is prohibited from granting a variance of any of the above requirements.

## SECTION 13B

### HOUSING OPPORTUNITY DISTRICT REGULATION

13B.1 Purpose. The purpose of this Section is to provide standards and procedures for the design and development of affordable, single family, multifamily, and congregate housing by detailing the procedures for approval of a Housing Opportunity District and approval of a Special Permit application for a Housing Opportunity District in accordance with the provisions of these Regulations and with the applicable sections of the Connecticut General Statutes, as amended.

13B.2 Definitions.

2.1 A "Housing Opportunity District Development" (HOD Development) is a residential development which meets one or more of the following criteria:

- A) It is "assisted housing" (as defined herein and in § 8-30g of the Connecticut General Statutes, as amended); or
- B) It is a development in which not less than twenty-five percent (25%) of its dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that those units (designated as "HOD Home", as defined herein) be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in § 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of forty (40) years after the initial occupation as calculated for each HOD Home; or
- C) It is housing which shall be financed by Connecticut Housing Finance Authority mortgages, as set forth in § 8-30g(f)(2) of the Connecticut General Statutes, as amended.

2.2 "Assisted Housing" is housing which meets one or more of the following criteria:

- A) It is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing; or

- B) It is occupied by persons receiving rental assistance under Section 17b-812 et seq. of the Connecticut General Statutes, as amended, or under Section 143f of Title 42 of the United States Code; or
  - C) It is financed by Connecticut Housing Finance Authority mortgages, as set forth in § 8-30g(f)(2) of the Connecticut General Statutes, as amended.
- 2.3 A "Housing Opportunity District" (HOD) is an overlay zoning district within which HOD Developments are permitted in accordance with the requirements set forth in this Section 13B.
- 2.4 A "HOD Home" is housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency.
- 2.5 "Monthly payment" is the amount paid monthly for mortgage principal and interest, property taxes and insurance, common charges in the case of ownership in a common interest community, and utility costs (including hot water and electricity, but excluding telephone and cable television). The maximum allowable monthly payment for a HOD Home that is rented shall include the cost of rent, common charges if the tenant is directly responsible, heat, and utility costs (including hot water and electricity, but excluding telephone and cable television).
- 2.6 A "Master Plan" shall consist of The Master Plan submission will include: (1) Existing Conditions; (2) Master Concept Plan; (3) Standards; and (4) other plans and details as may be submitted by the applicant or as may be requested by the Commission to illustrate the size, impact and appropriateness of the application and its relation to the surrounding neighborhood and districts. An engineer, surveyor, architect or landscape architect will prepare the graphic plans, unless otherwise indicated. Each Master Plan at a minimum will contain or be accompanied by, in writing, the following elements:
- (1) Existing Conditions. The following conditions shall be shown for the entire area included in the Master Concept Plan:
    - a. Existing topography map with two-foot contours showing structures, roads and rights-of-way, major topographic features (including edge of wooded areas, free-standing specimen trees, barways, stonewalls, ledge outcrops and soils types), field delineated edge of all inland wetland soils, watercourses and floodplains;

- b. All existing utilities located within or along the periphery of development;
- c. Land uses and zoning district boundaries within 500 feet of the site.
- d. A summary of significant historic features of the area of the proposed development.

(2) Master Concept Plan. The following elements shall be shown on The Master Concept Plan for the entire area of the project (minimum scale of 1"=100'). Some information, as allowed by the Commission, may be submitted in illustrative and conceptual form provided the Commission can determine compliance with the Regulations.

- a. The proposed uses, their proposed locations, and their approximate gross floor areas, densities, numbers of units and other data as appropriate will be provided.
- b. The shape, size and location of proposed public or private streets, walkways, parking areas, easements, planted and treed areas, buffers, signage, lighting and lighting methods and patterns, drainage methods and patterns, common space areas, access locations from abutting roads, driveways within the site to the existing and proposed road system, and amenities such as parks, meeting places, bike paths, and pedestrian trails.
- c. Illustrative renderings of all architectural and structural improvements, including a narrative describing style and design of these improvements and shall serve as guides for future development in these areas.
- d. Proposed plan for public dedication, such as streets, parks and open spaces and a plan of development for such areas.  
And,
- e. Date, revision dates, scale, north arrow, name and address of owner and developer, name and seal of appropriate design professionals.

(3) Standards. The following information shall be submitted in either a text form or included as a narrative, table or graphic within the Master Concept Plan:

- a. Methods to be used to determine the division of parcels and ownership of parcels within the District;
- b. A description of: proposed development phasing; types of ownership of improvements (including streets, parking areas, open spaces and other community areas), buildings, building ownership of improvements (including streets, parking areas, open spaces and other community areas), buildings, building

- clusters and utility systems; any proposed common interest communities; and, any proposed reciprocal easement agreements;
- c. A description will be included of the areas of the site (by ratio, location, square footage, etc.) proposed for each land use type;
- d. Bulk and density standards for the above parcels, including:
  - (1) minimum setbacks; (2) maximum building and impervious coverage of each lot or parcel; (3) maximum and minimum building height; and, (4) specifications for allocation and minimum number of parking and loading spaces to specific uses;
- e. Proposed standards for public and private streets and walkways specifying conformance to the Town of Haddam Public Improvement Specifications, or providing sufficient justification, agreeable to the Commission, of any variation from such standards;
- f. Narrative or graphic descriptions of the architectural style and character;
- g. Signage plan, including a unifying theme or style;
- h. Lighting design (including general types and location of poles and fixtures), light patterns and illumination level standards;
- i. A landscape plan, including landscaping of parking lots, streetscape plantings and buffer areas.

### 13B.3 Qualifying Standards.

#### 3.1 Qualifying Standards for a Housing Opportunity District Zone Change.

- A) Any person proposing a HOD Overlay Zone for a zoning district must obtain a zoning map change in accordance with the applicable sections of the Connecticut General Statutes, as amended. In addition, the applicant shall submit with the zoning map change application those submittals required pursuant to Section 2.2 of these Regulations. Approval of the zoning regulation map change may be sought prior to or simultaneously with a petition for a HOD Overlay Development Special Permit.
- B) The following uses in a HOD Overlay Zone require only a Certificate of Zoning Compliance (Zoning Permit) as specified in Section 30.4, provided that dwellings shall comply with the definition of Housing Opportunity District Development contained in this Section 13.B and the Master Plan approved in accordance with Section 13B.4:
  - 1) Single Family Dwelling, one per lot.
  - 2) Two Family Dwelling, one per lot.
  - 3) Mixed Uses, as described in Section 26 of these regulations.



- 4) Accessory Uses and Structures, to single family and two family homes as described and regulated in Section 6 of these regulations, but not including accessory apartments.
  - 5) Parking, Recreation and Accessory Structures limited to the use of the residents.
  - 6) Family Day Care Home.
  - 7) Home Business as described and regulated by Section 23 of these regulations.
- C) Special Permit For Multifamily Dwellings in A Housing Opportunity District: Multifamily dwellings in a HOD must be obtained from the Commission pursuant to these Regulations and the Connecticut General Statutes, as amended, of a HOD Special Permit.
- D) HOD Zoning Districts are allowed only on the western side of the CT River and are not allowed east of the CT River.

13B.4 Procedure for a Housing Opportunity District Zone Change Petition and Master Plan Approval.

- 4.1 The applicant shall submit the original plus ten(10) copies of a HOD Zone Change petition and of those submittals required by Section 2.2 of these Regulations to the Commission.
- 4.2 The following documents, reports, and maps shall accompany the HOD Zone Change petition:
- A) An A-2 survey map of the entire area of the proposed change or, in the alternative and in the Commission's sole discretion, an A-2 survey map of less than the entire tract if an A-2 survey of the entire parcel is not necessary to the Commission's consideration of, and decision on, the Zone Change petition.
  - B) A Master Plan as defined in this Section 13B2.6.
  - C) A report prepared by a professional engineer demonstrating the feasibility of sewage disposal to be generated by the proposed development and the feasibility of providing sufficient water to the proposed development for daily and emergency needs.
  - D) The applicant may also submit such other reports as it deems to be of assistance to the Commission to enable it to perform its duties under this Section 13B and under the applicable sections of the Connecticut General Statutes, as amended. The Commission may also require submission by the applicant, the Commission's staff, or Commission-retained consultants such other information

as it deems necessary to assist it in performing its duties under this Section 13B, and under the applicable sections of the Connecticut General Statutes, as amended. Such information may include, but is not limited to, a report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements to accommodate projected traffic.

- E) The Commission may require additional copies of submittals for use in forwarding a complete application for other required agency review or notification.
- F) The Commission may waive any or all of the foregoing for an application proposed by the Commission itself.

13B.5 Approval of a Housing Opportunity District Zone Change Petition and Master Plan.

5.1 After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission may deny, approve, or modify and approve a petition seeking creation of a HOD and the accompanying Master Plan. In determining whether or not to approve the petition, the Commission shall consider the following factors:

- A) Consistency of the rezoning with the Town's plan of conservation and development.
- B) The supply of affordable housing within the Town and the Lower Connecticut River Valley region.
- C) Whether or not the rezoning will result in traffic safety hazards or substantial traffic congestion within or adjacent to the rezoned area.
- D) The supply of land available in the present and in the proposed zoning district.
- E) The physical suitability of the land for a HOD.
- F) Changes, especially those involving affordable housing developments, that have taken place in the rate and pattern of development and land use within the Town and adjoining municipalities.

- G) Whether or not the rezoning will have a substantial impact on the present and proposed utilities, streets, drainage systems, and other improvements; or on cultural or historic resources located on or adjacent to the rezoned area.
- H) The suitability of the Master Plan improvements for the proposed location and the extent to which the Master Plan balances the need for affordable housing and the creation of a desirable, inviting and well-designed residential environment which respects the character of the land upon which it is proposed.
- I) Any other relevant, substantial impacts of the rezoning on the surrounding area or on the public health, safety, or other matters which the Commission is legally authorized to consider.

5.2 If the HOD Zone Change petition and Master Plan are approved, the Commission shall assign the parcel a HOD Overlay Zone classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone change map (prepared in accordance with these Regulations and conforming to the Class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps" of the Connecticut Association of Land Surveyors, Inc.) and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

13B.6. Procedure for a Special Permit for a Housing Opportunity District Special Permit.

6.1 An application for a HOD Development Special Permit shall be filed in the office of the Haddam Town Planner. The application shall be accompanied by the fee as provided in Town Ordinance. Upon approval of the HOD zone change as set forth above, or simultaneously therewith where a HOD Development Special Permit involves a subdivision, the HOD application may be considered to be a unified application so that separate applications for a zone change, special permit approval and/or subdivision approval and separate filing fees shall not be required. Additionally, to the extent that the submittal requirements for the Zone Change Petition and the HOD Development Special Permit allow, the applicant is not required to submit duplicate submittals if filed simultaneously.

6.2

- A. If the applicant desires to develop the HOD Development in phases, that request must be set forth in the Special Permit application, and the Commission shall undertake Special Permit review for all phases proposed for immediate development, simultaneously with its review of the Housing Opportunity District Special Permit application.

Each phase shall reflect the required percentage of HOD Homes for the entire development (i.e., 25%). For each three (3) dwelling units being constructed which has not been designated as affordable the developer shall construct simultaneously a HOD Home to a point of completion where such unit is entitled to a Certificate of Occupancy. However in cases where the number of HOD Homes approved in a particular application exceeds the minimum number required, the applicant, with the approval of the Commission, may initially construct a number of units not designated as affordable equal to that surplus figure prior to the construction of a HOD Home.

- B. Proposals within the Gateway Conservation Zone shall comply with the Gateway Standards outlined in Chapter 10 of these Regulations. The Gateway Standards may be waived if the proposal is not visible from the Connecticut River in accordance with Section 10.6.B.-For the purpose of this section, "visibility" of a potential development from the river will be determined by the Planning and Zoning Commission after consideration of a recommendation, if any, received from the Gateway Commission or their staff. Whether or not a waiver of Gateway Standards included in Chapter 10 of the Regulations is appropriate shall be decided with due consideration of such recommendation. In evaluating such a waiver, the Commission shall consider how visibility of the proposed building is impacted by intervening topography, intervening structures and large, multi-lot stands of trees that will be retained and therefore buffer the view of HOD buildings.

- 6.3 The applicant shall submit the original plus seven (7) copies of the following documents, reports, and maps with the HOD Development Special Permit application which shall provide the information required by Section 15.3.2 for Special Permits and, in addition, the following:

- A) In addition to the requirements of Section 15.3.2, the site plan shall depict:
  - 1) Proposed density of the site as authorized by the HOD Overlay Zone within which the property is located.
  - 2) The proposed percentage of deed restricted HOD Homes and their proposed location.
  - 3) Proposed open spaces and recreation areas or facilities.
- B) Preliminary building plans detailing the following:
  - 1) A typical floor plan.
  - 2) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.
  - 3) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.
- C) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.
- D) A written Development Management Plan detailing how the proposed HOD Development will be developed (including projected completion dates and the initial selling price or "monthly payment" to be charged for each HOD Home), maintained, and managed over time. If the development is to have "assisted housing", as defined in Subsection 13B.2.2 of these Regulations, the Plan shall also include the details of the financial assistance to be provided to the development by federal or state government or other sources and evidence of preliminary site approval under the subsidy program, when applicable.
- E) An "Affordability Plan" which shall describe in detail how the development will comply with this Section 13B and how the affordability covenants and restrictions will be administered. Such Plan shall include provisions for the following: procedures for notice of availability of affordable housing units, procedures for verification and periodic reverification of unit occupant

income and compliance with affordability requirements, and periodic reports concerning compliance with this Section 13B and with the annual certification requirement of § 8-30g of the Connecticut General Statutes. Such Plan shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions and any explanations which will be provided to the HOD Home occupants concerning such restrictions.

- F) The applicant may also submit such other reports as he deems to be of assistance to the Commission to enable it to perform its duties under this Section 13B and under Section 15 these Regulations, under the applicable Sections of the Subdivision and other land use regulations, and under the applicable sections of the Connecticut General Statutes, as amended.
- G) The Commission may also require submission by the applicant, the Commission's staff, or Commission-retained consultants such other information as it deems necessary to assist it in performing its duties under this Section 13B; and under Section 15 of these Regulations; under the applicable sections of the Subdivision and other land use regulations; and under the applicable sections of the Connecticut General Statutes, as amended. Such information may include, but is not limited to, the following:
  - 1) a written report by a licensed traffic engineer setting forth findings and conclusions concerning intersection design appropriate to and required by the proposed HOD Development;
  - 2) the amount of traffic projected within and to the proposed HOD Development;
  - 3) the impact of traffic to be generated by the proposed development on the neighborhood and the Town; and the adequacy of the current streets and traffic controls and the proposed streets and traffic controls to accommodate existing traffic, projected traffic from the proposed HOD Development, projected traffic from other approved developments in the neighborhood, and fire vehicles and other health and safety vehicles.
- H) The Commission may require additional copies of submittals for use in forwarding a complete application for other required agency review or notification.

13B.7. Approval of a Special Permit for a Housing Opportunity District.

7.1 The hearing described in Subsection 15.5 shall be for the purpose of determining whether the tract described in the application meets the Special Permit standards contained in Section 15 and the standards contained in this Section 13B of these Regulations, and any other requirements of this Section 13B, to assist it in determining whether the requirements of this Section 13B have been met, and in addition in determining whether or not to approve the application, the Commission shall consider the following factors:

- A) Compliance of the Special Permit plans with the approved Master Plan. While the Special Permit Plans need not exactly match the Master Plan in terms of details, the quality of the design, the provision of open space and other amenities, the architectural design of all buildings, and other major factors shall be of at least the quality of the Master Plan.
- B) Whether the application complies with all the requirements and meets the standards of this Section 13B, Section 15, and other applicable sections of the Zoning Regulations and the Subdivision and other land use regulations of the Town of Haddam, Connecticut.
- C) Whether the application provides for the maintenance of private improvements, Open Space, parking areas, stormwater drainage facilities, and landscaping consistent with this Section 13B.
- D) Whether provisions for water, sewerage, stormwater, and Open Space are adequate; do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site; and do not create water problems off-site.
- E) Whether adequate open spaces and/or recreation facilities are proposed.
- F) If applicable, whether the proposed development violates its aquifer protection approval.
- G) Whether the proposed development will have a substantial adverse effect on the environment and, in particular, on wetlands, watercourses, and on aquifer protection areas, or an adverse impact of the natural riverway view scape from the CT River. In making this finding, the recommendations of the Wetlands Commission, the Planning and Zoning Commission, and the Connecticut River Gateway Commission regarding the development will be taken into account.

- H) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development and incorporates all necessary safety precautions for children walking to and from schools or bus stops.
  - I) Whether on-site, and resultant off-site, traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the HOD Development or at intersections of HOD Development streets and existing, public streets.
- 7.2 The Commission may attach appropriate conditions to an approval of HOD Development Special Permit to assure compliance with this Section 13B, to achieve greater compliance with the Master Plan, and to protect any substantial public interest in health, safety, or other matters the Commission is legally authorized to consider which interest is jeopardized by the proposed HOD Development.
- 7.3 Where the HOD Development consists of assisted housing which is dependent upon obtaining approval and/or commitment of financial assistance under relevant federal or state housing subsidy programs, approval of the Special Permit issued hereunder shall be subject to the condition that no zoning permit shall be issued for any portion of the proposed development until the applicant has filed evidence with the Zoning Enforcement Officer that such approval and/or commitment has been obtained.
- 7.4 Affordable Housing Restrictive Covenant:
- A) As a condition of approval, the applicant shall be required to execute, in accordance with the laws of conveyance in the State of Connecticut, an "Affordable Housing Restrictive Covenant" which restricts a minimum of twenty-five percent (25%) of the total number of dwelling units in the HOD Development.
  - B) The covenant shall require that for at least forty (40) years from the initial sale or rental of the subject dwelling, affordable housing units shall be sold or rented at or below prices which will preserve the units as affordable housing (as defined at § 8-39a of the Connecticut General Statutes, as amended) for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency or preserve them as housing which meets the criteria to be eligible for



Connecticut Housing Finance Authority financing, as set forth in § 8-30g(f)(2) of the Connecticut General Statutes, as amended, and/or to preserve them as housing which meets the criteria to be “assisted housing” as defined in Section 13B.2 of these Regulations.

- C) The final form of the Affordable Housing Restrictive Covenant shall be subject to review and approval by the Land Use Attorney for the Town of Haddam.
- D) This covenant shall run with the land and be enforceable by the Town of Haddam until released by the Town or until automatically released by operation of the statute.
- E) Such restrictions shall also be embodied in the lease and notice of lease of rental for affordable housing units to be rented, and in deed restrictions for all units, both rented and sold. A copy of the lease and deed restrictions shall be filed with the Commission or its designee.
- F) The units subject to said restrictions are referred to herein as "HOD Homes".
- G) Rent increases in affordable units which are rented shall be allowed only to the extent that the new rent (including hot water and electricity, but excluding telephone and cable television) is affordable by households whose income less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency.

#### 7.5 Filing Requirements for Approved HOD Development Subdivisions.

Upon approval or approval with modification of a HOD Development Special Permit and/or subdivision, the applicant shall cause any required corrections or modifications to be made to the subdivision map and to any supplemental maps filed with the application, and such plans shall be endorsed and filed in accordance with the Haddam Subdivision Regulations, along with any documents required by this Section 13B.

13B.8. General Design Standards for All HOD Developments.

The following standards shall apply to the design and development of all HOD Developments:

8.1 In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Haddam, the maximum number of dwelling units per net buildable acre in subdivision and nonsubdivision HOD Developments is as follows:

- A) 8/acre single family
- B) 12/acre multi-family
- C) No increase in gross floor area or bedrooms once approved
- D) Maximum of two bedroom units
- E) Additions and modifications after approval:  
The Commission approves each HOD Development as a planned development and is concerned over both the architectural design of each unit and the relationship of each building in the development to other buildings in the development. The Commission considers HOD Developments to be entirely different types of neighborhoods than those developed under traditional subdivision and zoning standards. As such, the following policies shall apply:
  - 1) Accessory apartments are not permitted.
  - 2) For two- or multi-family dwellings, additions, including rooms, sun porches, decks, and garages to individual units or accessory buildings not depicted on the approved Special Permit plans are not permitted except upon approval by the Commission as an amendment to the Special Permit. For single family dwellings, the site plan shall designate the allowable locations, square footage, and allowable designs for accessory buildings and structures which the owners may install by Certificate of Zoning Compliance. Accessory buildings or structures which do not conform to such specifications shall require approval by the Commission as an amendment to the Special Permit.
  - 3) Only decorative fencing shown on the site plan, owned and maintained by the homeowners' association and approved by the Planning and Zoning Commission, is permitted.

8.2 The following requirements shall apply to a HOD Development:

- A) HOD Homes shall be of a construction quality that is comparable to market rate homes within the development. The final site plan and plan for administration of affordability rules shall identify the locations within the HOD Development of the HOD Homes.
- B) The HOD Homes shall be built on a *pro rata* basis as construction proceeds.
- C) In a HOD Development, no HOD Home shall have more than two (2) bedrooms.
- D) Calculation of the maximum monthly payment for a HOD Home, so as to satisfy Connecticut General Statute § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a purchase and sales agreement is executed by the parties.
- E) The maximum monthly payment that the owner of a HOD Home shall pay shall not be greater than the amount that will preserve such unit as “affordable housing” as that term is defined in the Connecticut General Statutes § 8-30g, and shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television. However, the common interest ownership fees charged to owners of HOD Homes shall not be set by the association so as to cause such owners to pay more than the maximum monthly payments allowed by law. It is recognized that monthly requirements for the other items may reduce what a HOD Home owner may pay to a minimal amount. This limitation on such fees shall be incorporated into common interest ownership documents for the development.
- F) HOD Homes shall be occupied only as an owner’s principal residence. Renting or leasing of HOD Homes shall be prohibited.
- G) At the same time that the market-rate homes in a HOD Development are first advertised to the general public, notice of availability of the HOD Homes shall be provided by advertising

such availability in the real estate section of a newspaper of general circulation in the Town of Haddam, by providing notice to the Haddam Town Council, the Haddam Town Clerk, and the Haddam Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan.

- H) For one of every three (3) HOD Homes which becomes available for initial sale, preference shall be given to applicants who are otherwise qualified and are residents or employees of the Town of Haddam or School District #17, a child or parent of Haddam residents or those who meet the criteria of “least likely to apply” as defined in Connecticut Agencies Regulations § 8-37ee.
- I) Each deed for a HOD Home will contain substantially the following provision:  
This unit is sold as an “affordable home” as defined in Connecticut General Statute § 8-30g, and is available only to persons or families whose income is at or below eighty percent (80%), as applicable, of the area median income for Haddam or the statewide median income, whichever is less, as determined by the U.S. Department of Housing and Urban development. This development has been approved by agencies of the Town of Haddam based in part on the conditions that a defined percentage of homes will be preserved as affordable housing homes. The restrictions related to affordability are required by law to be strictly enforced.
- J) The 40 year affordability period shall be calculated separately for each HOD Home in a HOD Development, and the period shall begin on the date, as defined at closing, of occupancy of the HOD Home.
- K) In conjunction with an application for approval of a final site plan for a HOD Development, the applicant shall submit an “Affordability Plan,” which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable homes, identification of those homes which are to be designated affordable, procedures for verification and period confirmation of unit occupancy income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the prospective owners concerning such restrictions.

- L) The applicant shall also submit an affirmative fair housing marketing plan to govern the sale of all HOD Homes at the time of final site plan approval.
- M) A violation of the Regulations contained in this section shall not result in a forfeiture or reversion of title, but the Haddam Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

8.3 All utilities shall be underground.

8.4 HOD Homes shall be substantially similar to market value units in terms of exterior building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development.

8.5 The HOD Development may provide a variety of unit types. Density shall be allocated *pro rata*. For each three (3) dwelling units being constructed which has not been designated as affordable the developer shall construct simultaneously a HOD Home to a point of completion where such unit is entitled to a Certificate of Occupancy.

8.6 Minimum floor areas shall be those as established by the State Health Department.

8.7 Parking shall be provided in accordance with the requirements of Section 21 of these Regulations. In addition, the following requirements shall be met:

- A) Parking spaces within a multifamily phase of development shall be a minimum size of 9' x 18'.
- B) The following minimum number of spaces are required:
  - 1) One-bedroom dwelling units: 1.5 spaces/unit
  - 2) Two-bedroom dwelling units: 2.0 spaces/unit
  - 3) Single family homes: 2.0 spaces/unit.
- C) Adequate, unobstructed space shall be provided for snow clearance of parking spaces. Provision shall be made for adequate storage of cleared snow.

- 8.8 Concrete sidewalks shall be provided adjacent to all streets and roadways. The Commission shall determine, in its sole discretion, whether the sidewalks shall be adjacent to one or both sides of those streets or roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.
- 8.9 Exterior lighting, where appropriate, shall be provided and maintained within the HOD Development to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities, and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the HOD Development shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to the requirements of the Town's street lighting policy.
- 8.10 Receptacles for refuse collection and recyclables collection in multifamily areas shall be located in such a way as to minimize visual impact, shall be suitably screened by fences or shrubbery, and shall be capable of being cleaned and maintained.
- 8.11 Top Soil:
- A) All top soil removed during development shall be stored on site for the purpose of restoring ground surfaces. If sufficient top soil is not remaining on site after development, additional amounts shall be brought in to cover the ground surface to a depth of four (4) inches.
  - B) All areas disturbed by earth movement or by construction shall be covered with four (4) inches of top soil and seeded. The provisions of this subsection shall not apply to paved surface areas (such as those used for building construction, sidewalks, streets, etc.) or to those areas to be left in their natural condition (such as rocky outcrops, swamps, ponds, open space, etc.).
- 8.12 In an effort to prevent erosion, to maintain the ecological balance, to provide for protection from sun and wind, and to enhance and protect the general health and welfare, all mature trees should be retained on the site to the greatest extent possible; and all existing, mature vegetation on the site shall be retained in areas not disturbed by

construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:

- A) In subdivision HOD Developments, shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one (1) tree shall be planted for each three (3) spaces, or fraction thereof, in locations approved by the Commission.
- B) In nonsubdivision HOD Developments (and as nearly as practicable), at least one (1) foundation planting shall be planted every five (5) feet around foundations and at least one (1) tree or shrub every twenty (20) feet between structures.
- C) In subdivision HOD Developments, the minimum landscaping, per lot, shall consist of grading, raking, and seeding the disturbed areas and planting a minimum of five (5) foundation plantings.

8.13 Utility terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view.

8.14 Open Space and Undesignated Areas:

- A) All land not designated as a lot or utilized for dwellings, buildings, or accessory structures or designated Exclusive Use Areas for individual units shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.
- B) Open Space shall be permanently reserved by one of the following means:
  - 1) Deeded to the Town, with appropriate restrictions concerning the future use of the land, provided the Town Council agrees to accept conveyance of the Open Space to the Town.
  - 2) Held in corporate ownership, (i.e., homeowners' or unit owners' association) by the occupants of the dwelling units within the development. Nothing herein shall be construed to prohibit the developer from retaining ownership of the Open Space until such time as it is turned over to the members of the homeowners' or unit owners' association in accordance with the provisions of the Connecticut Common Interest Ownership Act.

- 3) Deeded to a Land Trust or a similar organization with approval of the Planning and Zoning Commission and the organization to which the Open Space is intended to be conveyed.
  - 4) A combination of the above.
- C) Any homeowners' or unit owners' association created shall be organized as a not-for-profit corporation with automatic and mandatory membership in the association for all residents. The membership requirement and the homeowners' or unit owners' beneficial right to use the Open Space shall be declared in each resident's deed or lease, as the case may be. All such deeds and leases shall specify the rights and responsibilities of residents to the association. The association shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.
- D) The owner/developer shall record a document to be known as Declaration of Restrictions, Covenants, and Reservations which shall regulate the use of the Open Space; the further development of the property; landscaping; the storage of vehicles and materials on the individual lots for subdivision HOD Developments or on the HOD Development tract for nonsubdivision HOD Developments; and maintenance of the Open Space, if the Open Space is to be turned over to a homeowner's or unit owners' association in accordance with Section 13B.0 hereof. The Declaration shall be approved by the Planning and Zoning Commission at the time of any approval granted under this Section 13B.
- E) The Open Space shall be subject to tax liens as provided for in Connecticut General Statutes, § 12-171 et. seq., as amended, and the attaching lien shall attach to the lots in a subdivision HOD Development, or the units and buildings in a nonsubdivision HOD Development, on a pro rata basis, according to the number of lots in the subdivision HOD Development or of the number of such units and buildings in a nonsubdivision HOD Development, and the deed shall so state.
- F) Nothing in this section shall be interpreted to exempt subdivision HODs from open space requirements of the Subdivision Regulations of the Town of Haddam.



8.15 Waiver of Design Standards And Dimensional Requirements:

- A) The Commission may waive the design standards of Sections 13B.12, 13B.10 and 13B.11 if it finds the following:
  - 1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; and
  - 2) Such substantial public interests are clearly outweighed by the need for affordable housing; and
  - 3) Such substantial public interests can be otherwise protected by reasonable changes to the application; and
  - 4) Conditions exist which affect the subject land and are not generally applicable to other land in the area and conformity with these Regulations would cause an unnecessary and undue hardship to the development of affordable housing.
  - 5) The requested modification is not in conflict with the Standards of the Gateway Conservation Zone as stated in Section 10, and pursuant to 102 a-s of the CGS.
- B) Any application for a waiver of any design standards shall be made at the same time as the HOD Development Special Permit application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.
- C) In granting any waiver of any design standard, the Commission shall attach such conditions as are necessary to protect any substantial public interest in health, safety, or other matters the Commission is legally authorized to consider.
- D) Grant of the waiver requires a two-thirds (2/3) vote of all the members of the Commission after a duly noticed and held public hearing. The Commission shall state upon the record the reasons for which the waiver is granted in each case.

13B.9 Subdivision HOD Development Design Standards.

The following standards shall apply to the design and development of single family dwelling subdivision HOD Developments:

- 9.1 Each dwelling unit shall be served by an approved private street or an approved public street. However, any street which services any of the dwelling units and connects two (2) existing or proposed public streets, must be an approved public street constructed as set forth in Section 44A.11.3 hereof.
- 9.2 If the dwelling units are served by an approved private street, it shall be designed so as to discourage through traffic.
- 9.3 No dwelling unit shall extend to within twenty-five (25) feet of any public or private street line.
- 9.4 No dwelling shall exceed a width of fifty-five (55) feet. For the purposes of this Section, a dwelling unit shall include any attached structure, designed as, intended for, or used as, a garage or workshop.

13B.10 Nonsubdivision HOD Development Design Standards.

The following standards shall apply to the design and development of nonsubdivision HOD Developments, meaning those that contain more than one dwelling per lot:

- 10.1 Each building used for residential purposes shall be served by an approved private street designed to discourage through traffic. Such private street shall not be closer than thirty (30) feet to any building used for residential purposes.
- 10.2 No building used for residential purposes shall exceed a length of two hundred (200) feet, and no exterior wall of any such building shall exceed fifty (50) feet in length, in an unbroken plane without an offset of at least ten (10) feet.
- 10.3 Dwelling units shall support a uniform architectural theme and present a harmonious relationship with adjacent properties including the color, size, height, proportion and placement of windows and entryways, roof treatments, building materials and landscaping.
- 10.4 Architectural elements, materials and colors shall aid in mitigating height, bulk and scale impacts of large residential buildings. Modulation, color, texture, entries, materials and shall break up the façade of multi-unit, large residential buildings into sections.
- 10.5 The use and integration of stone walls, landscaping, walkways, benches and attractive fences consistent with a pedestrian-friendly atmosphere shall be incorporated into the site plan.

10.6 The locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site development design. Creative reuse of existing buildings of significant historical or architectural interest is encouraged in order to reduce or minimize the removal or loss of historic, traditional or significant structures or architectural elements.

13B.11 Dimensional Requirements for a Subdivision HOD Development.

11.1 All building lots in any subdivision HOD Development shall comply with the following, minimum dimensional requirements:

Minimum lot area	5,000 sq. ft
Minimum lot width	75 ft.
Minimum lot frontage	50 ft.
Minimum setback from street line	25 ft.
Minimum setback from side line	10 ft.
Minimum setback from rear line	25 ft.
Maximum height of structure	40 ft.
Maximum building coverage	20 %

11.2 Where lots abut land not included in the application, the dwellings on the HOD Development lot shall be set back from that property line or lines or street, a minimum of the required distance for the zone of the abutting lot.

13B.12 Dimensional Requirements for a Nonsubdivision HOD Development.

12.1 Except for HOD Developments located in the Gateway Conservation Zone, buildings in any nonsubdivision HOD Development shall comply with the following, minimum dimensional requirements, based on the underlying zoning district of the property:

In the Gateway Conservation Zone, the standards of such zone shall apply.

<b>Schedule of Area, Height, Bulk, and Placement Regulations for HOD Overlay Based on Underlying Zone</b>				
	Underlying Zone			
	R-1	R-2	Commercial	Village District
Minimum setback from perimeter of property	20	20	10	8
Minimum setback from existing or proposed access street	30	40	30	10 Maximum
Minimum setback from proposed interior street	10	10	10	8
Minimum separation between buildings	20	20	20	20
Maximum height	40	40	40	40
Maximum height in the Gateway Conservation District	35	35	35	35
Maximum coverage	40%	30%	40%	70%

- 12.2 No building used for residential purposes shall be closer than twenty (20) feet to any other building used for residential purposes, except that, where any facing walls contain a window or windows, or door or doors, the required distance between buildings shall be increased by one (1) foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window/door to the wall facing it. Any walls which are facing at an angle of thirty (30) degrees or less shall be considered facing walls. Stairwells, cantilevered walls, and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback.
- 13B.13 Certificates of Occupancy. No Certificate of Occupancy for any unit in a HOD Development shall be issued until the applicant applies for and obtains from the Zoning Enforcement Officer a Certificate of Zoning Compliance on such form as the Planning Office shall provide. The Zoning Enforcement Officer may require evidence at the time of occupancy that the occupant qualifies as eligible to purchase or rent, as the case may be, a HOD Home.
- 13B.14 Conflict. Where the provisions of Section 15 or the Subdivision and Other Use Regulations conflict with the requirements of this Section 13B, the provisions of this Section 13B shall be controlling.
- 13B.15 Severability. No section or subsection of the Special Permit procedure for HOD Developments established in this Section 13B shall be deemed severable from other sections or subsections of the Special Permit procedure outlined in Section 15 and the Site Plan procedure outlined in Section 14 of these Regulations. In the event that any section or subsection of such procedures shall be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of a Special Permit for a HOD Development shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall hereunder remain valid.

## SECTION 14

### SITE PLAN REVIEW

#### 14. Site Plan Reviews

##### 14.1.1 General.

Certain Uses of Premises, Buildings and other Structures, and the construction, reconstruction, Expansion, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved Site Plan Review, are permitted under these Regulations subject to the submission of a Site Plan Review and approval of the Plan by the Commission under this Section. In any instance involving a Use or Uses requiring a Site Plan Review as set forth in Sections 6, 7, 7A, 8, 8A, and 9 of 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 such Site Plan Review in accordance with this Section 14, except as provided in Section 14.4.11.

Current Regulations require such review by the Commission, but may be modified to allow review by the Zoning Board of Appeals, or some other agency. Thus, wherever the “Commission” or “the Commission” is referenced, it shall be deemed to read, “the Planning and Zoning Commission or other agency having approval authority in connection with the Site Plan Review.”

The provisions which follow establish the Site Plan Review submission requirements and the general standards and special standards for site development. The provisions which follow also establish the procedures for Commission approval of Site Plan Reviews for uses, other than Special Permit uses, for which such a Plan is required to be submitted and approved.

##### 14.1.2 Informal Preliminary Considerations

The Commission recommends that, prior to the submission of an official application for Site Plan Review, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the

land before the applicant proceeds with the official application and the preparation of final maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a Site Plan Review. 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 Designed Development Zone. In accordance with PA 03-184 (codified as §7-159b in the Connecticut State Statutes), such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes. A pre-submission concept shall be placed on file in the Planning and Zoning Office. 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 change of zone.

#### 14.2 Submission Requirements.

The Site Plan Review submission shall consist of the following:

##### 14.2.1 Application Form and Fee.

The completed Site Plan Review application form as adopted by the Commission, and the payment of the application fee as provided by Town Ordinance.

##### 14.2.2 Statement of Use.

A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; eight (8) copies shall be submitted;

- A. a detailed narrative description as to the nature and extent of the proposed use or occupancy;
- B. provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities;
- C. the number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;

- D. an estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;
- E. the equipment or other methods to be established to comply with required performance standards; and
- F. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

#### 14.2.3 Site Plan.

A site plan prepared in accordance with the specifications and showing the information hereinafter required; twelve (12) copies shall be submitted.

- A. Preparation:  
The site plan shall be clearly and legibly drawn on good quality fixed line mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.
- B. Size and Scale:  
The site plan shall be drawn to a scale of not less than 1" = 40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Haddam Town Clerk shall be prepared on sheet sizes 36"x 24" or 24"x 18" and shall be printed on material acceptable for such filing.
- C. Information on Plans:  
The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with

Section 14 of these Regulations. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.

D. General Information, as follows:

1. title of development.
2. name and address of applicant and owner.
3. north arrow, numerical and graphic scale.
4. date of plan and revision dates with each revision identified.
5. a location map showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
6. a schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor; the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licenses Land Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.

E. Property Information, as follows:

1. the boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20- 00b, as amended
2. the names of all Abutting Lot owners, as disclosed in the records of the Town Assessor.
3. any line delimiting a portion of the Lot to be used under the Application and any zoning District boundary on the Lot.
4. location, width and purpose of all existing and proposed Easements and other encumbrance lines.
5. existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site.



6. location of all Wetlands, Watercourses, rock outcrops, wooded areas, high tide line (HTL), floodway and flood hazard area boundaries, established encroachment or Building lines, and other significant physical features.
7. U.S.D.A Soil Conservation Service soils type boundaries and codes.
8. The Commission or other agency reviewing the Site Plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas.
9. Location of Existing and Proposed Buildings and Uses, as follows:  
The Height, bulk, Use and location of all Buildings and Structures; typical floor plans or other plans for the use of interior spaces of proposed Buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the Building;
  - a. Signs
  - b. Fences, walls including retaining walls, including details.
  - c. Outside storage areas.
  - d. Supporting or Accessory Uses, including underground and overhead services and utilities, as well as any associated above ground equipment.

F. Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:

1. The site plan shall include all information necessary to establish conformance with the requirements of Section 21 of these Regulations, Parking, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
2. The site plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other

similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.

3. For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it Building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.
4. The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.
5. Sidewalks and other pedestrian ways.
6. Fire access lanes.
7. Specifications for parking, loading and circulation improvements.
8. Off-site roadway improvement and traffic management facilities.

G. Signs and Outdoor Illumination, as follows:

1. location, size, height, character and illumination of project Signs.
2. location, size and message of traffic management Signs.
3. location, height, intensity and design of outdoor luminaries, including manufacturer's specifications.

H. Landscaping and Open Spaces, as follows:

1. location of existing trees of 6" caliper or more, excepting densely wooded areas shown under the requirements of Paragraph 14.2.3E (6) above.
2. location, arrangement, type and size of planting for all landscaped areas.
3. trees required for Parking areas and landscape strip along Street lines.

4. lines delimiting areas not to be disturbed and the top and toe of graded slopes.
5. materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.
6. ornamental paved areas, plazas and courts.
7. a schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.
8. methods of planting.
9. provision to preserve existing trees, vegetation, wetlands and water courses.
10. methods to protect plantings from vehicles.
11. special natural features identified for preservation under Paragraph 14.4.19 and Lot requirement modification therefor.
12. significant archeological sites identified under Paragraph 14.4.20.

I. Existing and proposed drainage, utilities and related facilities and services, as follows:

1. electric, telephone and cable television lines (underground and aboveground).
2. storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications and inverts therefor. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
3. facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.
4. well locations and facilities for water supply.

- 5. underground storage for fuel or other liquids and fill facilities and connecting lines.
- 6. base flood elevation and floor elevation data, as specified in Section 11.6 of these Regulations, based on the datum identified in paragraph 14.3.2.
- J. A signature block for approval by the Commission or other agency responsible for review of the site plan and date of signing.
- K. The following legend below the signature block: “The statutory five-year period for completion of all physical improvements expires on \_\_\_\_\_, 20\_\_.”

#### 14.3 Sanitary Waste Disposal Plan:

If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Haddam Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided. The applicant shall provide a sanitary waste disposal plan which shall include, at a minimum, the following:

- A. Report of Soil Test and Percolation Data:  
 A Report of Soil Test Data signed by the Town Sanitarian or his representative which shall be in conformance with Section 19-13B20J (classification of soil) of the Public Health Code, as the same may be amended from time to time. All percolation tests and observation test pits for groundwater and ledge shall be dug and, tests performed, in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the Town Sanitarian or his designee, who shall provide to the applicant, for inclusion with his Special Permit Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time. At least one (1) observation test pit for groundwater and ledge shall be dug in the designated location for each and every primary and reserve leaching field. Observation test pits for groundwater/ledge shall be conducted during the months of February through May only, and the results of tests conducted during those months may be rejected by the Town Sanitarian if groundwater levels are unseasonably low; and percolation tests may be taken during any month of the year. The Sanitarian may require additional testing should, in his opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

B. Soils with Severe Limitations.

If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having "severe" limitations for on-site sewerage treatment, as set forth in the current Soil Interpretation Record of the U.S. Department of Agriculture, Soil Conservation Service, New London County (also known as "SCS Soils-5 Form"), as the same may be amended from time to time, and in accordance with the current soils map of the said Soil Conservation Service, then a subsurface sewerage disposal plan shall be presented to the Commission. In addition to the requirements of the preceding paragraph, said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut Professional Engineer, and shall be accompanied by a written report of the Town Sanitarian or his representative certifying that the plan will resolve the limitations of the soils, and will pose no significant risk to the public health or safety. All sanitary waste disposal systems to be located in the immediate area of soils with "severe" limitations, as set forth above, shall have 100% replacement leaching fields at least equal in size to the original leaching fields, and the location of both the original and replacement leaching fields shall be designated on the site plan. Both the original and replacement fields shall be located in the immediate area of the percolation and deep test pits. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

14.3.2 Protection of Surface and Ground Water Supply.

Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for Site Plan Review 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:

- 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 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 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 he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (D), (E) and (F) need only be provided when the information set forth in paragraphs (A), (B) and (C) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

The Site Plan Review shall also conform to the requirements of Section 12 of these Regulations (Aquifer Protection Zone). Any Special Permit required under said Section for a proposed use or site development shall be obtained prior to approval of the Site Plan Review.

14.3.3 Water Supply; Certificate for Community Wells:

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.

In accordance with Section 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 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. No application

for Site Plan Review involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Haddam 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.

14.3.4 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 Final Development Plan as approved.

14.3.5 Architectural Plans. Architectural plans of all proposed buildings and structures, drawn to scale, and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general character and the interior uses of the floor area, and special exterior features, such as Building- mounted Signs, drive-in windows, Building or roof lighting, roof drainage/gutters, and 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; eight (8) copies shall be submitted.

14.3.6 Soil Erosion and Sediment Control Plan:  
A Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 27 of these Regulations, which Plan may be combined with the site plan submitted under Paragraph 14.2.3; three (3) copies shall be submitted.

14.3.7 Wetlands and Water Courses:  
If any part of the Lot affected by the Site Plan Review is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Haddam, the report and action of the Inland Wetlands and Watercourses Commission of the Town of Haddam concerning any regulated activity on the lot shall be submitted with the Plan. 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.

14.3.8 Traffic Impact Report:

For Site Plan Reviews 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; eight (8) copies shall be submitted.

14.3.9 Additional Reports:

The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; three (3) copies shall be submitted;

- A. results of potable water supply analyses and tests required under Section 14.3.11a;
- B. results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Section 14.3.11b;
- C. storm drainage study and runoff computations for design of storm drainage systems; and
- D. 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 firefighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.

14.3.10 Other.

- A. 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;



- B. Legal Documents. draft copies of all proposed Easements and other legal documents pertaining to and/or required by the proposed Use and site development.
- C. 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.
- D. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 14.3 of these Regulations.

14.3.11 Review and Modification of Submission:

The Commission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information required under paragraph 14.2.3 through 14.2.13, except for Sections 14.3, 14.3.2, 14.3.3, 14.3.6, and 14.3.7, is not necessary in order to decide on the application and need not be submitted or b) 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.

14.4 Criteria for Review of Site Plan Reviews:

The Commission shall consider the following criteria in evaluating a Site Plan Review.

14.4.1 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:

- A. to protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (See Section 1 of these Regulations) and Chapter 124 of the Connecticut General Statutes;

- B. to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site;
- C. to be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Haddam;
- D. to protect nearby residential, historic, and environmentally fragile areas.

14.4.2 Complete Application.

The application shall contain all information required by this Section 14, and the number of copies required, and said information has 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 these criteria shall be grounds for denial without prejudice to future, complete applications.

14.4.3 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, pre-existing nonconformity in accordance with Section 29 of these Regulations. Further, the application shall conform to the Haddam Subdivision Regulations; the Haddam Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Haddam 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.

14.4.4 Plan of Conservation and Development.

The Site Plan Review 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 regard to but not limited to the following:

- A. 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;
- B. the setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
- C. the preservation of natural land form features, wetlands and water courses;
- D. the provision, location and character of landscaping;
- E. the location, character and intensity of outdoor illumination; and
- F. the extent, character, purpose and location of signs.

14.4.5 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 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.

14.4.6 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:

- A. 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.

- B. 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.
- C. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any Street.
- D. 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.
- E. Where a Lot has frontage on two (2) 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.
- F. 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.
- G. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining Lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the Traffic Authority and Town Fire Marshal, or their agents, and/or 2) 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.

- H. There shall be no more than one (1) driveway connecting from any Lot to any Street, except that:
- 1) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and
  - 2) 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.

- I. 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 (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.

14.4.7 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 Paragraph 14.4.6.

14.4.8 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.

14.4.9 Parking and Loading.

Off-street Parking and loading spaces shall be provided in number and with location and design as specified in Section 21 of these Regulations.

14.4.10 Lighting.

Lighting 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, being, in general, illumination to an average level of one-half foot-candle per square foot. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to 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 flood-lights, and ornamental Building lighting are discouraged.

14.4.11 Sanitation.

Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:

- A. Demonstration of a suitable system of potable water supply to serve the proposed use shall include 1) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of Health Services, and 2) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the Director of Health.

- B. 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 (DEEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Director of Health, and by DEEP when applicable, prior to approval of the Site Plan Review.
  
- C. 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 Director of Health. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Director of Health. Waste management shall include control of litter by means of receptacles, fences or other means.

14.4.12 Storm Drainage.

Provision shall be made on the Lot for the management of storm water, including collection and disposal thereof, in the following manner:

- A. to assure the usability of off-street Parking and loading spaces;
- B. to avoid hazards to pedestrians and vehicular traffic on the Lot and in any Street;
- C. to avoid storm water flow across sidewalks and other pedestrian ways;
- D. to protect Watercourses and Wetlands from pollution, erosion and sedimentation;
- E. to avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels;  
and
- F. to avoid downstream flooding.

Provision shall also be made for the protection or improvement of existing water courses, channels and other drainage systems, on the Lot or downstream from the Lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located.

Provision shall also be made on the Site Plan Review for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, unless an alternative method is approved by the Commission or other responsible agency. The 100-year frequency, 24- hour duration, Type III distribution storm shall be used for runoff calculations.

14.4.13 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. Lines when necessary to be installed aboveground 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 compliments the architectural style of the Building.

14.4.14 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.

14.4.15 Gateway Conservation Zone.

Compliance shall be demonstrated with Section 10 of these Regulations.

14.4.16 Bulk Requirements.

Compliance shall be demonstrated with Table I of these Regulations.

14.4.17 Landscaping.

Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 21 (Parking), and to the following:

- A. 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 storm water, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.



- B. 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.
- C. Any parking area accommodating 20 or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and 2) 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 (8) feet. Parking areas shall contain no more than 15 spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and shall be planted with grass or shrubs and with at least one (1) tree for every 50 feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and 10 feet in height when planted. Landscaping required under the following paragraph (E) 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 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.
- D. A strip of land on the lot along and adjacent to the Street line and not less than 20 feet in width in Commercial C-1, Village, Industrial Zone I-1, Industrial Zone I-2, and Industrial Park Zone Districts shall be landscaped with lawn,

shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) 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 Review. 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.

- E. All off-street loading bays or docks visible from any Street or Residence District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- F. 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.
- G. 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.
- H. 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.

14.4.18 Signs.

All Signs shall conform to the standards of Section 17 of these Regulations. The following are also applicable to Signs:

- A. 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.

- B. The Commission, in connection with approval of a Site Plan Review, may 1) approve an overall Sign design program for the Premises establishing, in advance, the area, location and character of Signs and avoiding need to submit in the future each Sign for individual review and approval, and/or 2) approve 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 that may be needed to identify the location of particular stores, offices or other occupancies.

14.4.19 Preservation of Natural Features.

The Site Plan Review, 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 manmade 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 shape 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:

- A. The reduction or modification shall be only to the degree necessary to achieve such preservation;
- B. 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;
- C. 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;

- D. The reduced Lot shape 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
- E. The total Lot Area required by these Regulations remains the same.

14.4.20 Significant Historical and Archeological Sites.

When a Lot or Premises for which a Site Plan Review is to be submitted has been identified by the State of Connecticut Archeologist, or the State of Connecticut Historic Preservation Officer as historically or architecturally significant, the Site Plan Review submission shall include the location of the resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.

14.4.21 Soil Erosion and Sediment Control.

Provision shall be made in the Site Plan Review for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with Section 27 of these Regulations.

14.4.22 Surface 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. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the Site Plan Review.

14.4.23 Water Supply.

No Site Plan Review depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Haddam Board of Selectmen, has been obtained in accordance with Section 14.3.3 of these Regulations. The Commission may make the receipt of a Certificate of Public Convenience and Necessity a condition of approval.

14.4.24 Buildings and Structures.

The overall architectural character of the Premises 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, the preservation of scenic vistas and public access, materials used, roof lines, 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 abutting Lots or Streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town. In particular:

- A. Buildings and other Structures shall have an exterior design, including finish and color that conforms to Paragraphs 14.4.1. and 14.4.5. The exterior walls of any Buildings that are visible from any Street or any other Lot shall present a finished appearance by means of materials consistent with the design of the Building as a whole.
- B. No mechanical equipment shall be located on the roof of a Building, or on the ground, if visible from any Street or from any Residence District unless such equipment is housed or screened from view in a manner consistent with the architectural design of the Building.

14.5 Procedures When Commission Action on Site Plan Review is Required.

Where Site Plan Review is required under any provision of these Regulations, no Use shall be Established, Altered, Expanded, or Extended until approval of a Site Plan Review. When a Use, other than a Special Permit Use, is permitted in a District subject to approval of a Site Plan Review by the Commission, the following procedures, standards and conditions are applicable:

14.5.1 Application and Fee.

Application for approval of the Site Plan Review shall be submitted in writing to the Zoning Enforcement officer and shall be accompanied by the following:

- A. An application for approval of the Site Plan Review on forms approved by the Commission and an application fee as set by such Commission pursuant to Town Ordinance.

- B. The following persons may apply for a Site Plan Review: 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. Site Plan Review submission documents as specified in Section 14.2.

14.5.2 Application Review.

When received, the Commission shall review the application and Site Plan Review submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 14.2.14. Incompleteness of a Site Plan Review submission is cause for disapproval. The Commission shall consider

- A. whether a Site Plan Review meets the General and Special Standards set forth in Section 14.3;
- B. the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town.

14.5.3 Notices Mandated by Statute.

The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan Review application in accordance with Conn. Gen. Stats. § 8-3h.

In accordance with Conn. General Statutes. §8-3i, in any Site Plan Review application for any property which is within the watershed of a water company, as defined in Conn. General Statutes. §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.

In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

14.5.4 Posting of Sign.

No less than ten (10) days prior to the opening of any public hearing, or the consideration of any Site Development Plan, the applicant shall post a sign on the property which is the subject of any application. The face of such sign shall be as prescribed, by resolution, by the Commission, and shall set forth the date, time and place of the public hearing, the agency (the Commission or the Board) hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest Street, and to maintain the sign until the opening of the public hearing or meeting of consideration. No sign need be posted for the continuation of a public hearing once it has opened.

14.5.5 Public Hearing.

The Commission may hold a public hearing regarding any Site Plan Review 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. Statutes. §8-3c.)

14.5.6 Action and Notice.

The Commission shall review the application for conformance with the criteria of this Section 14. 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 re-application is made within one (1) 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.

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 Section 14. 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 uses such as tag sales, outdoor events, and the like), the Commission may grant a Site Plan Review which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall publish notice of such action as required by Connecticut General Statutes.

14.5.7 Filing of Site Plan.

A copy of the site plan element of an approved Site Plan Review, and as such, Plan may have been required by the Commission to be modified, shall be made on translucent polyester film .3 mil thick or better and presented to the Commission for endorsement of its approval within ninety (90) days of such approval. The following are applicable to endorsement and filing of the site plan:

- A. 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 financial guarantee required by the Town of Haddam Regulations for Public Improvement and Section 14.5.9 of these Regulations, 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 Section 14.4.8, 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.
- B. The applicant shall then file in the office of the Haddam 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 approval such site plan; provided, however, that the Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.



- C. 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.
- D. Any site plan not filed within the time frames of this Section shall become null and void.

14.5.8 Commencement and Completion of Work.

All work in connection with an approved Site Plan shall be commenced within two (2) years, which period may be extended by the Commission for up to two (2) years for good cause shown; and all work shall be completed within the time prescribed by the General Statutes, including any extensions granted by the Commission as authorized in the General Statutes.

14.5.9 Posting of a Financial Guarantee.

The Commission as a condition of approving a Site Plan Review may require that the applicant, prior to the commencement of any construction work, post a financial guarantee to assure the installation and maintenance of the erosion and sedimentation control plan. Prior to the issuance of a certificate of zoning compliance or occupancy, a financial guarantee shall be filed with the Treasurer of the Town of Haddam in an amount approved by the Commission as security for the satisfactory completion of all of the work shown on such site plan that are to be conveyed to or controlled by the Town of Haddam. All financial guarantees will be calculated based on construction costs and shall consist of a contingency factor not to exceed 10%.

A. Term and Form of Financial Guarantee.

Such financial guarantee shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than one year after the acceptance of any improvements by the Town of Haddam, and shall remain in full force and effect until modified or released by the Commission. The form of the financial guarantee shall be satisfactory to legal counsel for the Commission.

B. 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 element filed in the office of the Haddam 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 Review have been met.

C. Prerequisite to Field Work.

No field work implementing an approved Site Plan Review shall commence until the required erosion control and sedimentation financial guarantee in content and form acceptable to the Commission shall have been filed with the Town Treasurer.

14.5.10 Minor Changes to Site Plan Reviews.

The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Plan Review 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 Review as approved, and such changes are in conformity to the requirements of these Regulations and the change is in conformance with Section 30.7.1 of these regulations.

14.5.11 Major Changes to Site Plan Reviews.

Changes to Site Plans shall be authorized in accordance with Section 30.7 of these regulations.

## SECTION 15

### SPECIAL PERMITS

#### 15.1.1 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, and any changes in site development of a previously approved site development plan, are, as specified in Sections 4A through 14A of these Regulations, permitted in a District subject to the securing of a Special Permit from the Planning and Zoning Commission or Zoning Board of Appeals as designated on such Sections. The provisions which follow establish the application and submission requirements, the GENERAL STANDARDS and SPECIAL STANDARDS applicable to Special Permits and the procedures to be followed by such Commission or Board, hereinafter referred to, for simplicity, as “the Commission.”

#### 15.1.2 Informal Preliminary Considerations.

The Commission recommends that, prior to the submission of an official application for Special Permit, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a [Site Plan Review/Special Permit]. 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 Designed Development Zone. In accordance with PA 03-184 (codified as §7-159b in the Connecticut State Statutes), such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes. A pre-submission concept shall be placed on file in the Planning and Zoning Office. 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 change of zone.

## 15.2 Purpose and Requirement; Waiver

### 15.2.1 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. 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.

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 Section 21 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 Section 15.4 of these Regulations.

## 15.3 Application Procedure.

### 15.3.1 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.

### 15.3.2 Application.

Application for a Special Permit shall be submitted in writing to the Land Use Office, shall be accompanied by an application for a zoning permit and shall also be accompanied by the following:

A. Application and Fee.

An application for approval of a Special Permit on forms approved by the Commission or Board having jurisdiction and signed by the applicant and by the owner if different from the applicant, and an application fee as set by such Commission or Board pursuant to Town Ordinance.

B. Site Development 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 Section 14.2 of these Regulations for Site Development Plans. Eight (8) copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan & Zoning Commission 211 Conn. 331, 334 (1989). The reference herein to Section 14.2 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 Development 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 Section 15.

15.3.3 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 Section 14 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.

15.3.4 Complete Application.

A complete application shall consist of the application form and fee, together with the required information set forth in this Section 15. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or thirty-five (35) days following, the submission of such application, whichever shall first occur.

15.3.5 Notices Mandated by Statute.

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. § 8-3h.

In accordance with Conn. General. Statutes. § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in Conn. General. Statutes §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.

15.3.6 Posting of Sign.

No less than ten (10) days prior to the opening of any public hearing, or the consideration of any Site Development Plan, the applicant shall post a sign on the property which is the subject of any application as prescribed in Section 30.9. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest Street, and to maintain the sign until the opening of the public hearing or meeting of consideration. No sign need be posted for the continuation of a public hearing once it has opened.

15.3.7 Submission for Review.

In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

15.3.8 Time Limits.

The Commission shall, within sixty- five (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 thirty-five (35) days following the opening thereof. Within sixty-five (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 for a period not to exceed a cumulative total of sixty-five (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.

15.4 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 elsewhere in these Regulations for particular Uses:

15.4.1 Complete Application.

The application shall contain all information required by this Section 15, and the number of copies required, and said information has 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 these criteria shall be grounds for denial without prejudice to future, complete applications.

15.4.2 Compliance with Regulations.

See Section 14.3.2 of these Regulations

15.4.3 Conformance with Criteria of Section 14.3.

Any application for Special Permit shall, at a minimum, conform to all of the General Standards for Site Development Plans of Section 14.3. Those standards and criteria are considered the basic ones for all uses and premises in Haddam, other than uses permitted as of right, with the criteria of this Section 15.4 being over and above those of Section 14.3.

15.4.4 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.

15.4.5. 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.

15.4.6 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 recommendations of the Fire Marshal or his/her designee; adequate utility capacity; flood proofing 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 adjacent to the Town; avoidance of glare visible from streets for adjacent properties.

15.4.7 Appropriateness of Use.

The proposed use shall be appropriate for the designated location with regard to: 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; 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 non-residential traffic through residential Streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; 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; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, storm water disposal systems, and other special burdens on utilities which the Use



may entail; 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; 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, 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.

15.4.8 Architectural Character, Historic Preservation, Site Design.

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, 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.

In multi-building commercial or industrial developments, all Buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

Preservation of the Natural and Traditional Riverway Scene of the Connecticut River.

The overall character of site structure designs for the properties within the Gateway Conservation Zone shall not be detrimental to the protective mission of the Gateway Commission as codified in Sections 25-102a through 102s of the Connecticut General Statutes or to the “*natural and traditional riverway scene*” within the lower Connecticut River. Designs for new construction, or additions to existing structures, shall minimize visual bulk to the greatest extent practical and preserve scenic vistas and the natural context of a site to the greatest extent possible, consistent with the standards included in Section 10 of this document. Every effort shall be made to retain tree cover and other vegetation so as to visually buffer the development

from view from the river and the opposite shoreline while still affording the property owner views of the river.

15.4.9 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 District or area of residential uses, the Commission shall find that:

- A. 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 district 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.
- B. Where any lot, or part thereof, adjoins or is separated by a street from a residential zone, 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.
- C. 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.
- D. 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.
- E. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

15.4.10 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 Special Permit, and the preferred or required features, as the case may be:

A. 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 not visible from any adjacent property at the height of the proposed Building.

B. 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 two and one-half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') 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.

15.4.11 Special Standards –Various.

The proposed Special Permit use, and the buildings, structures and site development proposed in connection therewith, shall also conform to any other applicable standards of these Regulations.

15.4.12 Special Standards – Conservation Subdivisions; Housing for Elderly and/or Handicapped Persons; and Continuing Care Residential Community.

Conservation Subdivisions, and the buildings, structures, and site development proposed in connection therewith, shall also conform to the provisions of Section 4A, Conservation Subdivisions. Similarly, Housing for Elderly and/or Handicapped Persons, and the buildings, structures, and site development proposed in connection therewith, shall also conform to the provisions of Section 13; and Continuing Care Residential Communities and the Buildings, Structures, and site development proposed in connection therewith, shall also conform to the provisions of Section 13A.

15.5 Action on Applications

15.5.1 Time Limits.

The Commission shall, within sixty-five (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 thirty-five (35) days following the opening thereof. Within sixty-five (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 for a period not to exceed a cumulative total of sixty-five (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.

15.5.2 Action.

The Commission shall review the application for conformance with the criteria of this Section 15. 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 re-application is made within one (1) 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.

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 fifteen (15) days of its action.

15.5.3 Endorsement and Filing.

Within sixty-five (65) days of the Commission/Board approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office to the Land Use Office, 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/Board 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 financial guarantees, per Section 15.6 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 (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 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 ninety (90) days following the Commission's vote of approval shall become null and void. The Commission may grant extensions of such period for good cause shown. 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.

15.6

Financial Guarantee:

The Commission may require as a condition of approval that the applicant post a financial guarantee to assure conformance with all proposed improvements to be conveyed to or controlled by the Town of Haddam or to assure the implementation of any erosion and sediment controls required during construction activities. The financial guarantee will be in a form, amount and duration, not to exceed one year after acceptance of such improvements, acceptable to the Commission and its legal counsel. Except for a financial guarantee to assure the implementation of any erosion and sediment controls required during construction activities, no financial guarantee will be required to be posted prior to an applicant's seeking a certificate of zoning compliance or occupancy. Should the site developer be unable to complete the required site improvements, the financial guarantee will be used by the Town to complete work necessary for the protection of public health, safety and welfare. No certificate of zoning compliance will be issued until all work is completed in accordance with the approved plan and any conditions of approval. A separate financial guarantee may be required for installation of sedimentation and erosion controls, which financial guarantees shall be posted prior to the commencement of construction. All financial guarantees will be calculated based on construction costs as of the date that the financial guarantee is to be posted and shall include a contingency figure not to exceed ten (10%) percent. Financial guarantees posted under this Section shall be released within sixty-five (65) days after receiving written request from the applicant unless the Commission provides the applicant with a written explanation as to the additional site improvements that must be completed before such financial guarantee or a portion thereof is released.

15.7

Commencement and Completion of Work.

All work in connection with a Special Permit shall be completed within two years of approval, provided, however, that the Commission, for good cause shown, may extend the deadline for completion for up to an additional three years for a total extension of five years. Any Special Permit for which the work is not completed in accordance with this Section shall, upon notice to the property owner and an opportunity to be heard, be null and void.

15.8

Conformance to Approved Plans, Specifications, and Representations; Changes; Enforcement.

No person who has obtained a Site Development Plan approval or Special Permit 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. Likewise, no person who has obtained a Site Development Plan approval or Special Permit shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission to void said Site Development Plan or Special Permit 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 Development Plan or Special Permit, and the conditions attached thereto.

15.9 Changes to Plans; Revocation of Approval.

- A. The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Site Development Plans and Special Permits. In the case of Special Permits in Residential Districts, the Zoning Enforcement Officer may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Haddam Subdivision Regulations, or the Haddam Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met.
- B. Major and/or substantial changes to Site Development Plans and Special Permits shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations.
- C. In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Site Development Plan or Special Permit was incorrect or invalid, the Commission or Board 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.

## SECTION 16

### MOBILE HOMES

- 16.1 No mobile home shall remain parked on any land in the Town of Haddam for a period greater than 30 days, unless;
- A. the land on which it is parked is part of an approved outdoor recreational facility (campground) or,
  - B. the owner can demonstrate that the mobile home has been continuously occupied as living quarters since November 21, 1974 or,
  - C. the mobile home is permitted as part of an active building permit for reconstruction of a principal dwelling (see 16.2).

16.2 Temporary Mobile Homes:

The Zoning Enforcement Officer may approve the use of a mobile home for living quarters to an individual engaged in construction of a residence on the same premises, provided that such approval shall not extend for a period longer than 12 months, and provided that such mobile home shall have a water supply and sewage disposal system approved by the local Health Department. In the event the temporary mobile home is proposed to be located in a special flood hazard area, placement of the mobile home is subject to the provisions of Section 11 of these regulations, as it relates to manufactured homes.



## SECTION 17

### OUTDOOR SIGNS

#### 17.1 Statement of Purpose

Haddam is a town with an essentially residential and rural character. It is a town with a rich history of agriculture, industry and commerce. It contains many areas of historical and aesthetic importance. The purpose of this chapter is to permit such signs that will not, by their quantity, size, height, location, construction or manner of display, endanger public health and safety; and to permit objectives set forth in the Zoning Regulations.

#### 17.2 Signs Regulated

No sign as defined by this regulation shall be erected or maintained within the limits of the Town of Haddam except those specifically permitted by these regulations, for which a registration in accordance with the regulation has been received by the Zoning Enforcement Officer or the Planning and Zoning Commission.

#### 17.3 Signs Allowed Without Registration In All Zones

Anything to the contrary in this regulation notwithstanding, the following signs are permitted of right and do not require a registration unless they vary from the allowable standards set herein:

##### A. Flags.

National flags, flags of political entities and subdivisions and State, town or local flags. Flags indicating weather conditions and flags which are emblems of religious, charitable, public or non-profit organizations are included.

##### B. Identification Signs (on remises).

One sign, painted upon or applied to a building or free-standing, either fixed or changeable, setting forth or denoting the name of any subdivision, group, housing project, school, college, park, church, charitable service, religious, governmental, Educational or non-profit organization or other public facility when located on the premises of such institution, provided such sign face shall not exceed twenty-four (24) square feet in area.

##### C. Identification Signs (off premises).

Public, charitable, fraternal, religious or other non-profit institutions may erect permanent off-premises signs not more than three (3) in number and not more than four (4) square feet in area per sign, listing

the name of the organization, the time and place of meeting and other pertinent information. Such signs may contain a logo or distinguishing mark or character associated with the organization.

D. Address Signs.

Occupants of a residence may display their names, the names of their residence and/or its street address on a single sign per parcel of land not exceeding six (6) square feet in area.

E. Newspaper Boxes.

Boxes, tubes or receptacles for the delivery and receipt of newspapers may be placed along roadways or on buildings or premises and may contain the name of the newspaper or other publication, provided that the total area of signage of any such item shall not exceed one (1) square feet in size.

F. Plaques.

Commemorative or informational plaques placed by public interest organization or agencies recognized by the Town of Haddam, State of Connecticut or United States government. Such plaques are not to exceed 6 square feet in size.

G. Public and Civic Signs.

Signs of a public or non-commercial nature, which shall include community service information signs, public bulletin boards, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest and all signs erected by a public officer in the performance of a public duty, including State and Town traffic, locational and directional signs.

H. Home Occupation(s) Signs.

Home Occupations as permitted by Section 23.7.7. B. of these regulations may have one sign not to exceed nine (9) square feet.

I. Temporary Signs.

1. Construction Signs.

One sign per building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purposes for which the building is intended, including the names of architects, engineers, contractors, developers and lending institutions responsible for the construction on the site, provided the area of such sign shall not exceed six (6) square feet in residential districts or thirty-two (32) square feet in other districts. Such signs shall be removed within thirty (30) days of the completion of construction.

2. Real Estate Signs.  
One sign per street frontage not exceeding six (6) square feet in residential districts or any thirty-two (32) square feet in other districts, advertising the sale, rental or lease of the premises on which displayed.
3. Auction Signs:  
One temporary sign not more than twelve (12) square feet in area, advertising a public auction of property located in a residential district may be displayed on the premises on which the property is located, provided that the duration of the display shall not exceed thirty (30) days in any one calendar year.
4. Tag, Yard, Barn or Similar Sale Signs.  
One temporary sign not more than six (6) square feet in area, advertising the sale of items of personal property owned by a person residing on the premises may be displayed on the premises providing that such sign shall not be erected more than twelve (12) days in advance of the sale date and shall be removed with two (2) days after the sale. In addition, each tag sale is permitted two (2) off-premises directional sign not to exceed two (2) square feet each. Such signs shall be displayed only in the areas in which their display is not prohibited by state or local law or regulation and, if placed in front of property owned by another, then signs may be displayed only with written permission of the property owner.
5. Roadside Stands.  
One temporary sign not more than twelve (12) square feet in area is allowed for each temporary roadside stand for the Seasonal sale of farm produce allowed pursuant to these Regulations.
6. Temporary Business Signs.  
In addition to all other permitted signage, each business shall be allowed one (1) on-premises sign per street frontage for the purposes of advertising help wanted or other similar special needs. Each sign shall not exceed six (6) square feet in area.
7. Political Signs.  
Any political campaign sign or sign concerning a matter of public interest or controversy including any poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol and any other advertising device, the purpose of which is to announce the candidacy of any person or

persons seeking public office of offices or to state a position or opinion on a matter of public interest or controversy. Each sign shall not exceed thirty-two (32) square feet and may only be displayed ninety (90) days before an event (if applicable) and must be removed within two (2) days of the event. Such signs shall be displayed only in areas in which their display is not prohibited by state or local law or regulation.

8. Street banners (Off Premises).

Public, charitable, fraternal, religious or other non-profit institutions may erect a single special event sign, either on or off premises, not more than thirty-two (32) square feet per side, to be displayed not more than thirty (30) days before the event being advertised and to be removed within two (2) days after the event.

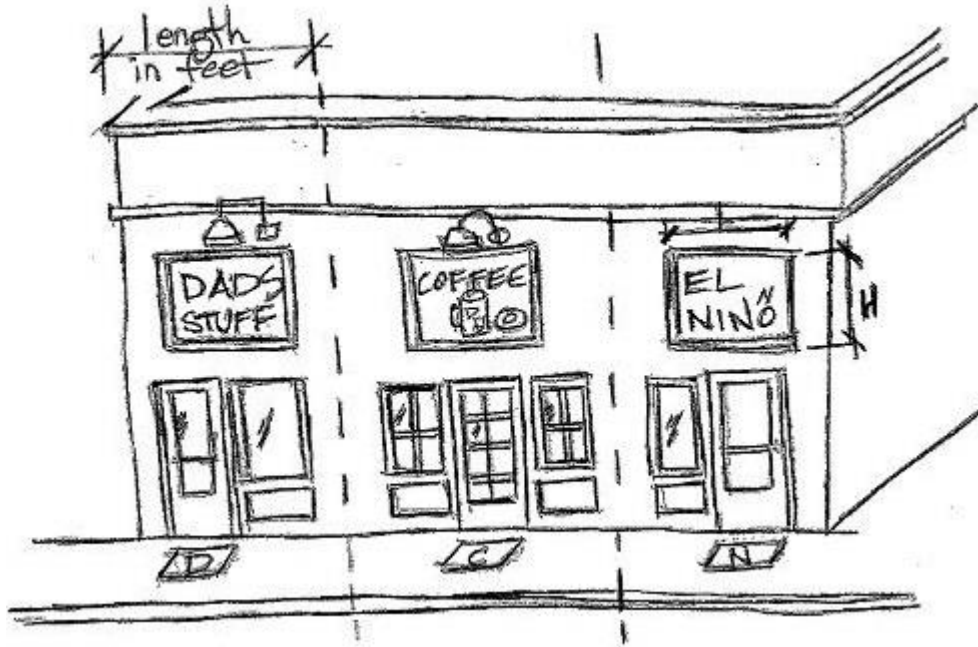
17.4 Signs Allowed With Registration In Residential Zones

Every business permitted under the provisions of Section 6.1, 6.2 and 6.3 (except home occupations as defined and regulated under Section 23) of these regulations may have on the property on which the business is conducted one plain or indirectly illuminated, non-flashing, non-rotating sign, not more than six (6) square feet in area, indicating the name of the owner or proprietor, the character of the business and/or the products or services made, sold or delivered on the premises.

17.5 Signs Allowed With Registration In Non-residential Zones

In non-residential zones, every business may erect upon the property on which the business is conducted may locate plain or directly or indirectly illuminated, attached or façade signs indicating the name of the owner or proprietor, the character of the business, the name of the business and/or the products or services made, sold or delivered on the premises. These signs may be either painted on, applied, or attached to a building or a combination of said sign types. Animated signs and electronic message center signs are prohibited. All such signs shall be subject to the following requirements and limitations:

- A. Business signs, when painted on, applied or attached to a building, either flat (façade) or hanging there from (attached), may not exceed five percent (5%) of each wall area or thirty-two (32) square feet (whichever is larger) in aggregate sign face area for façade signs, or per side for attached signs. The wall area shall be defined as that length of the exterior wall containing that business which the sign identifies times ten (10), and any such sign shall be mounted only on that portion of the exterior wall containing such business. The maximum sign area shall include interior signs, banner signs, and changeable signs but not directory or traffic signs.



Frontage Length x 10 = 10L

10L x 5% = Maximum Square Footage of Sign (L x H)

For example: Length = 30 feet x 10 = 300

300 x 5% = 15

Sign = 5 feet x 3 feet = 15 square feet

- B. No sign shall protrude above the highest portion of the roof ridge line.
- C. Signs affixed either flat or parallel (façade) to the building shall not project more than twelve (12) inches from the front of the building and shall not project beyond the side of the building.
- D. Signs that hang perpendicular to the building shall provide a clearance of at least eight (8) feet from the grade to the sign. This shall not apply to flags or banners.
- E. In the case of multiple businesses on the same lot, there may be one free-standing directory sign consisting of a header with the name of the building or development, not to exceed one square foot per 200 square feet of business floor area, with a maximum allowable size of 18 square feet and additional individual business identification signs of not more than six (6) square feet each, with an overall height not to exceed twenty two (22) feet. Such sign shall be placed such that it meets all town, state or federal regulations associated with set back from existing roadways.

- F. In addition to the signs permitted by sections A. and E., each parcel may have one free-standing sign detached from any building per each 200 feet of street frontage along each street from which such parcel has vehicular access, and not to exceed one such free-standing sign per vehicular access. Such signs shall be not more than thirty two (32) square feet in sign face area per side. No free-standing sign shall have a height greater than twenty (20) feet. In any instance where a parcel has street frontage in excess of 200 feet along each street from which such parcel has vehicular access and more than one vehicular access from such street, and there is more than one (1) free-standing sign, no such additional free-standing sign shall be within 150 feet of any other free-standing or directory sign located on the same parcel or any adjoining parcel on the same side of such street. The Commission may allow a free-standing sign within 150 feet of another free-standing or directory sign where two (2) or more adjoining lots provide for a shared access driveway and the sign identifies both such businesses at such driveway. Such sign shall be placed such that they meet all town, state or federal regulations associated with set back from existing roadways.
- G. In determining the total permitted sign area, only one side of a two-sided free standing or attached sign will be considered.
- H. Traffic signs approved with a site plan shall not be included in the total allowable sign face area under this regulation.
- I. Traffic, (rate or informational) signs mandated by federal, state or local or regulation shall not be included in the total allowable sign face as unless they exceed legally required minimum sizes and then only by the amount which such sign(s) exceed such minimum sizes.
- J. In addition to the business signs allowed above, each business shall be allowed one “inverted T” or “A-Frame” non-fixed type sign, not to exceed eight (8) square feet per side. Such sign shall be displayed only in areas in which their display is not prohibited by state or local law or regulation and such sign shall only be displayed during regular business hours.
- K. In addition to all other signage, each business shall be allowed one “open” or other advertising flag to be affixed to the building of the business, not to exceed fifteen (15) square feet in size. No flag shall be placed in any areas where such display is prohibited by state or local law or regulation. Advertising flags shall be displayed only during business hours and shall be removed when the business is closed.

- L. The Zoning Enforcement Officer may permit a business in a non-residential zone to display one (1) “grand opening” or other announcement banner sign indicating a special event provided said banner sign shall not exceed 32 (thirty-two) square feet in area and shall be displayed for no more than a single period of thirty (30) consecutive days. Such Signs shall be registered with the Zoning Enforcement Officer by way of a Zoning Permit. No more than one such “grand opening” or “special event” sign shall be permitted during any calendar year, regardless of the change in occupancy of any lot or building; provided, however, that the Commission may authorize an additional “grand opening” sign where the applicant demonstrates that a bona fide change in business will take place, and not just ownership restructuring or other insubstantial change to an existing business.
- M. In addition to all elements of signage and display allowed by this regulation, any business located in a non-residential zone may display merchandise or wares of the business outside of the premises of the business. All such displays shall be in accordance with an approved site plan submitted in accordance with Section 14 of the Haddam Zoning Regulations.

17.6 Prohibited Signs

It shall be unlawful to erect or maintain:

- A. Any sign which is not included under the types of signs permitted in this regulation.
- B. Any sign or billboard which advertises or publicized an activity not conducted on the premises upon which such sign is maintained.
- C. Any portable or changeable sign, except as otherwise permitted by this regulation.
- D. Any sign placed above the highest portion of the roof of any structure or building.
- E. Any temporary sign unless otherwise permitted by this regulation.

17.7 Non-Conforming Signs

Signs in non-residential areas which predate and do not conform to the provisions of this regulation shall be subject to the following restrictions and limitations:

If said signs existed prior to January 1, 1992 and are registered by September 1, 1992, such sign may continue, except:

If said sign or billboard shall need repair or renovation which involves the rebuilding of more than fifty percent (50%) of the structure, such structure shall be removed or brought into compliance. Nothing herein shall prevent the routine repair, maintenance, repainting, relettering or reapplication of advertising materials to any validly existing sign or non-conforming sign or billboard.

17.8 Registration

No sign for which a registration is required under these regulations shall be erected unless and until a registration has been received by the Haddam Zoning Enforcement Officer. All applicants for a registration shall submit a registration to the Zoning Enforcement Officer on a form designated by the Commission. Such registration shall be kept on file for each business by the Zoning Enforcement Officer.

All signs existing prior to January 1, 1992 shall be registered prior to September 1, 1992. No fee will be charged for registrations.



## SECTION 18

### REGULATION OF EARTH MATERIAL OPERATIONS

- 18.1 The purpose of this section is to provide the regulations for the preservation of a cover-crop on the land to prevent erosion, and to control any earth material operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town of Haddam. The covering of earth material operations may be done with the top four inches of soil removed therefrom, and furnishing new topsoil or loam from off the premises will not be required. Excavations which uncover ledge or rock outcrops need not be covered or seeded.
- 18.2 The filling, removal, excavation or mining of mineral, sand, gravel, clay, bedrock, peat, loam or topsoil (herein referred to as “Earth Material Operations”) is permitted in all zones, with the exception of the land designated as the “Gateway Conservation Zone,” after issuance of a special permit by the Planning and Zoning Commission.
- 18.3 The following filling, removal, excavation or mining activities are permitted in all zones, including the Gateway Conservation Zone, without a special permit provided no permanent damage is done to the landscape:
- A. Valid non-conforming uses;
  - B. Foundation, trench and related site excavation performed after the issuance of a building permit; and
  - C. Removal in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal shall not exceed 300 cubic yards of material.
- 18.4 In addition to the customary special permit and site plan requirements as set forth in Section 15 and 14 of these regulations, the following information is required:
- A. Estimate of the amount of material to be filled, removed, excavated or mined.
  - B. Plan showing area to be filled, removed, excavated or mined.
  - C. Existing and proposed drainage of the site.

- D. Proposed truck access to the excavation.
- E. An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the location and types of any buildings to be erected.
- F. Final grading plan.
- G. Erosion and Sedimentation Control Plan showing measures to be taken both during and after earth materials operations.

18.5 The following conditions must be met for earth material operations:

- A. Failure to comply with the plans as approved and any deviation from the plans shall be cause for the Planning and Zoning Commission to revoke the permit.
- B. The applicant shall post a performance bond with the Town Treasurer in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- C. No fixed machinery shall be erected within 50 feet of any property or street line.
- D. No earth material operation shall take place within 50 feet of any property owner's line except by written consent of abutting property owner or within 50 feet of a street line if below the established grade of the street.
- E. No buildings except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Planning and Zoning Commission.
- F. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- G. During the period of filling, removal, excavation or mining, barricades or fences shall be erected as are deemed necessary by the Planning and Zoning Commission for the protection of pedestrians and vehicles. At no time shall an overhang be permitted.

- H. Truck access to earth material operations shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.
  - I. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stockpiling of excavated materials on the site.
  - J. When earth material operations are completed, the site shall be graded so that slopes in disturbed areas shall be no steeper than one on two (vertical to horizontal). A layer of topsoil shall be spread over the excavated or filled area, except exposed rock surfaces, to minimum depth of four inches in accordance with the approved final grading plan. The area shall then be seeded with suitable cover-crop.
- 18.6 A permit issued under this section shall expire two years from the date of issuance unless renewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall not renew or extend any permit unless the operator is able to show that the excavation already completed conforms with the plan of operations as approved.
- 18.7 Application for a special permit to conduct an earth material operation shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms available at the Land Use Office. Such application shall be accompanied by the appropriate fee.

## SECTION 19

### COLLECTION AND STORAGE OF JUNK MATERIAL, ABANDONED VEHICLES, AND DEBRIS

#### 19.1 Purpose

The purpose of this regulation is to define, prohibit and abate nuisances to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values.

#### 19.2 General

Any other provision in the Regulations to the contrary notwithstanding, no person, firm, or corporation shall collect or store, upon the landscape of any zoning district in the Town, junk appliances, metal materials, machinery, or other debris or more than two unregistered motor vehicles. See Section 19.3.d for exceptions. This Regulation shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes.

#### 19.3 Public Nuisance

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Haddam to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions exist thereon:

- A. Any structure which is in a state of dilapidation; or decay; or is open to the elements; or unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, or decay;
- B. More than two unregistered motor vehicles, pursuant to Section 14-150a of the Connecticut General Statutes;
- C. Residential, commercially, or industrial zoned property that has premises containing accumulated debris and junk materials.
- D. However, the collection and storage of materials, equipment, and vehicles reasonably associated with a business that is permitted under Zoning Regulations as long as they poses no public health or safety concerns does not constitute a violation.

#### 19.4 Minimum Standards

- A. The provisions in this Regulation shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations.
- B. In any case where a provision of this Regulation is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, the provision which establishes the higher standard for the promotion and protection of the health and safety, and property values of the people shall prevail.
- C. Nothing herein shall be construed to require any town official to hold a sale or public auction of motor vehicles. Any licensed wrecker service or garage shall comply with the Conn. Gen. Stat. §14-150, as revised, in such matters as, including but not limited to, owner notification, towing of motor vehicles, storage, and payment of service.
- D. If a property is in violation of any regulation, code or ordinance on the effective date of this regulation, it remains in violation of that regulation, code or ordinance. It is not the intent of this regulation to approve any activity otherwise in violation of the regulations. If, on the effective date of this regulation, a property is in violation of any other regulation, code or ordinance, it is still subject to whatever fines, injunctions or other penalties that other violation would incur.

#### 19.5 Responsibility for Compliance

The owner, lessee, or occupant of premises subject to this regulation, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this ordinance. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

#### 19.6 Enforcement and Penalties

Any person, firm or corporation found in violation of this Regulation shall be given a thirty calendar day notice by the Zoning Enforcement Officer to remove cited junk items or materials at no cost to the Town. These Regulations shall be enforced by the Zoning Enforcement Officer(s), or his/her/their designee, who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations, or any permit or approval issue hereunder. The owner or agent of a building, structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire lot where such violation shall have been committed or

shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Town counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations. This could lead to the Town's removal of cited violating items and materials at the violating party(ies) expense.

## SECTION 21

### GENERAL PARKING REQUIREMENTS

21.1 Intent:

Off-street parking shall be provided for the total use of structures constructed, reconstructed, or enlarged in accordance with the following requirements. Parking shall be part of the Site Plan approval by the Planning and Zoning Commission or may be prepared as a separate plan to modify a previously approved Site Plan. These site plans shall include items such as boundary screening, landscaping, traffic circulation patterns, stacking, reserved and overflow parking, loading areas, storm drainage facilities and traffic access and egress including driveways.

21.2 Number of Parking Spaces:

Off-street parking shall be provided and maintained in connection with the use, change in use, construction, conversion, or increase in intensity of a use. In such cases where the use is not defined in these Regulations either the Town Planner or the Zoning Enforcement Official will determine the closest defined use.

Suggested Parking Space Ratios

The table below is a guideline for parking ratios. When possible, parking should be designed to be in the side or rear of a lot.

<b>Type of Use</b>	<b>Suggested Parking Ratio</b>
Automotive Sales New and Used	No more than 50% of lot size may be dedicated to parking and or outdoor storage of vehicles.
Automotive Repair Shop	No more than 50% of lot size may be dedicated to parking and or outdoor storage of vehicles.
Bank	1 space for each 300s.f. floor space
Bed and Breakfast Inns	1 space per guest room
Churches and Places of Worship	1 space per 3 seats
Conference, Retreat or Banquet facilities	1 space for every 3 occupants at maximum capacity (per Fire Marshal)
Day Care: Child or Adult	1 space per 4 persons at maximum capacity
Dwelling Multi-Family	2 spaces per unit
Assisted Living and Senior Housing	1 space per 2 units

Funeral Homes	1 space for each 250 s.f. of floor area
Industrial Uses	3 spaces per 1000 s.f. of floor area
General Office	1 space per 300 s.f. of floor area
Hotels and motels	1 space per room
Marinas	1 space per two boat slips
Medical, Dental or Veterinary Offices	1 per 300 s.f. of floor area
Museums and Libraries	1 per 500 s.f. of floor area
Nursing Homes	1 space per 5 guest rooms
Personal Services and General Retail	1 space per 300 s.f. floor area
Recreational Facilities: Outdoor	To be determined by the PZC
Recreational Facilities,: Indoor such as gyms, dance studios, physical fitness, martial arts	5 spaces per 1000 s.f. of floor area
Restaurants: Dine-In	1 space per 50 s.f. of dining floor area
Restaurants –Take Out (no dining on premise)	3-5 spaces total
Schools	1 space per 4 seats in the auditorium or gymnasium, whichever is larger.
Social Clubs, Fraternal Organizations and Community Centers	1 space per 300 square feet of floor area
Theatre: Movie or Live	1 space per three seats

21.3 Handicapped Accessible Parking Space Requirements:

All off-street parking areas shall include paved handicapped accessible parking spaces. Pursuant to subsection (h) of section 14-253a of the Connecticut General Statutes, parking spaces for passenger motor vehicles designated for handicapped shall be as near as possible to a building entrance or walkway and shall be at least 15 feet wide including 5 feet of cross hatch and twenty feet long. Handicap accessible parking spaces and access aisles shall be provided at a ratio of one handicap accessible space per 25 parking spaces. If total parking is less than 25 spaces then one handicap accessible space must be provided.

For every six (or fraction of six) handicap accessible parking spaces, at least one shall be van-accessible parking space. Van parking spaces shall be 20 feet long, 16 feet wide including 8 feet of cross hatch.

21.4 Minimum Standards for all Commercial Use Parking:

All apron design, stormwater management and sediment and erosion control during construction must comply with the standards set from in Section 90, 100 and 110 of The Town of Haddam Regulations for Public Improvement.



At a minimum, all commercial parking lots shall:

- A. Have a minimum stall size of 9' x 18'
- B. Have a maximum slope of 5%
- C. Have access compatible with traffic circulation patterns both within the site and on the abutting street system
- D. Provide sufficient stacking area
- E. Minimize potential conflict points between pedestrians, bicycles, and motor vehicles.

21.5 Additional Standards for all Commercial Parking Lots with Greater than one hundred (100) parking spaces:

Any parking lot that proposes more than 100 spaces, a minimum of 25% of the total parking shall be constructed of pervious materials.

21.6 Waivers and Exceptions for Parking:

In order to reduce storm water runoff and impervious surfaces and to foster pedestrian and bicycle friendly transportation, special consideration will be given to projects that:

- A. Are located in a Village District
- B. Are constructed to be LEED certified
- C. Utilize native species in all on site landscaping
- D. Use pervious pavers or surfaces in the place of conventional methods

The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements.

21.7 Parking Space Held on Reserve:

For phased developments, the Commission may provide that up to 50 percent of the parking spaces required by this section will not be immediately constructed and may be kept in reserve. Such reserve parking areas must be kept planted and maintained rather than surfaced for parking until such time as the additional parking space is necessary to serve completed phases of the associated development. No above ground improvements shall be placed or constructed upon such reserve parking areas. The areas designated as reserve parking must be clearly depicted on the phased development site plan and the terms and conditions of phasing of the parking area completion, as determined by the Commission, must clearly be set forth in notations on the approved site plan.

21.8 Pervious Parking Area:

All off-street parking provided and maintained as paved or graveled surface shall be counted as part of the Lot Impervious Surface Coverage. Parking areas composed of pervious surfaces are encouraged.

Measures that shall be considered to reduce the amount of impervious surfaces in all proposed parking lots include:

- A. Provide pervious parking stall surfaces
- B. Provide pervious overflow parking
- C. Provide pervious snow-storage space
- D. Conserve existing natural areas, including trees on-site
- E. Minimize clearing to the extent practicable while retaining access, sight distance, and safe vehicle flows

21.9 Shared Parking:

The Commission encourages parking lots to be shared when possible. At the applicant's request, shared parking may be provided, subject to the following provisions:

- A. A reciprocal written agreement has been executed by all the parties concerned that assure the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.
- B. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking agreement. This information includes but is not limited to:
  - 1. the type and hours of operation and parking demand, for each use,
  - 2. a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot,
  - 3. a description of the character of land use and parking patterns of adjacent land uses, and
  - 4. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.
- C. Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

- D. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the proposed use to the parking area may be approved by the Commission with written justification and supporting information provided by the applicant.
- E. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.
- F. If shared parking is to be employed, either a bicycle rack able to accommodate a minimum of five bicycles or a public bench must be provided within 10 feet of the building.

21.10 Reduction in Parking Space Required for Mixed Use:

Where parking is provided for a mixed use development, the Commission may allow the following reductions, at the applicant's request:

- A. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.
- B. Up to 75% of the parking spaces required for such uses such as Houses of Worship and other uses exclusively in operation during the weekend may be shared with such uses as medical offices, banks, and other similar uses predominately in operation on weekdays.
- C. Up to 75% of the parking spaces required for such uses as theatres, public auditoriums, bowling alleys, bars and similar predominantly evening uses may be shared with such daytime uses such as banks, offices, and similar uses.

21.11 Pedestrian Access Design Standards:

Provision for safe and convenient pedestrian access shall be incorporated into landscaping plans for any parking area. This shall be clearly shown on all site plans.

Any parking area designed, constructed, and maintained, as part of a development must be designed such that the flow of pedestrians can be

directed though a system of convenient routes that bring them to central walkways leading to main entrances. All walkways shall be constructed to provide for:

- A. Safe separation of all walkways from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/or driving aisles.
- B. Safe, well-articulated pedestrian crossings demarcated with pavement markings, pedestrian warning signs, and lighting.
- C. A minimum of 4 feet in width Inclusion of plantings, benches, and lighting along walkways and at all pedestrian crossings.
- D. Design, construction and maintenance to accommodate disabled individuals per Americans with Disabilities Act (ADA) requirements.

21.12 Commercial Vehicles in Residential Zones:

Not more than two (2) commercial motor vehicles and no construction equipment or related materials may be parked on a lot in a residential district.

A special permit shall be required for an additional commercial vehicle to be parked or stored on a lot in a residential district. Such commercial vehicle shall be only allowed on lots of two or more acres. Said vehicle shall not exceed a gross vehicle weight of 20,000 pounds and shall be stored indoors or screened from view off premises, no closer than the dwelling or 100 feet from any street line, whichever is less, and 50 feet from any property.

Except for those vehicles permitted by right in Section 21.12 the Commission may limit hours of operation of commercial vehicles to be compatible with the neighborhood.

## SECTION 23

### ACCESSORY USES, BUILDINGS AND STRUCTURES

#### 23.1 Accessory Buildings - Location and Size.

- A. An accessory building attached or connected to the main building by walls or roofs shall be considered a part of the main building, and limited by minimum yard requirements of the principal building.
- B. Detached accessory buildings which are not more than fifteen (15') feet in height and less than 550 square feet in floor area may be located:
  - 1. In the rear half of any lot, but not nearer than thirty (30') feet to any street.
  - 2. A minimum of ten (10') feet of the side or rear lines of said lot.
  - 3. At least fifty feet (50') from a wetland or watercourse.
- C. Residential Accessory Building in excess of 550 square feet and greater than 15 feet in height must meet the setbacks for a principal structure for that zone.
- D. All accessory buildings shall be built on the same lot as the principal building or use to which they are accessory.

#### 23.2 Accessory Buildings - Use.

- A. Accessory buildings shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal non-conforming uses as described in Section 29 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations. Such accessory uses may include, for example, the storage of the resident's non-commercial motor vehicles or goods and permitted home occupations.
- B. No accessory building shall be used for residence purposes except when approved as an accessory apartment in accordance with Section 6 and Section 23 of these Regulations.

23.3 Accessory Buildings - Specific Types.

23.3.1. Private Garages in Residential Zones. Accessory buildings in Residential Zones may include private garages, whether or not attached to the main building.

23.3.2 Roadside Shelters for School Children. In all zones, roadside shelters for the use of school children may be permitted. Said shelter shall not exceed fifty (50) square feet in area or eight (8') feet in height. Its location shall be no closer than one (1') foot from applicant's front or side property line. Shelters may be located within the road right-of-way with written approval of the Board of Selectmen or its designee, and/or State of Connecticut Department of Transportation, as applicable. In no case shall the shelter be located closer than ten (10') feet of the travelled portion of the road. Said shelter shall be removed by the applicant if not used for its intended purpose for one (1) year, or upon order of the Department of Transportation or the Board of Selectmen or its designee if building interferes with road right-of-way.

23.3.3 Temporary Roadside Stands for the seasonal sale of farm products and homemade articles are permitted when accessory to the premises on which they stand, of not more than two hundred (200) square foot area, with not more than two (2) signs aggregating twelve (12) square feet in area advertising such produce. Such stand and signs shall not be less than ten (10) feet from any street line, and not more than fifty (50) feet from any street intersection. Their temporary permitted use shall not constitute the establishment of a legal non-conforming use.

23.4 Accessory Structures - Use. Accessory structures shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal non-conforming uses as described in Section 29 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations.

23.5 Accessory Structures - Specific Types.

23.5.1. Swimming Pools. A swimming pool shall be considered an accessory use or accessory structure to a principal dwelling and must be located on the lot so as to comply with the side, rear, and front yard requirements of these Regulations for principal buildings. Swimming pool yards (setbacks) shall be measured from the water retaining wall in the case of an in-ground pool.

In the case of an above-ground pool, setbacks shall be measured from the outer edge and any above-ground deck. Light sources or glare shall not be visible beyond any lot line. All pools shall be safeguarded by means of a suitable fence or other device.

- 23.5.2. Ground-mounted Solar Panels must be located at least ten (10) feet further from the street line (or street lines for properties that are located at the intersection of two streets) than that portion of the principal building that is closest to the street, and must comply with side and rear yard setbacks for the subject zone in any and all configurations if the panels are at all movable.
- 23.5.3. Dog Kennels Accessory to Principal Dwelling (Residential). The keeping of dogs in any outdoor enclosure, principal or accessory building, or other structure shall be permitted as an accessory use to a dwelling provided that:
- A. Such keeping of dogs shall be exclusively for the personal enjoyment of the occupant of the principal dwelling, and shall exclude any boarding, breeding, or training of any dogs not owned by the occupants of said dwelling, whether or not for compensation. Said dogs will be registered to the owner
  - B. Dog Kennels Accessory to a Principal Dwelling (Commercial) shall be by Special Permit in accordance with Section 6.3.J of these Regulations.
- 23.5.4. Decks. Decks, as defined in these Regulations (see Section 3, Definitions), are permitted accessory structures, provided that such Decks shall not extend into or be otherwise located within the required yards of the subject zone. See Section 4, Table 1.
- 23.5.5. Accessory Radio Towers. Commercial Radio and Television Towers (hereafter referred to simply as "tower" or "towers"), for the exclusive use of the occupant of the principal building on the lot, may be permitted as an accessory use to a principal industrial or commercial use in a Commercial or Industrial District, upon the issuance of a Special Permit in accordance with Section 15 (Special Permit) of these Regulations, provided that the following additional standards and conditions are met:
- A. Minimum Parcel Size. No towers shall be established on any lot of land containing less than two (2) acres. In addition, any such lot shall be of such size and dimension that the distance between the tower base and any

property line shall be no less than one and one-half (1 1/2) times the tower height, such height measurement to include any antennae mounted upon the tower.

- B. Other Permits. No application for a tower shall be complete without evidence that all necessary permits and approvals have been submitted to the Federal Communications Commission, the Federal Aviation Agency, and such other State or Federal agencies as may have jurisdiction. Such evidence shall include any proposed lighting, color selection, method of tower construction, and the like.
- C. Residential Zone Prohibition. Towers shall be prohibited as a principal use in Residential Zones.
- D. Standards. In addition to the standards and criteria of Section 15 (Special Permit), the Commission shall evaluate the visual impact of the tower on historic or scenic vistas and natural features; the impact on property values on residential areas in the vicinity of the tower; the impact of the tower on migratory waterfowl flight patterns, and other wildlife impacts; the impact of tower lighting, with special attention to strobe lighting.
- E. Maximum Height. In no event shall any tower be greater than one hundred ninety-nine (199') feet in height, including the height of any antenna mounted thereon.

## 23.6 Accessory Uses.

- 23.6.1 General. Accessory uses of buildings, structures, or land shall be permitted in all zones where such accessory use is customarily incidental to, and is subordinate and secondary to, the principal use of the lot, or the principal building or structure on the same lot, or adjacent lots under the same ownership.
- 23.6.2 Non-Commercial Keeping of Horses. The non-commercial keeping of horses, as an accessory use to a single-family dwelling, shall be permitted in residential zones.



23.6.3

Separate Family Quarters: Also see Section 15 A.

A. Accessory Apartments within an existing dwelling provided:

1. There may be no more than a total of two dwelling units on any lot.
2. The maximum number of bedrooms in an accessory apartment shall be two.
3. The accessory apartment shall not exceed eight hundred (800) gross square feet.
4. Conversion of a structure to accommodate an accessory apartment must conform to setbacks and coverage requirements of the underlying zone of such nonconformity.
5. There shall be no external evidence of the accessory apartment other than what is required by the Fire Marshal, Building Official or Health Official.
6. Under such requirements, construction shall be in harmony with the single family character of the structure and the neighborhood. The construction of new exterior stairways shall be properly screened from public view.

B. Detached accessory apartments located on lots of two acres and greater provided all the conditions listed below are met:

1. The accessory apartment does not exceed more than eight hundred (800) gross square feet.
2. Any interior stairway that is utilized to access the apartment shall be calculated in the square footage of the apartment.
3. There shall be no more than two dwelling units on any lot.
4. No lot shall have both a detached accessory apartment and a home occupation as permitted by Section 23.8.B.
5. The detached accessory apartment shall utilize the same curb cut as the principal dwelling.
6. The accessory unit may have a maximum of two bedrooms.

7. Any accessory structure that contains an accessory apartment shall have the same setbacks for a principal structure per Table 1.
8. Either the single family dwelling or the detached accessory apartment shall be permanently occupied by the owner of the premises.
9. The accessory structure that contains the apartment shall be subordinate to the principal dwelling and shall have a physical connection to the principal dwelling such as a sidewalk, shared driveway, shared landscaping, purpose, or orientation to the principal dwelling.
10. Design, construction, landscaping and orientation must be presented in such a manner as to maintain the single family nature of the lot.

23.7 Commercial Vehicles in Residential Zones: No lot in a residential district may have more than two (2) commercial and two (2) construction vehicles. Commercial vehicles shall be those having commercial license plates; or bearing any commercial insignia or message; or being, in fact, used in connection with a commercial activity, whether conducted or headquartered on- or off-site. Construction equipment shall include, but not be limited to, excavation or grading equipment, cement mixers, mobile welding equipment, bucket trucks, well-drilling or boring equipment, blasting equipment, sawmills, large-scale mowing or chipping equipment, dump trucks, or other vehicles or equipment commonly used in the construction of buildings or structures, or site preparation for such construction.

A special permit shall be required for an additional commercial vehicle or piece of construction equipment to be parked, or stored on a lot in a residential district. Such additional commercial vehicle(s) or construction equipment or material to be stored shall be only allowed on lots of two or more acres. Said vehicle(s) shall not exceed a gross vehicle weight of 20,000 pounds and, such vehicle(s) or construction equipment or construction material shall be stored indoors or screened from view off premises, and any outdoor parking or storage shall be located no closer than the dwelling is to the street line, or 100 feet from any street line, whichever is less, and 50 feet from any property line.

Except for those vehicles permitted by right in this Section, the Commission may limit hours of operation of commercial vehicles to be compatible with the neighborhood.

## 23.8 Home Businesses

A. Home Occupations without a permit. A home occupation may be carried on in residential premises without a zoning permit if:

1. The business is carried on only by residents of the dwelling;
2. There is no exterior evidence of the business including signs or vehicles;
3. The business shall not involve substantial deliveries of products or materials to the dwelling;
4. No visitors or customers appear on site;
5. No waste products are disposed on site, except sanitary waste incidental to residential use; and
6. There is no structural modification to the building.

B. Home Occupations with a permit

A home occupation may be carried on in a residential premise after obtaining a permit from the Planning and Zoning Commission subject to the following:

1. The occupation must be carried on by a resident of the premises and not more than one (1) non-resident employee on the premises and must be clearly secondary to residential use. If the resident is not the owner of the property, the application shall be co-signed by the owner.
2. The total floor area utilized by the home occupation shall not exceed 25% of the total feet area devoted to residential use or 500 square feet in area whichever is less; i.e., if the space devoted to residential use equals 1,000 square feet then 250 square feet of the 1,000 square feet may be used for the home occupation. The site plan submitted by the applicant shall provide a dimension drawing of the floor area of all buildings to be used for the home occupation.
3. There shall be no external evidence of the operation of the home occupation except for parking when deemed necessary by the Commission and a single non-illuminated sign. The necessary parking shall not exceed two extra parking places. The single sign shall not exceed two (2) square feet in area.

4. The home occupation shall not create objectionable appearance, noise, smell, smoke, illumination, vibrations, radio or television interference or any other objectionable condition which might have deleterious effects on the neighborhood.
5. In reviewing applications for home occupations, the Commission shall consider the potential hazards produced by increased traffic generation and the potential effects of such uses on the residential character of the area and property values.
6. Parking of commercial vehicles related to the home occupation shall be made in accordance with the applicable provisions of Section 21 as they apply to the zone where the home occupation is located.
7. The application for a home occupation shall include proof that notification has been given to all owner of properties within 200 feet of the lot lines of the subject lot.
8. The permit shall be valid only for the applicant(s) and is not transferable. The site of the permit shall be visited not less than every two years by the Zoning Enforcement Officer to check for conformity with these regulations and any conditions of the permit.
9. The permit may be limited by the Commission as to hours of operation and/or duration of permit or with such other restrictions or conditions for termination as the Commission may feel necessary to protect the public health, safety, convenience, or property values.
10. Any permitted home occupation is subject to revocation if any condition of the permit is violated. The Zoning Enforcement Officer shall give a written warning upon discovery of the first such violation. Fifteen calendar days shall be allowed for correction of the violation. Any further violation(s) shall be reported to the Commission for action. The permit holder shall be asked to appear before the Commission and if it is found that there is a violation of any condition of the permit, the Commission may revoke said permit. Each successive day, after the fifteen days allowed for correction, shall be considered a separate violation for the purpose of this section.

11. If the permit is revoked for cause, no new application for that site shall be accepted until 12 months have passed from the date of such revocation.

C. Any permitted home occupation use shall terminate:

1. By order of the commission issued upon application therefore by the original resident applicant or by the owner of the property concerned;
2. If the use authorized thereby shall not have actually existed (without regard to any intent to abandon or resume) for a period of one year from the date of cessation or from the effective date of the grant of such permit, whichever is later;
3. If the use authorized thereby is abandoned;
4. Upon the happening of any event or the expiration of any period of time prescribed by the terms of such permit;
5. If the original applicant(s) of the home occupation no longer lives on the property.

D. The authorization of a permitted home occupation use shall not terminate if the pertinent use ceases by reason of fire or other casualty, provided that:

1. Notice of intent to resume or restore such use is filed with the Zoning Enforcement Officer within six months after cessation;
2. Such resumption or restoration is made and completed within two years after cessation.

## SECTION 24

### OUTDOOR RECREATIONAL FACILITIES

- 24.1 Outdoor recreational facilities are permitted in all residential zones upon issuance of a special permit by the Planning and Zoning Commission, the following conditions apply to these uses.
- 24.2 For the purposes of this regulation, a building, structure or use which is also an agricultural use, as permitted by Section 6.1c may be regulated as an outdoor recreational facility if its use is specifically listed in the definition of outdoor recreational facility, is a similar or related to a use specifically listed therein, or is a use of such magnitude, intensity or activity as to result in traffic, noise or interference with the use of neighboring or adjoining properties similar to that which is generated by the uses specifically listed therein.
- 24.3 Any existing such facility, building, structure or use shall not be substantially enlarged or expanded without issuance of a special permit.
- 24.4 In addition to customary special permit requirements, the following conditions must be met:
- A. the site plan should show the location of all buildings and structures, roads, driveway, campsites, tent sites, picnic area, parking and loading areas, pools, tennis courts, barns, stables, riding rings, or other appurtenances to the use;
  - B. the tract of land must contain at least twenty acres;
  - C. each use shall include a buffer area on each side of the area which faces another property in a residential zone. The buffer shall be not less than thirty feet wide, planted, with such vegetative matter as the Commission shall approve, suitably landscaped and maintained;
  - D. campsites, tent sites, and related facilities and structures are prohibited in the area of the site plan designated as the buffer strip, but the buffer strip may contain recreational and parking areas if said areas are landscaped in such a way as to prevent adverse effects on adjacent properties and structures.
  - E. the volume of noise from music and public address systems shall be so controlled as to prevent objectionable and excessive noise emanating from the premises;

- F. for uses involving campgrounds or campsites, no patron shall occupy any campsite or trailer site for a total of more than thirty days between October 1st and the next following June 1st with the exception of caretaker personnel who may live in residential premises lawfully located on the site;
- G. the management of any outdoor recreational facility involving campsites or trailer sites shall keep a register in which is recorded for each patron the name, permanent address, registration number of the vehicle, length of stay and identification of the campsite involved. Such register shall be available to the Zoning Enforcement Officer to assure that there is no permanent occupancy and that the intent of this section is being complied with;
- H. each rental site shall be of such size and characteristics as to comply with all applicable state and federal regulations;
- I. signage shall be in accordance with limitation of Section 17.4. of the Zoning Regulations;
- J. lighting shall be designed, located and maintained so as to minimize glare and illumination off the parcel. Special care should be taken to design the lighting in such a fashion that it does not interfere with or encroach upon nearby residential uses;
- K. the applicable schedule of Area, Height, Bulk and Placement Regulation shall be in accordance with residential designation of the zone where the parcel exists as found in Table I of the Zoning Regulations. In instances where a side yard involves property dedicated to a buffer zone, the minimum side yard shall be increased by the depth of the required buffer.

24.5 By Special Permit, accessory uses may be allowed that are clearly secondary to the recreational use, provided that such accessory use shall cease if the applicant fails to operate the primary use for one year.

## SECTION 25

### REGULATED USES FACILITIES: ANTENNAS, MONOPOLE TOWERS, AND WIRELESS COMMUNICATION FACILITIES

#### 25.1 Statement of Purpose:

This regulation establishes standards, requirements and permitting procedures for regulated facilities, including antennas, towers, and wireless communication facilities, that are subject to local zoning regulations in Connecticut.

Its purpose is to regulate the placement of regulated facilities, including antennas, towers, and wireless communication facilities, in order to:

- A. preserve the character and appearance of the Town of Haddam while allowing adequate telecommunication services to be developed,
- B. protect the scenic, historic, environmental, and natural or man-made resources of the Town of Haddam,
- C. protect property values, and the health, safety and welfare of the Town of Haddam,
- D. minimize the total number and height of towers throughout the Town of Haddam,
- E. require the sharing of existing regulated facilities where possible,
- F. provide for facility locations consistent with the Town of Haddam Community Plan of Conservation and Development, and the Town of Haddam's comprehensive plan (zoning regulations and zoning map),
- G. minimize adverse visual effects through proper design, siting and screening,
- H. avoid potential damage to adjacent properties, and,
- I. provide for orderly removal of abandoned facilities.



These regulations are intended to be consistent with “The Telecommunications Act of 1996,” as may be amended, in that: a) they do not prohibit, or have the effect of prohibiting, the provision of personal wireless services; b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services; and c) they do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC’s regulations concerning such emissions.

## 25.2 Definitions:

### A. Adequate Capacity.

Capacity is considered to be “adequate” if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the personal wireless facility or regulated facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless service facility or regulated facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

### B. Adequate Coverage.

Coverage is considered to be “adequate” within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural area like Haddam, this would be a signal strength of at least –90dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than –90dBm, as long as the signal regains its strength to greater than –90dBm further away from the Base Station. The outer boundary of the area of Adequate Coverage is that location past which the signal does not regain strength of greater than – 90dBm.

### C. Antenna

The surface from which wireless radio signals are sent and received by a personal wireless service facility or regulated facility.

- D. Camouflaged or Stealth Facility.  
A wireless communication regulated facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.
- E. Carrier.  
A company that provides wireless services.
- F. Co-location.  
The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.
- G. Commission.  
The Planning and Zoning Commission of the Town of Haddam.
- H. Elevation.  
The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The total elevation of the wireless service facility is AGL plus AMSL.
- I. Environmental Assessment (EA).  
An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility or regulated facility is placed in certain designated areas.
- J. Environmental Impact Statement (EIS).  
A report which shall evaluate the existing conditions of the proposed regulated facility and the full impact of construction on the existing conditions, terrestrial ecology, environmental setting and cultural resources through the actions of grading, soil disturbance, facility construction, site drainage and any other above or below ground disturbance.
- K. Equipment Shelter.  
An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of the communication facility or regulated facility.

- L. Fall Zone.  
The area on the ground within a prescribed radius from the base of a wireless communication facility or regulated facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- M. Reserved.
- N. Guyed Regulated Facility.  
A monopole or existing lattice tower that is tied to the ground or other surface by diagonal cables.
- O. Lattice Regulated Facility.  
A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel for an existing lattice tower.
- P. Licensed Carrier.  
A company authorized by the FCC to construct and operate a wireless communication facility or regulated facility.
- Q. Monopole Tower. A regulated facility that involves a type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.
- R. Mount.  
The structure or surface of a regulated facility upon which antennas are mounted, including the following four types of mounts:
1. Roof-mounted. Mounted on the roof of a building.
  2. Side-mounted. Mounted on the side of a building.
  3. Ground-mounted regulated facility. Mounted on the ground.
  4. Structure mounted. Mounted on a structure other than a building.
- S. Omnidirectional (whip) antenna.  
A thin rod that beams and receives a signal in all directions.
- T. Panel Antenna.  
A flat surface antenna usually developed in multiples such as whip antennas, panel antennas, and dish antennas.

- U. Propagation Studies or Coverage Plots.  
Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific regulated facility structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the telecommunication facility proposed for the site.
- V. Radiofrequency (RF) Engineer.  
An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.
- W. Radiofrequency Radiation (RFR).  
The emissions from wireless communication facilities or regulated facilities.
- X. Regulated facility.  
All regulated facilities as defined by Section 25.2 of these zoning regulations, including mounts, towers and antennas, service and/or sites where these facilities are proposed or exist, or service is to be provided from, relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation. A regulated facility, service and/or site includes, but is not limited to, a proposed co-located regulated facility, service and/or site.
- Y. Repeater.  
A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.
- Z. Security Barrier.  
A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.
- AA. Separation.  
The distance between one carrier's array of antennas and another carrier's array.

### 25.3 Use Regulations:

#### A. Exemptions.

The following shall be exempt from this Section 25 of the zoning regulations of the Town of Haddam.

1. Repair and maintenance of regulated facilities including antennas.
2. Antenna used solely for residential television and radio reception.
3. Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location.
4. Antenna used by the Town of Haddam in conjunction with police stations, firehouses, volunteer ambulance headquarters or other municipal building uses.

#### B. Any proposed regulated facility shall require Special Permit review and approval as provided by Section 15, and this Section 25, of these zoning regulations. Any proposed regulated facility shall comply with all Site Plan and Special Permit requirements of Sections 14 and 15, respectively, of these zoning regulations, and, in addition, shall comply with all the requirements of this Section 25 of these zoning regulations. No provision of these zoning regulations, as applies to a regulated facility pursuant to this Section 25, may be waived or varied by the municipal zoning board of appeals, or other land use board under Chapters 124 and/or 126 of the Connecticut General Statutes, as provided by Section 8-6 of the Connecticut General Statutes or any other law.

#### C. Permitted areas:

1. A regulated facility is permitted in any zoning district of the Town of Haddam subject to Section 25.3(B). However, no regulated facility, including but not limited to co-locations, is permitted in the Gateway Conservation Zone as provided by Section 10 of these zoning regulations, except for co-location on existing electrical power line structures subject to the height restriction of Section 25.3(C)(3) of these zoning regulations.
2. Any regulated facility shall not exceed one hundred fifty (150) feet in height subject to Section 25.3(C)(3) of these zoning regulations. However, a regulated facility may be permitted up

to, but not exceeding, a height of one hundred ninety (190) feet, within the Commission's discretion, if the regulated facility is proposed within one thousand (1,000) feet of the Route 9 right-of-way or additional tower height is required to accommodate co-location.

3. Any regulated facility proposal to be located within two hundred (200) feet of the Gateway Conservation Zone as provided by Section 10 of these zoning regulations, on a scenic area, scenic road or The National Register of Historic Places "Haddam Center Historic District": as shown in Appendix I of the Zoning Regulations, shall not exceed ten (10) feet of the height of the treeline or other vegetation on the site, nor shall any antenna be located more than five (5) feet above the height of such structure. The Commission may require a height lower than this maximum height. No accessory building to service any regulated facility shall exceed twelve (12) feet in height, and shall not exceed 300 square feet in gross floor area.

25.4 General Standards and Requirements for Regulated Facility:

A. Location.

Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.

1. Applicants are urged to consider use of existing telephone, cable, or electric utility power lines or structures as sites for regulated facilities.
2. The preferred location for free standing regulated facilities is where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and have the least long range visual effect. Town owned land or buildings are preferred locations where the Town has determined that such Town owned land or building is appropriate for a regulated facility. Unless adequate coverage and adequate capacity cannot otherwise be achieved, regulated facilities shall be sited off ridgelines and in as low a population density area as is possible.
3. Site Justification for Ground Mounted Regulated Facility. An application for a ground mounted regulated facility shall include a detailed site justification report, prepared according to

accepted engineering practice, which:

- a. Establishes the location and defines the elevation of all proposed antenna facilities on the regulated facility consistent with federal regulations.
- b. Demonstrates that the proposed location (which includes both regulated facility position and antenna height) is superior to other potential locations for the proposed uses. Alternatives evaluated shall specifically include a regulated facility of lesser height, the use of repeaters, and other less visible technologies. The applicant shall provide the commission with the “search area” for the regulated facility based on propagation analysis.
- c. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the regulated facility.
- d. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the regulated facility.
- e. Demonstrates that for each proposed use of the regulated facility the proposed height is the minimum necessary to provide adequate coverage. This shall specifically include, but not be limited to, an evaluation of the regulated facility’s height of 50% and 75% of the proposed height.
- f. Documents in writing that existing telecommunication regulated facility sites in the Town of Haddam, and in abutting municipalities within four (4) miles of the Haddam town boundary, cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Haddam. This shall include documentation that addresses the feasibility of repeaters in conjunction with regulated facility sites in the Town of Haddam and abutting towns to provide adequate coverage and/or adequate capacity to the Town of Haddam.

B. Visibility, Camouflage and Color.

The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

1. Requirements for Existing Buildings or Structures.

- a. Roof Mount. Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.
- b. Side Mount. Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building or structure.
- c. Mounts and antennas located on an historic structure shall be fully removable without diminishing the historic quality of the structure.
- d. Regulated facilities in an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

2. Requirements for Proposed Ground Mounted Regulated Facility Structures.

Proposed ground-mounted regulated facility structures shall provide a vegetated buffer of sufficient height and a depth of not less than 50' to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a regulated facility, the applicant shall submit a landscape plan. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the regulated facility on the neighborhood and community character. All landscaping shall be properly maintained to ensure its good health and viability at the expense of the owner(s). The Commission reserves the right to require stealth or camouflage designs such as regulated facilities made to resemble trees or other structures. The Commission may require that landscaping and buffer areas be preserved by a scenic or conservation easement and/or that the landscaping be within the leased area.



3. Scenic Roads and Areas.
  - a. The Commission may approve a ground mounted regulated facility structure located in an open area visible from a public road, recreational area, or residential development only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a co-location.
  - b. A regulated facility located within an area ranked high for protection according to the Town of Haddam Community Plan of Conservation and Development, or within 300 feet of a Town or State designated scenic road, shall not exceed the height of vegetation at the proposed location.
4. Sight Line and Elevation Information.

Where the Commission determines that sight line and/or elevation information is necessary to determine compliance with these zoning regulations it shall require the following:

  - a. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
  - b. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest façade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.
  - c. Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet. These photographs shall be taken when deciduous leaves are off the trees.

- d. Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.
  
- e. Sight elevations. Sight elevations, or view at-grade, from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
  - (1) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
  - (2) Security barrier. If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier.
  - (3) Any and all structures on the subject property.
  - (4) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
  - (5) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

C. Environmental and Safety Standards.

- 1. Regulated facilities and/or regulated facility shall not be located in wetlands. Locating of regulated facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
  
- 2. No hazardous waste shall be discharged on the site of any regulated facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with

a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

3. There shall be no increase in the rate of storm water runoff.
4. No signal lights or illumination shall be permitted unless required by the FCC or FAA, except for manually operated emergency lights for use only when operating personnel are on site.
5. Radiofrequency Radiation (RFR) Standards and Requirements. The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) or its successor publication.

D. Additional Standards:

1. Feasible Alternative.  
Where a new ground mounted regulated facility structure is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.
2. Lot Size.  
All ground mounted regulated facility structures and their associated equipment shelters shall be considered an accessory structure and use and shall comply with all of the requirements for the zoning district in which the regulated facility is to be located
3. Fall Zone.  
In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted regulated facility structure to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be equal to 125% of the height of the regulated facility structure including any antennas or other appurtenances. Provision shall be made that no new public road, habitable dwelling, business or institutional use, or public recreational area be located within the fall zone. The required fall zone is to be located on the applicant/owners property in less the visual impact can be minimized by having the fall zone on a neighboring property. Such neighboring property shall not be developed and will be subject to a legally binding agreement preventing development during the time the regulated facility is in place.

4. Addition Service Providers.  
The proposed regulated facility shall be designated for a minimum of five (5) additional personal wireless service providers, (including, but not limited to, personal wireless service providers for local police, fire and ambulance needs), unless it is determined by the Commission to be technically unfeasible or not desirable from an impact point-of-view.
5. Construction Timing.  
A Special Permit for the construction of a regulated facility shall not be granted for a regulated facility to be built on speculation. All regulated facilities must be utilized for the purpose stated in the Special Permit within ninety (90) days of completion of construction and all construction must be completed within one (1) year of the granting of the Special Permit.
6. Signage.  
A sign no greater than two (2) square feet indicating the name of the regulated facility owner and a 24 hour emergency telephone number shall be posted adjacent to the entry gate. No advertising shall be permitted from or on the regulated facility.

#### 25.5 Application Filing Requirements:

The following shall be included with an application for a Special Permit for all regulated facilities.

##### A. General Filing Requirements

1. Name, address and telephone number of applicant, co-applicants, and any agents for the applicant or co-applicants.
2. Co-applicants shall include the landowner of the subject property, and any licensed carriers and tenants for the proposed regulated facility.
3. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a “licensed carrier.”
4. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photoreproductions of signatures will not be accepted.

5. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photoreproductions of signatures will not be accepted.

B. Location Filing Requirements

1. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, nearest CL&P pole number, and street address, if any.
2. Tax map and parcel number of subject property.
3. Zoning district designation for the subject parcel (submit copy of Town Zoning Map with parcel identified).
4. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
5. A region-wide map showing the existing wireless service regulated facilities in the Town and outside the Town within four miles of its boundary, and any proposed regulated facilities by the applicant and/or co-applicant(s) within four miles of the Town boundary.
6. A topographic location map at a scale of 1"=2,000' showing the regulated facility location, and the boundaries of the viewshed if a regulated facility is proposed (i.e., the area within which the regulated facility can be seen based upon an assessment of the topography surrounding the site).

C. Additional Site Plan and Special Permit Requirements.

The following requirements shall be in addition to the requirements of Sections 14 and 15 of the Town of Haddam zoning regulations and Special Permit applications. Where the requirements of this Section are more restrictive than that of Sections 14 and 15, these requirements shall apply. A one-inch-equals-40 feet vicinity plan shall be submitted showing the following:

1. Property lines for the subject property.
2. Property lines of all properties adjacent to the subject property within 300 feet.

3. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
4. Proposed location of the regulated facility including antenna, mount and equipment shelter(s).
5. Proposed security barrier, indicating type and extent as well as point of controlled entry.
6. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.
7. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.
8. Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.
9. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
10. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the regulated facility.

D. Design Filing Requirements

1. Equipment brochures for the proposed regulated facilities such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
2. Materials of the proposed regulated facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
3. Colors of the proposed regulated facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

4. Dimensions of the regulated facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
5. Viewshed Analysis. Where a regulated facility is proposed, sight line graphs shall be provided to the proposed prime and alternative sites from visually impacted areas, such as residential developments, public roadways, recreational sites, historic districts, and historic sites. In lieu of sight line graphs, the Commission may accept photographs showing the regulated facility imposed on the photograph with the regulated facility height established in reference to a balloon flown, or comparable testing, to the proposed regulated facility height at the site, as required herein. This visual assessment shall be based upon the existing landscape conditions without leaf cover.
6. The applicant shall arrange with the Commission for a balloon test (with a balloon diameter of at least eight feet), crane test, or comparable testing within the Commission's discretion, at the proposed site to illustrate the height and position of a proposed ground mounted regulated facility structure. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town. The balloon, crane or other test shall be conducted or attempted for at least two days.

E. Noise Requirements

No regulated facility shall emit or cause to be emitted any noise beyond the lease area in excess of 45 (dBA).

F. Radiofrequency Radiation (RFR) Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

1. Existing or ambient: the measurements of existing RFR.
2. Existing plus proposed facilities: maximum estimate of RFR from the proposed regulated facility plus the existing RFR environment.
3. Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.

G. Federal Environmental Filing Requirements

1. The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. 1). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication regulated facility proposed in or involving any of the following: 1) wilderness areas, 2) wildlife preserves, 3) endangered species habitat, 4) historical site, 5) Indian religious site, 6) flood plain, 7) wetlands, 8) high intensity white lights in residential neighborhoods, 9) excessive radiofrequency exposure.
2. At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each regulated facility site that requires such an Environmental Assessment to be submitted to the FCC.
3. For all Special Permit uses the applicant shall identify and assess the impact of the proposed regulated facility on areas recommended for protection or conservation as presented in the Town of Haddam Community Plan of Conservation and Development, and State Plan of Conservation and Development.
4. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

25.6. Co-location

- A. Licensed carriers shall share regulated facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Permit for a regulated facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:
  1. A survey of all existing structures that may be feasible sites for co-locating wireless service regulated facilities;
  2. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed regulated facility; and



3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- B. In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert at the expense of the applicant in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide co-location.
  - C. The Commission reserves the right to limit regulated facility structure height and the number of users on a regulated facility structure in order to preserve the character and appearance of the Town of Haddam.

#### 25.7 Fees and Costs

The applicant shall pay any costs that the Commission incurs for retaining one (1) or more qualified independent consultants to analyze and report on the application (including determining areas appropriate for regulated facilities, reviewing the structural integrity of the personal wireless service regulated facility design, and compliance with FCC Regulations), and the cost of the Town's monitoring of operation of the regulated facility. These consultants shall each be qualified professionals with degrees and/or special expertise in one of the following: 1) telecommunications engineering; 2) structural engineering; 3) monitoring of electromagnetic fields; and 4) other disciplines as determined necessary by the Commission

#### 25.8 Modifications

A modification of a regulated facility shall require a Special Permit application and review as provided by Section 25 of these zoning regulations.

#### 25.9 Monitoring and Maintenance

A. The Commission may require that after the regulated facility is operational, the applicant submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Regulation.

- B. The Commission may require that after the regulated facility is operational, the applicant submit, within 90 days of the issuance of the Special Permit, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise standards as provided by Section 25 of this regulation.
- C. The applicant and co-applicant shall maintain the regulated facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

#### 25.10 Abandonment or Discontinuance of Use

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a regulated facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the regulated facility shall be considered abandoned upon such discontinuation of operations.
- B. Upon abandonment or discontinuation of all use of the facility for six months, the facility owner shall physically remove the facility within 90 days of the end of such six month period. "Physically removed" shall include, but not be limited to:
  - 1. removal of antennas, mount, equipment, shelters and security barriers from the subject property.
  - 2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
  - 3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- C. If a facility owner fails to remove a regulated facility in accordance with this section of this regulation, the Town shall have the authority to enter the subject property and physically remove the facility. The Commission shall require the applicant to post a cash bond, in accordance with Section 28 of these regulations, at the time of construction to cover costs for the removal of the regulated facility in the event the Town must remove the regulated facility. Town access to this bond shall remain until such time as the regulated facility is removed. If the bond is insufficient to cover the cost of removal the Town may lien the property owner for the difference between the bond amount and the actual cost including administrative expenses.

25.11 Reconstruction or Replacement of Existing Regulated Facilities

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. In addition, such Special Permit shall comply with all the provisions of Sections 14, 15 and 25, inclusive, of these zoning regulations.

## SECTION 26

### MIXED USES WITHIN A ZONE

- 26.1 Residential uses may be allowed in a Commercial Zone subject to the following:
- A. Building may contain a combination of dwelling units and other permitted commercial uses.
  - B. In addition to the commercial uses and structures permitted by the Zoning Regulations, the Commission may approve five 5 dwelling unit for each one-half (1/2) acre of land contained in the commercial lot each dwelling unit not to exceed 2 bedrooms.
  - C. All other municipal and state requirements shall be satisfied.
  - D. Of the total gross square footage of the lot, more than 25% shall be devoted to commercial use.
  - E. Dwelling units shall not be constructed in commercial zones located within the 100 year flood zone or areas subject to repeated flooding which could result in the periodic displacement of tenants because of temporary septic system failure and/or contamination of drinking water supplies.
  - F. That portion of a commercial lot which is classified as wetlands or watercourses shall not be included in the calculation and the determination of the number of dwelling units permitted.
  - G. The Commission shall have the discretion to determine whether dwelling units are appropriate in combination with certain commercial activities.
  - H. Efficiency apartments shall be considered one bedroom for the purposes of these calculations.
  - I. Layout and landscaping of the residential units in combination with the commercial units shall be in such a manner as to minimize the impact of the commercial uses, parking service areas and streets on the residential units.

- J. Commercial and residential units shall have separate entrances.
- K. Gross floor areas requirements for dwelling units shall be at least the following:
- |            |                 |
|------------|-----------------|
| Efficiency | 500 Square Feet |
| 1 Bedroom  | 700 Square Feet |
| 2 Bedroom  | 900 Square Feet |
- L. The site plan submitted with an application shall include:
1. Plans prepared by a professional engineer licensed in the State of Connecticut showing:
    - \*Details of the proposed water distribution/system supply;
    - \*Information defining the location and capacity of any storage tank(s) that may be required;
    - \*Calculations showing the estimated water demands of the entire development as proposed.
  2. The number of residents to be served and the number of service connections installed;
- M. Prior to the issuance of any zoning permit, the Applicant shall obtain a statement from the Director of Public Health stating that the proposed development has an adequate and potable water supply.

## SECTION 27

### EROSION AND SEDIMENT CONTROL PLANS

- 27.1 A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development total, cumulatively, more than one-half acre. Only a single family dwelling that is not a part of a subdivision of land shall be exempt from the submission of a soil erosion and sediment control plan.
- 27.2 To be eligible for certification, a soil erosion and sediment control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification and found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
- 27.3 Said plan shall contain, but is not limited to:
- A. A narrative describing:
    - 1. the development;
    - 2. the schedule for grading and construction activities including:
      - \*start and completion dates;
      - \*sequence of grading and construction activities;
      - \*sequence for installation and/or application of soil erosion and sediment control measures;
      - \*sequence for final stabilization of the project site.
    - 3. the design criteria for proposed soil erosion and sediment control measures
    - 4. the construction details for proposed soil erosion and sediment control measures
    - 5. the installation and/or application procedures for proposed soil erosion and sediment control measures
    - 6. the operations and maintenance program for proposed soil erosion and sediment control measures
  - B. A site plan map that is in compliance with Section 14 of the Haddam Zoning Regulations.
  - C. Any other information deemed necessary and appropriate by the Commission or its designated agent.

#### 27.4 Minimum Acceptable Standards

- A. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediments control plans shall result in a development that:
  - 1. minimizes erosion and sedimentation during construction;
  - 2. is stabilized and protected from erosion when completed;
  - 3. and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commissioner may grant exceptions when requested by the applicant if technically sound reasons are presented.

#### 27.5 Review of Erosion and Sediment Control Plan

- A. The Planning and Zoning Commission shall certify a soil erosion and sediment control plan when the plan complies with the requirements and objectives of this regulation. When the soil erosion and sediment control plan fails to comply with these regulations, the Commission shall deny certification of the plan.
- B. When the Planning and Zoning Commission requires that a soil erosion and sediment control plan be submitted to the Soil and Water Conservation District and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Comments from review agencies shall be submitted to the Planning and Zoning Commission as part of the application.

#### 27.6 Conditions

- A. The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization at any time during the construction phase may be covered in a performance bond at the discretion of the Commission.
- B. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is certified by the Planning and Zoning Commission, and the specified control measures, as outlined in the plan, are installed and functioning properly.
- C. The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

- 27.7 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained.
- 27.8 Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Planning and Zoning Commission of its designated agent.

Failure to properly install and/or maintain any erosion and sediment control measure may result in the issuance of a stop work order until the problem is satisfactorily corrected.



## SECTION 28

### FINANCIAL GUARANTEES (Bonds)

28.1 Financial Guarantees for Site Improvements.

To assure that the portion of a proposed development which shall be conveyed to or controlled by the Town of Haddam, as shown on an approved site plan, a financial guarantee may be required by the Planning and Zoning Commission. When a financial guarantee is required, except for financial guarantees posted for erosion and sedimentation, which shall be posted prior to the issuance of any zoning permits, it shall be posted prior to an applicant's seeking a certificate of zoning compliance or occupancy. Any Financial Guarantees may also subject to the requirements in Section 50 of the *Town of Haddam Regulations for Public Improvement*.

28.2 A financial guarantee shall be posted in the Land Use Department in accordance with one of the following methods and in a form that is acceptable to the Town Attorney:

- A. Cash in the form of a certified check or a passbook by assignment forms prescribed by the Commission's counsel.
- B. Letter of Credit. A Letter of Credit in favor of the Town in the form prescribed by the Commission's counsel with arrangements for a sixty (60) day advance notice to the Town of Haddam of the expiration or non-renewal of the letter of credit.
- C. Any other form of surety that the Commission deems acceptable.

28.3 The amount of the financial guarantee shall be established by the Commission. Applicants shall furnish the Commission with a listing of the established amount of materials needed to complete the improvements. The financial guarantee shall cover the full cost of the improvements as if let-to-bid by the Town without advantage of on-site building materials or the sale of removed earth material, plus a contingency of an additional ten (10%) percent.

28.4 For all improvements which are to be conveyed to or controlled by the Town of Haddam, the amount of the financial guarantee shall be sufficient to cover the cost of any proposed or required site improvement, such as street grading; roadway paving and street planting; the installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and

culverts; erosion and sedimentation control measures; site stabilization measures; and all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of such improvements for a period of one year following their acceptance. All improvements shall be designed in accordance with established standards, rules and regulations applicable in the Town of Haddam. The Commission may require that a separate cash financial guarantee be posted for all erosion and sediment control and site stabilization measures.

28.5 Upon completion of the required improvements, the applicant shall submit to the Commission:

- A. As-built plans of the improvements (supplied by a licensed engineer);
- B.. Certification of accurate monument location (supplied by a land surveyor);
- C. Easements or deeds, as appropriate in a form satisfactory to the Commission's counsel, including a written geometric description of all such easements or deeds and a certificate of title for the same; and
- D. Proof of fulfillment of any other requirements or conditions.

28.6 The Commission shall authorize the release of the financial guarantee, or a portion thereof, within sixty-five days of the receiving a request for the same, or shall provide such person posting the financial guarantee with a written explanation as to the additional site improvements that must be completed before such financial guarantee or portion thereof may be released.

If the improvements are not installed as required, the Commission is under no obligation to accept the work. The Commission may recommend to the Board of Selectmen that the financial guarantee be declared defaulted and that the Board of Selectmen take the necessary action to call the financial guarantee.

28.7. Maintenance Guarantees:

To assure proper maintenance of all site improvements and structures, a maintenance guarantee in the amount of 10% of the estimated cost of the site improvements shall be submitted to the Town and approved by the Planning and Zoning Commission. A financial guarantee shall be posted in the Land Use Office in accordance with one of the following methods and in a form that is acceptable to the Town Attorney:

- A. Cash in the form of a certified check or a passbook by assignment forms prescribed by the Commission's counsel.

- B. Letter of Credit. A Letter of Credit in favor of the Town in the form prescribed by the Commission's counsel with arrangements for a sixty (60) day advance notice to the Town of Haddam of the expiration or non-renewal of the letter of credit.
- C. Any other form of surety that the Commission deems acceptable.

The maintenance guarantee shall be in effect for a maximum period of one year from the date the improvements are accepted by the Town. The bond shall be posted prior to the issuance of any Certificates of Zoning Compliance. The applicant shall maintain all site improvements and structures within the time frame of the financial guarantee.

If the applicant fails to remedy any such defects within a reasonable time, the Town may, without prejudice to any other remedy, cause the required repairs to be made and paid for with the proceeds of the maintenance guarantee.

## SECTION 29

### NON-CONFORMING BUILDINGS AND USES

#### 29.1 Non-Conforming Lots of Record

In any zone in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date or amendment of these regulations. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both. The lot shall conform to the regulations for the zone in which such lot is now located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.

#### 29.2 Lot Merger

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of these Zoning Regulations. In such instances, compliance with lot width and area requirements established by the Zoning Regulations is not required, however, no division of any parcel shall be made which creates a lot with width or area below the requirements stated in the Zoning Regulations.

#### 29.3 Non-Conforming Uses of Land, Buildings and Structures

Where at the time of passage of these regulations, lawful use of land existed which would not be permitted by the requirements imposed by the Zoning Regulations the use may be continued so long as it remains otherwise lawful, provided:

No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date or amendment of these regulations.

A building or structure containing a non-conforming use may be altered or improved as made necessary by normal wear and tear, but it shall not be extended or enlarged.

Any building or structure containing a non-conforming use which has been destroyed by fire, explosion, flood, any natural disaster or public enemy may be restored to the same dimensions, height, floor area, and footprint that existed immediately prior to such damage or destruction provided such restoration is completed within three (3) years of such damage.

29.4 Substitution.

Any non-conforming use may be replaced with another non-conforming use, as a Special Permit in accordance with Section 15 of these Regulations, provided that such replacement use is consistent with the public health, safety and welfare; with the character of the neighborhood, adjacent properties and zones; with the appropriate and orderly development of the neighborhood, adjacent properties and zones, in terms of parking, volumes and types of traffic, property values, hours of operation, exterior appearance of the building, structure, or lot, or any other factors to be considered by the Commission.

For properties located within the Gateway Conservation Zone, existing nonconforming uses can only be replaced with those nonconforming uses which are permitted within the Gateway Conservation Zone (see Section 10) and meet all other requirements of these regulations.

29.5 Abandonment by Non-Use or Change of Use.

Any non-conforming use shall lose its non-conforming status and shall thereafter conform to these Regulations if said use is abandoned, or if it is altered to a conforming use. For any non-conforming use which has ceased operation or existence for any period of time, the Zoning Enforcement Officer may require evidence that the use was in fact carried on or has otherwise not been abandoned prior to the issuance of a Certificate of Zoning Compliance. Refusal or granting of such a Certificate may be appealed by any aggrieved party to the Zoning Board of Appeals, as provided by State Statutes.

29.6 Voluntary Abandonment.

A person who has the right of re-establishment or reconstruction as provided in this Section may elect voluntarily to abandon such right, in which case the right shall cease to exist. Such abandonment must be evidenced by a document filed with the Land Use Office of the Town of Haddam.

## SECTION 30

### ADMINISTRATION AND ENFORCEMENT

30.1. Zoning Enforcement Officer(s):

The Zoning Enforcement Officer in the Town of Haddam shall be appointed by the Planning and Zoning Commission and shall have all the powers, duties and responsibilities assigned to the Zoning Enforcement Officer in these regulations.

30.2. Enforcement and Penalties:

These Regulations shall be enforced by the Zoning Enforcement Officer(s), or his/her/their designee, who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations, or any permit or approval issue hereunder. The owner or agent of a building, structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire lot where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Town Attorney to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations.

30.3. Filing of Zoning Complaint:

Reporting of alleged violations shall be made in writing to the ZEO and signed by the complainant.

30.4. Certificate of Zoning Compliance:

A Certificate of Zoning Compliance (Zoning Permit) is a document stating that the site plan of a proposed use has been adhered to and completed and in conformance with these Regulations. Only after a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer will a Certificate of Occupancy permitting land, buildings and other structures, or parts thereof, to be used or occupied, or changed in use, be issued.

No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Haddam Subdivision Regulations, or the Haddam Wetlands Regulations, or any permit issued thereunder, is proposed or exists. In accordance with Connecticut General Statutes Section 8-3(f), no Building Permit or Certificate of Occupancy for any building, use or structure shall

be issued by the Building Official without the prior issuance of a Certificate of Zoning Compliance. To aid the Zoning Enforcement Officer, an as built survey, to the A-2 Standard of Accuracy, for all new homes, and new commercial and industrial construction is required. For any other any building addition, structure, or use, where said Officer cannot ascertain compliance with these regulations an as built survey, to the A-2 Standard of Accuracy, may be required

Building Permit:

No Building Permit shall be issued for any activity or use which is not in conformance with the provisions of these Regulations, and no such Permit shall be issued unless and until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance indicating the plans submitted to the Building Official conform to these Regulations and any Special Permit, Site Plan Approval, or variance issued hereunder. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Permit, Site Plan, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of these Regulations or any Special Permit, Site Plan Approval or variance issued hereunder may be ordered to cease and desist, at the sole discretion of the Zoning Enforcement Officer or Building Official. In order to carry out the provisions of this Section, the property owner shall allow any official of the Town of Haddam free access to the site.

30.5 Certificate of Occupancy:

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until the issuance of a Certificate of Occupancy by the Building Official of the Town of Haddam. Such Certificate of Occupancy shall not be issued unless the subject site, building(s), and structure(s) conform to any Special Permit, site plan approval, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as-built plan of any septic system design has been submitted to the Town Sanitarian. Said as-built plan shall certify that the preparer thereof personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the approved design. If the subject septic system was designed by a Connecticut Registered Professional Engineer, said as-built plan shall be certified by such and Engineer. All non-engineer designed systems shall have as-built plans prepared and certified by either the system installer or a Connecticut Registered

Professional Engineer. No Certificate of Occupancy shall be issued without the prior issuance of a Certificate of Zoning Compliance, if such Certificate is required by these Regulations.

30.6 Special Permits, Site Plan Approval, and Variances; Deviations, Amendments, Misrepresentations:

In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the Regulation which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Haddam.

No person who has obtained a Special Permit, Site Plan Approval, or variance 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 or the Zoning Board of Appeals. Likewise, no person who has obtained a Special Permit, Site Plan Approval, or variance shall violate any condition imposed thereon.

Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said Special Permit, Site Plan Approval, or variance, and to take such other legal action as may be required to secure compliance with said Special Permit or variance and the conditions attached thereto.

The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Special Permits and Site Plan Approvals. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances.

In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Special Permit, Site Plan Approval, or variance was incorrect or invalid, the Commission or Board may, after a hearing, void such approval, and shall state the reasons for such action on the record.



### 30.7 Completion of Construction:

For any Special Permit, Site Plan Approval, or variance, the construction of any building or structure, or the establishment of any use, shall be completed and have a Certificate of Occupancy within five years of the approval date.

#### 30.7.1 Filing

In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the Regulation which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Haddam.

#### 30.7.2 Amendments or Changes

The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Special Permits and Site Plan Approvals. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances. Non-substantial deviations include changes that do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the permit or variance as approved, and where such changes are in conformity to the requirements of these Regulations.

Substantial changes to Special Permits, Site Plan Approvals, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations. Substantial changes are considered changes that involve (1) alterations in use from that set forth in an approved statement of use and site plan; or (2) alteration in an existing use, including such alterations that would:

- a. Increase the parking demand of the use; or
- b. Increase or change the hours of operation of the use; or
- c. Increase the noise generation of the use or change the octave band frequency of such noise; or
- d. Increase or change the emission of smoke, dust or other contaminants into the air, including both point sources and fugitive emissions; or Increase or change the demand for outdoor storage, truck or equipment traffic (type or volume), water consumption, or effluent disposals; or

- e. Involve the use of different equipment, processes, chemicals, or materials; or
- f. Increase the amount of lighting.
- g. The removal of landscaping or vegetation that were on the approved site plan.

30.8 Posting of Sign:

For each application for a site plan approval for which a public hearing has been noticed or special permit, the applicant shall post a sign, not smaller than thirty-six (36) by thirty-six (36) inches, facing the street, and visible from the street, bearing the following words with letters not less than three (3) inches high and provided by the Land Use Office.

**PUBLIC NOTICE**

**This property is the subject of an application**  
before the Haddam Planning and Zoning Commission. For information,  
call the Land Use Office at 860-345-8531

Such sign shall be posted at least ten (10) days before any public hearing on (not including the day of the public hearing or the day the sign is erected) on the application.

The applicant shall, at the time of the Commission meeting at which the matter is to be acted upon, or at the time of the public hearing, submit an affidavit of compliance with this provision, and a photo of the actual sign.

For any variance or appeal to the Zoning Board of Appeals the applicant must send by certificate of mail letters to all abutting property owners notifying them of the hearing date, time and location and the nature of the request.

30.9 Appeals:

Any person, or persons, aggrieved by an action of a designated agent of the Planning and Zoning Commission may appeal such action to the Zoning Board of Appeals as outlined in Section 8-7 of the Connecticut General Statutes, as most recently amended.

Any person, or persons, aggrieved by an action of the Planning and Zoning Commission, may appeal to the Superior Court, Judicial District of Middlesex at Middletown, in accordance with Section 8-9 of the Connecticut General Statutes, as most recently amended.

30.10 Revocation and Termination:

Any permit is subject to revocation if any condition of the permit is violated. The Zoning Enforcement Officer shall give written warning upon discovery of the first violation. Any further violations shall be reported to the Commission for action. The Commission shall thereupon hold a hearing and if it is found that there is a violation of any condition of the permit, the Commission may revoke such permit. Each successive day of violation shall be considered a separate violation for the purposes of this action.

Section 4

Table 1

Schedule of Area, Height, Bulk and Placement Regulations

Zone	Minimum Lot Area	Minimum Lot Frontage Width (1)	Minimum Front Yard	Minimum Side Yard	Minimum Aggregate Side Yards	Minimum Rear Yard	Maximum Building Height (2)	Maximum % of Land Coverage	Minimum Set-back from a Watercourse or wetland [Gateway Zone(5)]
R-2 (1F)	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	10%	50 Feet
R-2 (2F)	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	10%	50 Feet
R-1 (1F)	1 Acre	150 Feet	30 Feet	20 Feet(6)	50 Feet (6)	20 Feet	35 Feet	15%	50 Feet
R-1 (2F)	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	15%	50 Feet
R-2A (1F)	2 Acres	200 Feet	30 Feet	20 Feet	50 Feet	20 Feet	35 Feet	10%	50 Feet
R-2A (2F)*	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	10%	50 Feet
Residential Accessory Structures that are 550 square feet or less.			30 Feet	10 Feet	N/A	10 Feet	15 Feet	N/A	50 Feet
Commercial	½ Acre	100 Feet	30 Feet	10 Feet	25 Feet	20 Feet	35 Feet	40% (3)	50 Feet
Industrial (I-1 & I-2)	1 Acre	150 Feet	30 Feet	20 Feet	50 Feet	20 Feet	35 Feet	25% (3)	50 Feet
Industrial Park (4)	2 Acres	200 Feet	70 Feet	30 Feet	70 Feet	40 Feet	35 Feet	30% (3)	50 Feet
Higganum Village District	None	30 Feet	10 Feet Maximum	8 Feet	15 Feet	10 Feet	35 Feet	70%	50 Feet
----- Modification Limits For HVD Zone	----- - N/A	----- 8 Feet	----- 3 Feet	----- 2 Feet	----- 4 Feet	----- 3 Feet	----- 35 Feet	-----	----- N/A

1. Minimum lot frontage is defined as continuous uninterrupted frontage, unencumbered by any vehicular right of ways or access strips, on a town or state road or other road meeting specifications of the Haddam Subdivision Regulations.
2. No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height of thirty-five feet or contain more than two stories and an attic above grade. However, spires, cupolas, towers, flagpoles, tanks and other similar structural features occupying no more than ten percent of the building area and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit therefore by the town authority having jurisdiction.
3. The maximum combined coverage of buildings, accessory structures and parking areas shall not exceed 75% of the lot area.
4. See Section 9 of these Regulations for additional lot requirements in the Industrial Park District.
5. See The Town of Haddam Wetland Regulations and Section 10.3 of these Regulations for exceptions to 100 foot setback requirements.
6. Amended March 24, 1988 – Lots on record or part of an approved subdivision, for the R1 side yards = 10 feet and 25 feet.

Table I - 1

Table II  
Adjusted Area Calculations

Column A

Column B

1. GA \_\_\_\_\_ (x) 15%  
Acres

= \_\_\_\_\_  
Acres

(Note: The 15% deduction is used to compensate for road and utility rights-of-way, storm water retention easements; odd shaped lots created by road design and topography usually found in single family developments.)

2. Acres of soil generally not suitable for on-site septic systems

= \_\_\_\_\_  
Acres

3. 50% x \_\_\_\_\_ acres of soil with significant limitations for on-site septic systems

= \_\_\_\_\_  
Acres

(Note: A review of subdivisions in soils with this classification indicates that a minimum of 2 times the minimum lot area is required to find an acceptable location for on-site sewage disposal systems.)

4. Total of Line 1B \_\_\_\_\_ + Line 2B \_\_\_\_\_ + Line 3B \_\_\_\_\_  
Acres Acres Acres

= \_\_\_\_\_  
Acres

5. GA \_\_\_\_\_ (-) Line 4B \_\_\_\_\_  
Acres Acres

= \_\_\_\_\_  
Acres

“Buildable Area”

6. Line 2B + Line 3B = \_\_\_\_\_ x 25%  
Acres

= \_\_\_\_\_  
Acres

(Note: A review of approved subdivision indicates that up to 25% of a lot can be “unbuildable” and still meet all requirements for subdivision approval.)

7. GA \_\_\_\_\_ (-) Line 4B \_\_\_\_\_ + 6B \_\_\_\_\_  
Acres Acres Acres

= \_\_\_\_\_  
Acres(1)

“Adjusted Area”

GA = Gross Area

(1) Note: Line 7B cannot be more than 25% larger than the buildable area (Line 5B).

Table II (continued)

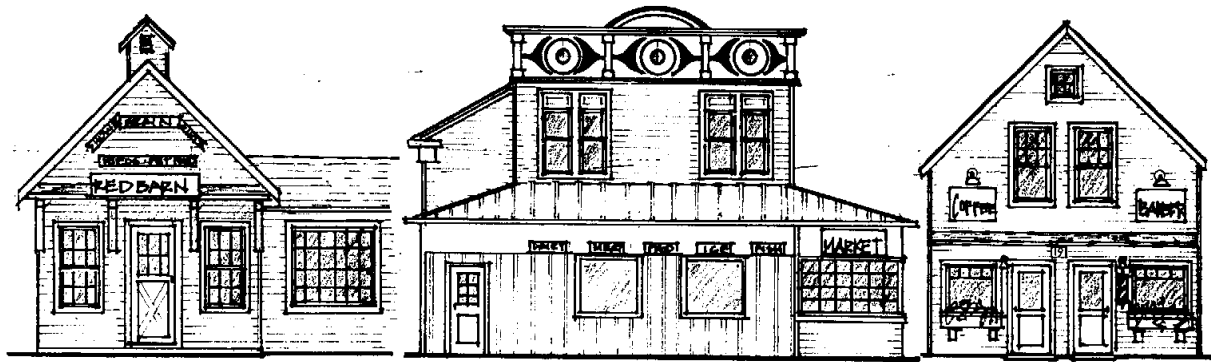
SOIL LIMITATION FOR ON-SITE SEPTIC SYSTEMS

Generally <u>Not Suitable</u> Soil mapping symbol	Significant <u>Limitations</u> soil mapping symbol
Aa	CdD
BcA	EfA
HSE	HME
HyC	HUD
HZE	LpA
LG	LpB
Ps	LuB
Rb	LvC
Rp	NnA
Ru	PeD
Rv	SgA
Sb	WkD
Sc	WxA
St	WxB
Wd	WyA
We	WyB
Wh	WzA
Wr	WzC
Wt	YaB
	YaC
	HrC

Soil mapping symbols are taken from "Soil Survey of Middlesex Country, Connecticut, United States Department of Agriculture, Soil Conservation Service in cooperation with Connecticut Agriculture Experiment Station, Storrs Agriculture Experimentation Station.

# Appendix 1

Effective March 12, 2014



ARTWORK BY LORRAINE RIESS AIA  
RESIDENTIAL BUILDING DESIGNER

## Design Guidelines

### Higganum Village District Town of Haddam

The Town of Haddam gratefully acknowledges the work done by the Town of Coventry and the Green Valley Institute, which formed the basis for these Design Guidelines.

The Town also acknowledges Lorraine Riess for the sketch design of Higganum on this cover.

## **OVERVIEW**

*The design guidelines strive to maintain and enhance Higganum's small town way of life, rural character, historic value and scenic charm. Much of Higganum's eclectic architecture blossomed from periods of history including the Colonial, Victorian and Industrial periods. These guidelines encourage the use of forms and materials that are human in scale and allow for continued pedestrian access throughout the Village and the CT River.*

### **Design Review**

Design Review provides a framework for citizens and developers to work toward achieving a better built environment through attention given to fundamental design principles. Design Review is intended to affect how new development can contribute positively to the Higganum Village District. Design guidelines offer a flexible tool—an alternative to prescriptive zoning requirements—and will allow new development to respond better to the distinctive character of its surroundings.

Design Review has three principal objectives:

1. To encourage site planning and architectural design that will enhance the character of the town and ensure that new development sensitively fits into the village;
2. To provide flexibility in the application of development standards; and
3. To improve communication and participation among developers, neighbors and the town early in the design and siting of new development.

Design Review is a component of Commission approval along with other components, such as environmental review, variances, etc., administered by the Land Use Department. Like these other components, Design Review applications involve public notice and opportunity for comment. Unlike other components, projects subject to Design Review are brought before the Planning Commission for its recommendations or to staff through a Preliminary Administrative Design Review. The Planning and Zoning Commission, together with the recommendations of organizations, makes the final decision on Design Review.

### **Context and Design Issues**

The Higganum Village District design guidelines reveal the character of the village as known to its residents and businesses. The guidelines help to reinforce existing character and protect the qualities that the village values most in the face of change.

The overriding objective of the design guidelines is to ensure that new development fits in well with its surroundings. The following design guidelines share this objective, and with an emphasis on siting and design conditions and priorities supported by the community, aim to guide the design of new development in a manner that strengthens the village's mixed-use commercial core. The community has clearly stated its desire to maintain the small town atmosphere and qualities that have historically characterized the village.



However, it was also recognized that new development provides the opportunity for a broader mix of businesses and services, residential units and employment and an expanded tax base. The Main Street Partnership recommended the development of design guidelines to ensure that new development creates a compact, mixed-use commercial core that is pedestrian oriented in scale, character and function. Several design issues and related priorities were identified and have been incorporated into the Higganum Village Design Guidelines.

## **OVERALL GOALS OF THE DESIGN GUIDELINES FALL INTO THREE CATEGORIES:**

### **1. Site Planning for a Pedestrian Environment**

In general, the pedestrian environment (sidewalks, pathways, entries and crossings) should be safe, accessible to all, connect to places people want to go, and provide good places to be used for many things. New development should reflect these principles by enhancing Village and Gateway Districts streetscapes with proposals that makes pedestrian activity at the street level a priority.

The overall goal of these guidelines is to aid in creating districts in which new development supports a mix of uses and engages the public in a pedestrian- oriented manner.

The Village District along Killingworth and Saybrook Roads is recognized as the area's primary pedestrian-oriented mixed-use district. The areas along Depot Road and Candlewood Hill Road are also connectors to local resources. This district should offer pedestrian connection to the Elementary School, the Veterans Memorial, the Community Center, the farmers market, shopping destinations and the CT River. This district should have a continuous pedestrian scale and high level of comfort at the street level.

Haddam recognizes that a successful pedestrian environment is really a pedestrian-network, extending beyond sidewalks to include paths, crossings and building entries. Mid-block pedestrian connections are encouraged to be incorporated into larger new development to link residential areas with shopping destinations.

### **2. Height, Bulk and Scale Compatibility**

The quality of the small town-feel in the village is expressed in the existing architecture. One way to preserve and continue the small town quality in new development is through the siting, massing and design of new buildings. New development in all districts of the village must be consistent with the height, bulk and scale of the other structures in the village.

### **3. Architectural Character**

Elements and materials that respect and strengthen the village core are encouraged in new building design. The quality of the built environment can be characterized as eclectic—buildings that are architecturally interesting mixed with others with indistinct style or character - and therefore a selective approach to contextual design is warranted. New development should respond to the Village context by providing enough visual linkages between the existing stock of good buildings and the proposed structure so as to create a cohesive overall effect.

Appropriate visual linkages are simple, basic features such as window proportions, entryway placements, decorative elements and materials. Buildings should be set close to the road for pedestrian navigation, with parking to the rear or side of the building. For example, many of the area's most successful commercial buildings exhibit human scale window proportions, pitched roofs, clapboard facades and bold cornices. Repeating such elements in new development would continue an appropriate pattern.

## GLOSSARY OF TERMS

**Amenity:** Aesthetic or other features of a development that increase its marketability or usability to the public.

**Articulation:** The manner in which portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.) and come together to define the structure.

**Cornice:** A molded or projecting horizontal feature that crowns a façade

**Design Guidelines:** Statement of preferred design practices or aesthetics that are used to guide development projects in a particular city, community, or neighborhood.

**Façade:** Any vertical, exterior face or wall of a building, often distinguished from other faces by architectural details

**Fenestration:** The arrangement and design of windows and doors on a buildings façade.

**Frieze:** The area of a façade dividing upper stories from the ground level story; generally one to two feet high and continuing the width of the building; may contain ornamentation.

**Gable:** The upper, triangular portion of a façade, usually flanked by sloping roofs.

**Kickplate:** The area below a display window.

**Modulation:** A stepping back or projecting forward of sections of a structure's façade within specified intervals of building width and depth, as a means of breaking up a structure's apparent bulk.

**Parapets:** A low wall used as protection in any location where there is a drop like at the edge of a roof, balcony or terrace.

**Pedestrian Scale:** Used to describe the quality of a building or streetscape that includes structural or architectural components of size and proportions that relate to the human form and/or that exhibits through its structural or architectural components the human functions contained within.

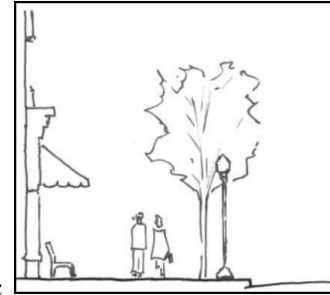
**Streetscape:** The visual and functional character of an entire street including: buildings, paving material, plantings and street amenities such as lamps and benches. Also, the environment created for human activity and interaction.

**Street Wall:** The façade of a building facing a pedestrian or vehicular way.

**Transom:** A small, often hinged, window or multi-paned window opening above a door or another window, usually capping the street-level of a commercial building.

# HIGGANUM VILLAGE DESIGN GUIDELINES

The overriding objective of these design guidelines is to ensure that new development fits well with its surroundings. New development *must* be contextually sensitive to the history, community and environment that make the village. These guidelines are intended to provide guidance and direction so that new construction can meet that requirement.



## 1. Site Planning for a Pedestrian Environment

A pedestrian-oriented streetscape is perhaps the most important characteristic to be achieved in new development in The Higganum Village District.

New development in-fill in the Village District will set the precedent in establishing desirable siting and design characteristics.

### A. Create continuous pedestrian interest and activity:

- a. Street wall with minimal space between buildings
- b. Frequent entries to street level businesses, and frequent windows with a view of the activity within.
- c. Include street trees, drop lighting on buildings, benches and planters
- d. Provide small seating areas or other areas for human interaction.

### B. Provide safe environment for pedestrians

- a. Limit direct vehicle/pedestrian interaction
- b. Pedestrian has clear access to business via sidewalk or walkway, not through or around parking area
- c. Only clear, well designed crossing of pedestrian path is allowed; pedestrian maintains the right of way

## Human Activity

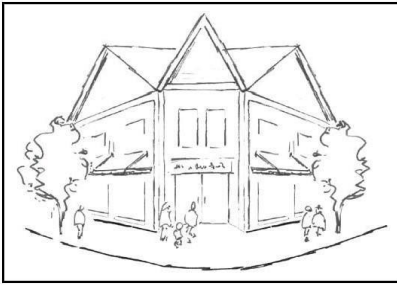
An active and interesting sidewalk engages pedestrians through effective transitions between the public and private realm.

In the Village Center District, proposed development is encouraged to take advantage of the minimal front line set back, but to also incorporate areas of recesses for public/private spaces, such as café seating. Building facades should give shape to the space of the street through arrangement and scale of elements. Display windows should be large and open at the street level to provide interest and encourage activity along the sidewalk. At night, these windows should provide a secondary source of lighting.

## Corner Lots

Pedestrian activities are concentrated at street corners. These are places of convergence, where people wait to cross and are most likely to converse with others. New development on corner lots in the Village Center District should take advantage of this condition, adding interest to the street while providing clear space for movement.

New buildings should reinforce street corners, while enhancing the pedestrian environment. Public space at the corner, whether open or enclosed, should be scaled in a manner that allows for pedestrian flow and encourages social interaction. To achieve a human scale, these spaces should be well defined and integrated



into the overall design of the building. Consider: providing seating; incorporating art that engages people; setting back corner entries to facilitate pedestrian flow and allow for good visibility at the intersection.

Redesign of existing buildings on corners should also be oriented toward the corner.

### **Other Considerations**

Outdoor power and water sources are encouraged to be provided in order to facilitate building maintenance and exterior decorative lighting needs. Conveniently located sources could also be taken advantage of for special community events.

## **2. Height, Bulk and Scale**

The scale of existing commercial/mixed-use development on contiguous properties must be considered for new development in the Village District. A transition in height, bulk and scale—in terms of relationship to surrounding context and within the proposed structure itself—must be considered.

1. Applicant must analyze the site in relationship to its surroundings. This should include:

- Patterns of urban form in existing built environment, such as setbacks and massing compositions.
- Size of Code-allowable building envelope and footprint in relation to existing build environment.

2. New buildings should use architectural methods including modulation, color, texture, entries, materials and detailing to break up the facade (particularly important for long buildings) into sections and character consistent with traditional, multi-bay commercial buildings prevalent in the village's commercial core.

3. The arrangement of architectural elements, materials and colors should aid in mitigating height, bulk and scale impacts of village development, particularly at the upper levels. For development greater than 1-1/2 stories in height, a strong horizontal treatment (e.g. cornice line or frieze ) should occur at the first story. Consider a change of materials, as well as a progressively lighter color application to reduce the appearance of upper levels from the street and adjacent properties. The use of architectural style, details (i.e. rooflines, cornice lines, fenestration patterns), and materials found in less intensive surrounding buildings should be considered.

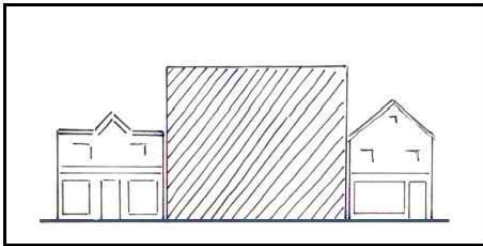
### 3. Architectural Character

The physical appearance of new development in the Village Center and Gateway Districts is an important aspect that will shape the character of the village. The overall design, details and material will be a key component in determining context sensitivity.

#### Facade Articulation

To make new, larger development compatible with the surrounding architectural context, facade articulation and architectural embellishment are important considerations in mixed use and multifamily residential buildings. Large buildings should have facade articulation that reflects a group of small buildings and reinforce the architectural rhythm established in the commercial core.

*The height and width of the new building ('A') is at odds with the rhythm of the smaller buildings along the street. Consider breaking the mass of large structures into form elements similar to the scale and character of the surrounding street frontage (Building 'B').*



A



B

#### Architectural Cues

New mixed-use and commercial development should respond to several architectural features common in Higganum's best storefront buildings to preserve and enhance pedestrian orientation and maintain an acceptable level of consistency with the existing architecture. To create cohesiveness in the village, identifiable and exemplary architectural patterns should be reinforced. New elements can be introduced - provided they are accompanied by strong design linkages.

Preferred elements can be found in the examples of commercial and mixed-use buildings included on the next page.



Gable End

Cornice

Frieze or Sign Band

Transom

Decorative Molding

Columns



Brick

Window Details



Clapboard

Large Storefront Windows



Awning

Recessed Entry

Window Kickplate



Ambient Lighting

### **Architectural Concept and Consistency**

New multi-story developments are encouraged to consider methods to integrate a building's upper and lower levels. The base of new mixed-use buildings – especially those zoned 40 ft. in height - should reflect the scale of the overall building. New mixed-use buildings are encouraged to build the commercial level, as well as one to two levels above, out to the front and side property lines to create a more substantial base. The use and repetition of architectural features and building materials, textures and colors can help create unity in a structure. Consider how the following can contribute to a building that exhibits a cohesive architectural concept:

- facade modulation and articulation (i.e. recesses and protrusions);
- windows and doorway (fenestration) patterns;
- trim and moldings;
- grilles and railings;
- roof lines;
- lighting and signage.

### **Human Scale**

Facades should contain elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity. Overhead weather protection should be functional and appropriately scaled. It should be viewed as an architectural amenity, and therefore contribute positively to the design of the building with appropriate proportions and character.

Overhead weather protection should be designed with consideration given to:

- continuity with weather protection on nearby buildings;
- when opaque material is used, the underside should be illuminated; and
- the height and depth of the weather protection should provide a comfortable scale for pedestrians.



**Signage.** Signs should add interest to the street level environment. They can unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Design signage that is appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and slow moving vehicles. Internally illuminated signs and signs that flash and blink should be avoided.

The following sign types are encouraged:

- pedestrian-oriented blade and window signs;
- marquee signs and signs on overhead weather protection;

**Utilities/Service.** All utilities, loading docks, dumpsters and other service equipment or service entrances should be hidden from pedestrian view. All rooftop equipment should be placed so it is screened from Main Street.



#### 4. Village Experience

The Village District is focused on the pedestrian environment. Pedestrian connections to other areas of the village are an important factor, and must be considered in each new development. Also, creating areas for pedestrian interaction – benches, terraces, flower pots or even performance areas all contribute to the character of the village.

#### Street Amenities

Streetscape amenities mark the entry and serve as way finding devices in announcing to visitors their arrival in the Village. Consider incorporating the following treatments to accomplish this goal:

- pedestrian scale sidewalk lighting, or droplights on the facade;
- accent pavers at storefront entrances;
- planters;
- seating;

Or, if the front set back is greater than 8'

- performance or gathering area;
- area for merchandise display

Pedestrian enhancements should especially be considered in the street frontage where a building sets back from the sidewalk.



**Greenscape**

Trees and shrubs play an important role in creating a welcoming atmosphere in the village; the planting of new and replacement plant material is encouraged.

In the Village District wherever feasible, shade trees, shrubs and other plantings should be encouraged. Efforts of the Higganum Village Group have encouraged plantings of hydrangeas in the Village as a landscape constant. Where possible, native species and hydrangeas should be considered in landscaping. The trees selected must be listed on the Recommended Street Trees for Connecticut as compiled by the University of Connecticut Plant Science Department.

All trees planted between the building and the street should be sized and located to enhance the site without interfering with the site line of driver-to-building.

For each 750 square feet of parking, 1 shade tree must be planted and maintained.

**Safety and visual impacts of parking areas in the Village and Gateway Districts.**

Within the Village District, curb cuts onto Saybrook Road and Killingworth Road should be minimized and any parking area that is located to the rear of a building should be well maintained. Parking areas to the rear of new buildings should not be neglected spaces but rather should embrace that space as a potentially active and vibrant environment.

Parking areas, including any structures, should be designed and sited in a manner that enhances pedestrian access and circulation from the parking area to retail uses. The design of parking structures/areas adjacent to the public realm (sidewalks, alley) should improve the safety and appearance of parking uses in relation to the pedestrian environment. An important part of this is the continuation of ‘at grade’ sidewalks and crosswalks across parking entrances.

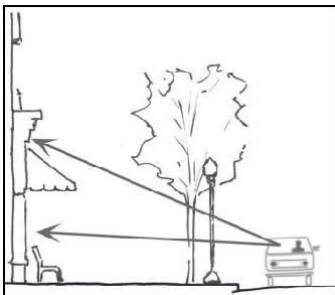
The side of a structure facing a parking area should be compatible with the rest of the building and the surrounding streetscape. Where appropriate, consider the following treatments:

- Integrate the parking area with building’s overall design.
- Consider the parking area as an extension of the building
- Screen the view of dumpsters, utilities and other service related features from the parking area



Parking garages should incorporate design of the commercial/mixed-use building:

- Provide a cornice, frieze, canopy, overhang, trellis or other device to —cap the parking portion of the structure.



Incorporate architectural elements into the facade.

Recess portions of the structure facing the alley to provide adequate space to shield trash and recycling receptacles from view.

Utilize greenscaping techniques to minimize hardscape.