

# **ZONING REGULATIONS**



**Adopted on November 15, 1972**  
**Effective Date: April 1, 2018**

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## **SECTION 1 - TITLE, PURPOSES AND JURISDICTION**

- 1.1 **PURPOSE.** There is hereby established a comprehensive zoning plan for the Town of Deep River, which plan is set forth in the text and maps that constitute these Regulations. Said plan is adopted for the purposes set forth in Chapter 124 of the State General Statutes, which, in the interest of the protection and promotion of the public health, safety, and welfare, shall be deemed to include the following, among others:
  - 1.1.1 To facilitate the efficient and adequate provision of public facilities and services;
  - 1.1.2 To promote the orderly economic and social development of the Town;
  - 1.1.3 To assure adequate sites for residence, commerce, and industry;
  - 1.1.4 To assure suitable privacy for families;
  - 1.1.5 To prevent and reduce traffic congestion and to promote efficient and safe circulation of vehicles and pedestrians;
  - 1.1.6 To protect the environmental qualities of residential areas;
  - 1.1.7 To enhance the appearance of the Town as a whole;
  - 1.1.8 To minimize public and private losses due to flood conditions in specific areas of the Town.
- 1.2 **TITLE.** These Regulations shall be known and may be cited as the "Zoning Regulations of the Town of Deep River, Connecticut."
- 1.3 **JURISDICTION.** 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. No land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved, or structurally altered except in conformity with these Regulations.
- 1.4 **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.
- 1.5 **RELATIONSHIP TO OTHER REGULATIONS, LAWS AND ORDINANCES.** It is not intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these Regulations, or with

private restrictions placed upon property by covenants running with the land. Where these Regulations pose a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Regulations shall control.

- 1.6 **EFFECTIVE DATE.** These Regulations became effective initially on November 15, 1972 and have been subsequently amended by action of the Commission (see Appendix A).<sup>1</sup>

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<sup>1</sup> Effective October 15, 2007, the text, “as a result of the following amendments” was replaced with “(see Appendix A)” and the list of amendments from September 1979 until June 2007 was moved to Appendix A of these Regulations.

## SECTION 2 - DEFINITIONS<sup>2</sup>

*Note: Definitions unique for a specific use may be found elsewhere in these Regulations.<sup>3</sup>*

- 2.1 **TERMS.** For the purpose of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning given below. 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.
- 2.2 **"A"**
- 2.2.1 **Accessory Apartment.** A separate, self-contained dwelling unit, of a size not less than 400 square feet and not exceeding 1,100 square feet of interior living space, within an existing approved single-family residence, *or*  
A separate, self-contained dwelling unit, of a size not less than 400 square feet and not exceeding 1,100 square feet of living space, contained in the second story attic space of an existing garage on a lot approved for use as a single family residence.
- 2.2.1.1 **DEFINITION UNIQUE FOR ACCESSORY APARTMENTS**
- (a) **Primary Dwelling:** The unconverted portion of an existing single-family residence.<sup>4</sup>
- 2.2.2 **Accessory Building/Accessory Structure.** A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.
- 2.2.3 **Accessory Use.** A use clearly incidental and subordinate to the principal use and located on the same lot with such principal use or building.
- 2.2.4 **Administrative Zoning Permit.** A use permitted in a particular zoning district of the Town by right, subject to the requirements for a Zoning Permit in Section 8 and where indicated, in Section 9 and such other regulations as may be applicable in each instance.<sup>5</sup>
- 2.2.5 **Alteration.** As applied to building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether extending on a side, by increasing in height, or the moving from one location or position to another; As applied to use, means a change or extension of hours of operation, scope of use, land or building area utilized, or intensity of use.
- 2.2.6 **Attic.** The space between the ceiling beams of the top story and the roof rafters.
- 2.2.7 **Assisted Living Community:** A managed residential facility, providing a combination of housing, support services, personalized assistance and some health care services primarily for people 55 and older, which services are provided by a Connecticut licensed assisted living services agency as defined

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<sup>2</sup> Effective October 15, 2007, Section 2 was renumbered and re-arranged. Also, the definition for Owner (the owner of not less than a fifty (50) percent interest in the property) was deleted from these Zoning Regulations.

<sup>3</sup> When the amendments effective October 15, 2007 were incorporated into these Regulations, this note was added.

<sup>4</sup> Effective October 15, 2007, the definitions for Accessory Apartment and Primary Dwelling were moved from a separate sub-section of Section 2 to the alphabetical list of definitions.

<sup>5</sup> Effective May 17, 2012, this definition was added to the Regulations.



under the regulations of the State of Connecticut Department of Public Health, for the purposes of assisting residents with activities of daily living while maintaining a maximum level of independence.<sup>7A</sup>

2.3 **“B”**

2.3.1 **Bath, 3-Fixture.** A room with a toilet, sink with hot and cold running water, and a shower or bathtub with hot and cold running water.<sup>6</sup>

2.3.2 **Bed & Breakfast.** Overnight accommodations with no meal service other than breakfast for overnight guests.<sup>7</sup>

2.3.3 **Buffer Area.** A parcel of land unoccupied by buildings, structures or pavement and maintained as a grass area and/or planted with trees or shrubs.

2.3.4 **Building.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosing of persons, animals or chattel.

2.3.5 **Building Area.** The ground enclosed by the walls of a building, together with the area of all porches and other roofed or walled portions of the building.

2.3.6 **Building Height.** The vertical distance between a horizontal plane drawn through the lowest point of a building or structure which is visible above grade and its uppermost point, excluding chimneys.

2.3.7 **Building Height, Gateway Conservation District.** The vertical distance between the top of a structure and the existing natural grade (prior to site grading) adjoining the exterior wall of the structure at the point of measurement, excluding chimneys. 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.

2.3.8 **Building Line.** A line parallel to a street at a distance equal to the required set back from the street line or at a greater distance when otherwise legally established by the Town or private covenant.

2.3.9 **Building Lot Coverage.** The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

2.3.10 **Building Rectangle.** A rectangle of contiguous land of such minimum dimensions as required in Schedules 4A, 4B, 5A and 5B that shall fit on a lot with one side of said rectangle being coincident with the street line as defined in these Regulations.

2.3.11 **Building Setback Line.** Minimum required horizontal distance between a building and any street or lot line measured perpendicular or radial to such line.

2.4 **“C”**

2.4.1 **Camps.** Facility offering recreational activities, excluding hunting, with or without overnight accommodations, with most activities occurring during the summer.

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<sup>6</sup> Effective October 15, 2007, the definition for 3 Fixture Bath was moved from a separate subsection of Section 2 to the alphabetical list of definitions and amended from “the term “3 fixture bath” in an accessory apartment shall be defined as a room with a toilet, sink with hot and cold running water, and a shower or bathtub with hot and cold running water” to “a room with a toilet, sink with hot and cold running water, and a shower or bathtub with hot and cold running water”.

<sup>7</sup> Effective August 1, 2009, the definition for Bed & Breakfast was added into the Zoning Regulations.

<sup>7A</sup> Effective August 1, 2017

- 2.4.2 **Casualty**. If any nonconforming building or structure or any building or structure containing a nonconforming use is damaged or destroyed by fire or other casualty, the building or structure may be restored and the nonconforming use resumed to that extent that the building, structure, or use existed at the time of casualty, provided that the restoration is started within a period of one (1) year from the casualty and is diligently prosecuted to completion. In the event of failure to start the restoration within the one (1) year period and to complete the restoration within 24 months thereafter, or within the additional periods, not exceeding six (6) months, as the Planning and Zoning Commission may grant upon written application made to it, the right under this Paragraph to restoration of such building, structure, and the right to resume any of the nonconforming use will be lost and terminated.
- 2.4.3 **Commercial Cutting**. Any cutting or removal of forest tree species which exceeds one (1) acre in extent and is not covered under the definition of non-commercial cutting contained herein.
- 2.4.4 **Commercial Cutting Plan**. A plan showing the applicant's property and the 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 the Cutting of Timber", Appendix C.<sup>8</sup>
- 2.4.5 **Commission**. The Deep River Planning and Zoning Commission.
- 2.4.6 **Customary Home Occupation**. The provision of a business or professional service customarily conducted from a practitioner's place of residence, or the preparation and sale of products customarily produced in the home or garden by the occupant or occupants of the premises (i.e. baked goods, fruit and vegetable preserves, needlecraft, woodcraft, metal work, ceramics, etc.).
- 2.5 **"D"**
- 2.5.1 **Development**. Any construction or grading activities to improved or unimproved real estate, and including but not limited to the installation of the required improvements, and the disturbance of land related to the construction of a structure, installation of utilities, and access from existing or proposed public streets.
- 2.5.2 **Drinking Establishment**. A facility where the primary business is the service of alcoholic beverages for on-site consumption.<sup>9</sup>
- 2.5.3 **Dwelling**. A building designed or used as the living quarters for one or more families.
- 2.5.4 **Dwelling, Multiple Family**. Any group of three<sup>10</sup> or more dwelling units in one or more buildings on a single lot.
- 2.5.5 **Dwelling, One Family**. A detached building used solely as a dwelling by one family.
- 2.5.6 **Dwelling, Two Family**. A detached building occupied by two families living independently.

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<sup>8</sup> Changed text from "B, herein" to "C" to reflect the correct reference to Appendix C.

<sup>9</sup> Effective October 15, 2007, the definition for Drinking Establishment was added to the Zoning Regulations.

<sup>10</sup> Effective May 17, 2012, two was replaced with three in this definition.

- 2.5.7 **Dwelling Unit.** One or more rooms, including complete cooking and bathing facilities, occupied or intended to be occupied by one family for residential purposes.
- 2.6 **“E”**
- 2.6.1 **Earth Materials Removal.** The removal, excavation, or mining of minerals, sand, gravel, clay, bedrock, peat, loam, or topsoil.
- 2.6.2 **Earth Materials Fill.** Depositing from off site minerals, sand, gravel, clay, bedrock, peat, loam or top soil.
- 2.6.3 **Erosion and Sedimentation Control Plan.** A plan which sets forth measures to be undertaken for the control of erosion and sedimentation, as required under Section 14.<sup>11</sup>
- 2.7 **“F”**
- 2.7.1 **Family.** One or more persons occupying the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
- 2.7.2 **Footprint.** The total horizontal projected surface of a building, measured from the outside of the exterior walls together with the area of all attached covered or roofed areas including canopies, arcades, porches and covered storage areas, but excluding uncovered steps, porches and terraces.<sup>12</sup>
- 2.7.3 **Forestry and Forest Preserves.** Land left in natural state under deeded conservation restriction for preservation as open space and/or protection of forest or wildlife, but where managed selective logging and passive recreation may be permitted.
- 2.7.4 **Frontage.** The boundary of a lot abutting a public street and having a permitted vehicular access to a public street.
- 2.8 **“G”**
- 2.8.1 **Golf Course.** A tract of land for playing golf, including tees, greens, fairways and hazards, which includes no more than nine (9) Par 3 holes, but not including a miniature golf course or driving range. The term "golf course" also includes accessory structures necessary for the operation and maintenance of the course, and for comfort of its patrons.
- 2.8.2 **Grade.** The finished ground level adjoining the base of all exterior walls or a building or structure, and any related earth retaining structure.
- 2.8.3 **Gross Lot Area (11.1.17 in 1997 regulations).** Total square footage of a lot.<sup>13</sup>
- 2.9 **“H”**
- 2.9.1 **Habitable Floor.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 2.9.2 **High Tide Line.** A visible line of oil, scum, crushed shell, debris, vegetation or any combination of these, indicating the highest point reached by the water. The high tide line should be calculated to include spring high tides and other unusually high tides exclusive of storm surges.

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<sup>11</sup> Changed “14.4” to “14” to reflect the correct reference.

<sup>12</sup> Effective October 15, 2007, the definition for footprint was moved from being a note reference in Schedules 5C and 5D in Section 5 to the alphabetical list of definitions in Section 2.

<sup>13</sup> Effective May 17, 2012, Gross Lot Area was reinstated as a definition.

- 2.9.3 **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.
- 2.10 **“I - J - K”**
- 2.10.1 **Improvement**. Any structural addition to, or other change in the condition of land including the underground installation of utility lines.
- 2.10.2 **Impervious surface**. Material placed on ground which does not allow for the natural absorption of water.
- 2.10.3 **Inn**. Overnight accommodations with a meal in addition to breakfast for overnight guests and with any meal for non-guests.<sup>14</sup>
- 2.10.4 **Kitchen**. A room or part of a room containing at a minimum a three burner stove and oven, a refrigerator and a sink with hot and cold running water.<sup>15</sup>
- 2.11 **“L”**
- 2.11.1 **Lot**. A plot or parcel of land which is owned independently from any adjoining lot or lots, as evidenced by deed or deeds recorded in the Land Records of the Town of Deep River, or a building lot delineated on a subdivision plan approved by the Deep River Planning and Zoning Commission and recorded in the Land Records of the Town of Deep River.
- 2.12 **“M”**
- 2.12.1 **Marine Facility**. A dock, wharf, slip, basin or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing or refueling of such vessels, together with any accessory buildings or other structures necessary for the operation of the foregoing.
- 2.12.2 **Membership Clubs and Associations**. Private facilities for a group of people organized for a non-recreational common purpose, especially a group that meets regularly.
- 2.12.3 **Microbrewery/Microwinery**. An establishment, distinct from restaurants and brew pubs, that manufactures no more than 5,000 barrels (1 barrel equals 31 gallons) of beer, wine or spirits per year with approval from the State of Connecticut Liquor Control Commission and may include such activities as both wholesale and retail sales of sealed products brewed on site, tasting rooms, tours, events and educational classes provided said activities are specifically authorized by Special Permit.<sup>16A</sup>
- 2.12.4 **Medi-pods**. Temporary health care structures for persons 55 and over or special needs adults in accordance with Section 7B.<sup>16B</sup>
- 2.13 **“N”**
- 2.13.1 **Net Buildable Lot Area**. The area of contiguous real estate required by these Regulations for the purpose of obtaining permission from the Town to build thereon in order to protect the public health and safety of the Town's inhabitants and to maintain the quality of surface and ground waters and the open space

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<sup>14</sup> Effective August 1, 2009, the definition for Inn was added to the Zoning Regulations.

<sup>15</sup> Effective October 15, 2007, the definition for Kitchen was moved from a separate sub-section of Section 2 to the alphabetical list of definitions and the following text was deleted from the definition, “The term “kitchen” in an accessory apartment shall be defined as”.

character of the Town, said area to be determined as specified in Section 5 of these Regulations.<sup>16</sup>

- 2.13.2 **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 improvement of the lot. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting.
- 2.13.3 **Non-Commercial Cutting Plan.** A plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.
- 2.13.4 **Non-Conforming Building.** A building legally existing on the effective date of these Regulations or on the effective date of any amendment hereto which does not conform to any or all of the applicable requirements of these Regulations, as amended, regarding area of lot, width of lot, yards, percentage of lot coverage, building height, or parking facilities.<sup>17</sup>
- 2.13.5 **Non-Conforming Use.** The use of land, building or premises which is not a use permitted by the provisions of these Regulations for the district in which such land, building, or premises is situated, but which legally existed on the effective date of these Regulations or on the effective date of any amendment hereto which created the non-conformity.<sup>18</sup>
- 2.14 **“O - P - Q”**
- 2.14.1 **Primary Business.** For operations which include more than one of the uses listed in the Schedule of Uses (see Section 4 of these Regulations), that business which utilizes the largest amount of customer floor area.<sup>19</sup>
- 2.14.2 **Principal Residence.** For those owners with more than one residence, as the residence in which the owner spends the most time residing in over the course of a calendar year.<sup>20</sup>
- 2.15 **“R”**<sup>21</sup>
- 2.15.1 **Refuse.** Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.
- 2.15.2 **Regular Permitted Use.** A use permitted in a particular zoning district of the Town by right, subject to the requirements for a Zoning Permit in Section 8 and

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<sup>16</sup> Effective October 15, 2007, the text, “by applying the percentage allowances indicated below to those portions of the lot which exhibit the following natural resource characteristics:” was replaced with, “as specified in Section 5 of these Regulations.” Also, the requirements for Net Buildable Lot Area were moved from Section 2 to Section 5.

<sup>16A</sup> Effective January 1, 2017, the definition for microbrewery/microwinery was added.

<sup>16B</sup> Effective January 1, 2017, the definition for medi-pods was added.

<sup>17</sup> Effective October 15, 2007, this definition was moved from Section 15 to Section 2.

<sup>18</sup> Effective October 15, 2007, this definition was moved from Section 15 to Section 2.

<sup>19</sup> Effective October 15, 2007, the definition for Primary Business was added to the Zoning Regulations.

<sup>20</sup> Effective October 15, 2007, the definition for Principal Residence was moved from a separate sub-section of Section 2 to the alphabetical list of definitions and the following phrase was removed from the beginning of the sentence, “The term “principal residence” shall be defined,”.

<sup>21</sup> Effective May 17, 2012, the definition for Rooming Unit was deleted from the Regulations.

where indicated, in Section 9 and such other regulations as may be applicable in each instance.

- 2.15.3 **Regulations** or **These Regulations**. Zoning Regulations for Deep River, Connecticut.
- 2.15.4 **Restaurant**. A facility where the primary business is the service of food at tables, whether self-service or with wait staff.<sup>22</sup>
- 2.16 **“S”**
- 2.16.1 **Setback, Front**. The distance between the building line and the street line.
- 2.16.2 **Sign**. For definitions specific to the regulation of Signs, see Section 13.
- 2.16.3 **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. Site Plan requirements are set forth in Section 9.
- 2.16.4 **Special Permitted Use**. A use conditionally permitted in any designated zoning district of the Town which requires prior, discretionary action by the Planning and Zoning Commission and which may be subject to specific conditions established by these Regulations and/or other town authority before a Special Permit may be issued. Special Permit requirements are set forth in Section 10.
- 2.16.5 **Story**. That part of any building, other than basement or 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.
- 2.16.6 **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 percent of the total perimeter of the building or more than twelve (12) feet at any point.
- 2.16.7 **Street Classifications:**
- Light Residential** - A street that serves a residential area and is not intended to handle through traffic; an interior street within a subdivision; a cul-de-sac street serving not more than 25 residential units with no possibility of future extension.
- Residential Collector** - A street carrying primarily residential traffic, serving as a collector for light residential streets; or with neighborhood density such as to require on street parking.
- Arterial Collector** - A street which is part of the intra-town network, carrying traffic from one part of town to another, or to other towns; or streets intended to serve commercial or industrial areas.

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<sup>22</sup> Effective October 15, 2007, the definition for Restaurant was changed from “An establishment with wait staff service and/or take-out food establishments with tables available for customers” to “A facility where the primary business is the service of food at tables, whether self-service or with wait staff.”

- 2.16.8 **Street, Public.** Any roadway that has been accepted by the Town of Deep River or the State of Connecticut for, and is open to, vehicular travel by the general public.
- 2.16.9 **Street line.** The term “street line” shall mean the right-of-way, easement, taking or property line of any “street” as well as the right-of-way or easement boundary lines of any private road, driveway or street for vehicular access when the width between such lines is 25 feet or more.
- 2.16.10 **Structure.** Anything constructed or which is located on, above or beneath the ground or water, except driveways, sidewalks, parking areas, curbing and fences of six (6) feet or less, or fixed and/or floating objects primarily utilized or intended for navigational purposes.
- 2.16.11 **Structure Footprint.** See **Footprint.**<sup>23</sup>
- 2.17 **“T”**
- 2.17.1 **Temporary Structure.** Any structure which is intended for or is actually used for less than six (6) months. Therefore, any structure that is in existence for more than six (6) months whether that was the original intent or not will be considered permanent and will be subject to any regulations requiring permitting or shall be removed.
- 2.17.2 **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 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.
- 2.18 **“U - V - W”**
- 2.18.1 **Usable Open Space.** That portion of a lot which contributes to the outdoor privacy, enjoyment, relaxation and recreational needs of the occupants of the lot, exclusive of structures and driveways, parking areas, service yards and/or other similar utilitarian site improvements which are accessory to the principal use.
- 2.18.2 **Use.** The specific purpose for which a lot or building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained.
- 2.18.3 **Wetlands.** Those areas identified and defined in Section 22a-32, Connecticut General Statutes, as amended, and Section 22a-38, Connecticut General Statutes, as amended.
- 2.19 **“X - Y - Z”**
- 2.19.1 **Yard, Front.** An open, unoccupied space, extending across the full width of the lot between the minimum required building setback line and the front lot line.
- 2.19.2 **Yard, Side.** An open, unoccupied space between the minimum required building setback line and the side lot line, extending from the front yard, or front lot line, to the rear lot line. A corner lot shall be considered to have two (2) front yards.
- 2.19.3 **Yard, Rear.** An open, unoccupied space, extending across the full width of the lot between the minimum required setback line and the rear lot line.

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<sup>23</sup> Effective October 15, 2007, this reference was added to the Regulations.

2.20 **ADDITIONAL DEFINITIONS.** Additional definitions, pertaining to specific sections of these Regulations are located in those Sections, including Section 13 - Signs; Section 14.3<sup>24</sup> - Flood Protection; Section 14.6 - Sedimentation and Erosion Control<sup>25</sup>; Section 15 - Nonconformance, and others.

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<sup>24</sup> Changed "14.2" to "14.3" to reference the correct section.

<sup>25</sup> Changed "14.4" to "14.6" to reference the correct section.



### SECTION 3 - ZONING DISTRICTS<sup>26</sup>

- 3.1 **LIST OF DISTRICTS.** The Town of Deep River is hereby divided into the classes of districts listed below:

|      |   |
|------|---|
| PRD  | Preservation & Recreation <sup>27</sup> |
| R-80 | Very Low Density Residential            |
| R-60 | Low Density Residential                 |
| R-30 | Moderate Density Residential            |
| HD   | Harbor District                         |
| VR   | Village Residential                     |
| VMU  | Village Mixed Use                       |
| VC   | Village Commercial                      |
| GCD  | General Commercial                      |
| VID  | Village Industrial                      |
| CIPD | Commercial Industrial Park              |
| TID  | Turnpike Industrial                     |
| NCD  | Neighborhood Commercial                 |

Overlay Zones<sup>28</sup>

|     |                            |
|-----|----------------------------|
| GC  | Gateway Conservation Zone  |
| SFH | Special Flood Hazard Areas |

- 3.2 **ZONING MAPS AND DOCUMENTS.** The boundaries of the said districts are hereby established as shown on the "Zoning Map, Town of Deep River", which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of these Regulations. A copy of said map, indicating the latest amendments, shall be kept up to date in the Office of the Town Clerk for the use and benefit of the public.

In addition, a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Deep River, Connecticut", dated July 16, 1980, with accompanying Flood Insurance Rate Maps, identifies the areas of special flood hazard located within the Town of Deep River. The said report and maps are hereby adopted by reference and declared to be a part of these Regulations and are on file in the Office of the Town Clerk. The adoption of said study and maps does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages nor does

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<sup>26</sup> Effective October 15, 2007, "General Requirements" was deleted from the title of this section.

<sup>27</sup> Effective October 15, 2007, "Preservation & Recreation District" and "PRD" were added to Section 3.1 after being previously omitted in error. Effective May 17, 2012, in this list, the title for the R-80 District changed from Low Density Residential to Very Low Density Residential, R-40 was changed to R-60, R-20 was changed to R-30, HDD was replaced with HD, the 3 Village Districts were added and the word "District" was deleted in nine places.

<sup>28</sup> Effective October 15, 2007, the phrase, "an overlay zone" was deleted after District and "GC" and "SFH" were added to the list. Effective May 17, 2012, the Downtown District was deleted.

it create any liability on the part of the Town of Deep River, any officer or employee thereof, or the Federal Emergency Management Agency for any decision lawfully made thereunder.

- 3.3 **DISTRICT BOUNDARIES.** In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:
- 3.3.1 Where district boundaries are indicated as approximately following the center lines of streets, waterways, or railroads, lot lines or Town boundaries or such lines extended, such lines shall be construed to be said boundaries.
  - 3.3.2 Where district boundaries do not follow such established lines, the location of district boundaries are shown on the Zoning Map by a specific dimension expressing its distance in feet from a street center line or other established line as indicated.
  - 3.3.3 In case of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Planning and Zoning Commission or its duly appointed agent.
- 3.4 **EFFECT OF ESTABLISHMENT OF DISTRICTS.** No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all requirements and restrictions specified in these Regulations for the district in which such building or land is located.

## **Section 4 – Districts and Schedule of Uses**

### **4.1 Districts**<sup>29</sup>

- 4.1.1 **VERY LOW AND LOW DENSITY RESIDENTIAL DISTRICTS (R-80 and R-60, respectively).** These Districts include areas of the town intended to be used primarily for low density residential purposes in a manner that will preserve the rural, open space character and protect the physical and environmental amenities of these areas. Development in the R-80 and R-60 Districts should strive to be consistent with and enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.
- 4.1.2 **MODERATE DENSITY RESIDENTIAL DISTRICT (R-30).** The purpose of this district is primarily for moderate density residential uses in or adjacent to the existing village area where public water supply and distribution facilities, public transportation facilities, and sanitary sewerage collection and disposal facilities may be economically provided. Development in the R-30 District should strive to be consistent with and enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.
- 4.1.3 **PRESERVATION AND RECREATION DISTRICT.** The purpose of this district is primarily for passive recreational activities and the preservation of open spaces, environmentally sensitive areas and green ways located in low density development areas.
- 4.1.4 **HARBOR DISTRICT (HD).** The primary purpose of this district is to permit the logical development of land for residential and limited retail commercial uses designed to be harmonious with the waterfront and compatible with railroad and harbor facilities. Development in the HD District should strive to be consistent with and enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.

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<sup>29</sup> Effective October 15, 2007, three districts (Neighborhood Commercial, Gateway Conservation Zone and the Downtown District) were added back into the Regulations after having been previously omitted in error. Effective May 17, 2012, the title of the R-80 district changed from Low Density Residential to Very Low Density Residential; R-20 was replaced with R-30; Harbor Development District was replaced with Harbor District; Village Residential, Village Mixed Use and Village Commercial Districts were added; and the Downtown District was deleted.

- 4.1.5 **VILLAGE RESIDENTIAL DISTRICT (VR).** In the Village Residential District (VR), numerous period structures exist and should be preserved by allowing limited mixed uses. Lot sizes are similar to Village Commercial District lots which are located away from the village's primary intersection at Main Street and Elm/River Street. Clapboard-style siding and shutters, brick chimneys, porches and shingled peaked roofs prevail. Window styles vary from 2-over-2 to 16-over-16 double-hung sash. Front lawns are limited but where existing have mature plantings and large shade trees. Properties are served by public water and sewer.
- 4.1.6 **VILLAGE MIXED USE DISTRICT (VMU).** The purpose of this district is to serve as a transition district between the Village Commercial and Village Residential Districts. It contains elements of both.
- 4.1.7 **VILLAGE COMMERCIAL DISTRICT (VC).** The Village Commercial District has both high density commercial as well as homes which date from the late 1700's to the present. Small (10,000 sq. ft) narrow lots and structures with little or no side setbacks exist. Close to Elm and River Streets in the center of town, structures are "built to" the sidewalk. As one moves away from that central intersection, structures are located further and further back from the street and have more and more space between structures. Commercial buildings nearest the center of town which front on Main Street have moderately-sized plate glass windows. Where structures exist further back from the street, many have front lawns with mature plantings; porches are common. Narrow driveways often exist within side setbacks and, for the most part, garages are located to the rear. Properties in the VCD are served by public water and sewer. The regulations are designed to enhance this district as a commercial and residential area in which pedestrian traffic is encouraged and facilitated.
- 4.1.8 **GENERAL COMMERCIAL DISTRICT (GCD).** The primary purpose of this district is to permit the logical development of land for general commercial uses designed to meet the daily needs of Deep River residents and to assure the suitable development of such businesses in order to protect the surrounding environment. Development in the GCD District should strive to be consistent with and enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.
- 4.1.9 **VILLAGE INDUSTRIAL DISTRICT (VID).** This district is intended to provide for continuation of industrial activity on land within the village area, in order to maintain the existing village character. Existing industrial buildings are to be preserved wherever possible, and new industrial development shall be compatible in size and appearance with neighboring developments and uses. Development in the VID District should strive to be consistent with and

enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.

- 4.1.10 **COMMERCIAL INDUSTRIAL PARK DISTRICT (CIPD).** The purpose of this District is to provide for development of commercial and industrial facilities which are compatible with the rural character of the surrounding area. Appropriate facilities in character with the area will include low building silhouettes, with careful attention to landscaping and buffer areas. This is an appropriate location for uses requiring significant outside storage areas and staging yards, provided such activity is well-screened. All development must conform to strict water pollution control and aquifer protection standards to avoid contamination of nearby ground and surface water resources. Development in the CIPD District should strive to be consistent with and enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.
- 4.1.11 **TURNPIKE INDUSTRIAL DISTRICT (TID).** The purpose of this District is to provide for the development of commercial and industrial uses which can benefit from immediate vehicular access to Route 9, with minimal impact on local roads. Development is intended to be harmonious with the small town character of Deep River and compatible with adjacent residential areas. Special attention is given to safe and orderly traffic flow to and through the area. Development in the TID District should strive to be consistent with and enhance existing character, scale and development patterns. Development should be planned to protect the public health and to avoid degradation of groundwater resources while at the same time minimize the need for structural solutions for sewerage treatment and future sewer expansion.
- 4.1.12 **NEIGHBORHOOD COMMERCIAL DISTRICT (NCD).** This category provides for retail and service establishments of a lesser intensity and lower customer volume intended to conveniently serve the residents of Deep River's outlying areas. Standards for these small pockets of commercial development, including buffers, lighting, and traffic control, assure compatibility with adjacent residential properties. Development and renovations should be designed for minimum impact and should be compatible in appearance and scale with the existing neighborhood.
- 4.1.13 **GATEWAY CONSERVATION ZONE (GC).** In 1973, the Connecticut General Assembly created a compact to protect the lower Connecticut River. The conservation area consists of parts of eight towns, including Deep River, and is defined as areas visible from the river, essentially from the ridge line to the water's edge. Deep River's Zoning Regulations have incorporated the

Gateway Commission's standards to further the scenic and ecological preservation of the Gateway area.

- 4.2 **Zoning Schedule:** The schedule entitled "Schedule of Uses", including any subsequent amendments thereto, is declared to be a part of these Regulations is hereinafter referred to as the "Schedule".
- 4.2.1 Uses listed in the Schedule are permitted in accordance with the following designation and procedure. **USES NOT LISTED ARE PROHIBITED.**
- a) "AZP" means a use permitted in the district as a matter of right after approval of an **Administrative Zoning Permit** from the **Zoning Enforcement Officer**.
  - b) "SPA" means a use permitted in the district, subject to approval of a **Site Plan** by the Deep River **Planning & Zoning Commission** in accordance with Section 9.
  - c) "SxP" means a use permitted in the district, subject to approval of a **Special Permit** by the Deep River **Planning & Zoning Commission** in accordance with Section 10.
  - d) "E" means a use permitted in the district, subject to securing of a **Special Exception** from the **Zoning Board of Appeals** in accordance with Section 16.2.3<sup>30</sup>.
- 4.3 **Prohibited Uses:** No land, building or other structure in any district shall be for a use not specified as permitted in the Schedule. In addition,<sup>31</sup>
- 4.3.1 There shall be no driveway or similar vehicular easement located in or passing through a Residential District which is used for access to any use in the Preservation and Recreation District.
  - 4.3.2 There shall be no driveway or similar vehicular easement located in or passing through any Residential District which is used or intended for use as access to any commercial or industrial use in an adjacent zoning district.
  - 4.3.3 There shall be no storage of vehicles for sale or hire, or storage of unregistered vehicles except as specifically permitted in the Schedule.
  - 4.3.4 There shall be no storage of petroleum or petroleum products except for that approved by the Fire Marshal and which is used exclusively for the operation of the principal use of the premises.
  - 4.3.5 No use will be approved by the Commission if proposed access to a public street is deemed to create a hazardous condition, or when the expected

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<sup>30</sup> At the time the amendments effective October 15, 2007 were added to these Regulations, "16.2.3" was changed to "16".

<sup>31</sup> Effective October 15, 2007, the words, "In addition," were added to this section.

- traffic to be generated from the proposed use considered cumulatively with existing traffic conditions is deemed to cause or worsen hazardous conditions so as to imperil public safety.
- 4.3.6 No use with a high potential to contaminate ground or surface waters will be permitted.
- 4.3.7 Storage, whether in container or a vehicle, whether or not that vehicle is registered, is prohibited.<sup>32</sup>
- 4.4 **Off-Street Parking and Loading:** Off street parking and loading spaces shall be provided off the street for any use of land, buildings, and other structures, in accordance with Section 11.
- 4.5 **Excavation and Grading:** There shall be no excavation and removal from any lot and no grading or dumping on any lot, of any earth, loam, topsoil, sand, gravel, clay, stone or other similar material, except as provided in Section 14.5.
- 4.6 **Signs:** All signs shall conform to the requirements of Section 13.
- 4.7 **Special Permits:** Special Standards in Section 7 shall be considered for all applications for Special Permits.
- 4.8 **Change of Use:** A change of use shall be any change from one use specified in the table to another, and any such change of use shall require the permitting specified in the table for the new use.
- 4.9 **Change of Business Name or Ownership:** A change of business name or ownership requires an application for an Administrative Zoning Permit (AZP) so that the Zoning Enforcement Officer may determine whether a Change of Use is actually proposed.

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<sup>32</sup> Effective October 15, 2007, this subsection was added to the Regulations.





| <b>4.10 SCHEDULE OF USES</b><br><b>(see footnotes on bottom of table)</b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b>4.10.1 Single Family Dwelling</b> , not to exceed one such building per lot<br>a) over 4000 sq feet & in Gateway Conservation Zone<br>b) all others | SxP<br>AZP         | SxP<br>AZP         | SxP<br>AZP         | SxP<br>AZP        | SxP<br>AZP       |                   | SxP<br>AZP        |                    |                   |                   | n/a<br>X         | n/a<br>AZP        | SxP<br>AZP       |
| <b>4.10.2 Multi-Family Residence</b> (Note 1)  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   | X                | SxP               | X                |
| <b>4.10.3 Commercial Agricultural Operations</b> , in accordance with Section 7B   | AZP                | AZP                |                    | AZP               |                  |                   |                   |                    |                   |                   |                  |                   |                  |
| <b>4.10.3A Activities/Agritourism</b> , in accordance with Section 7B (Note 7)   | SxP                | SxP                |                    | SxP               |                  |                   |                   |                    |                   |                   |                  |                   |                  |
| <b>4.10.4 Forestry and forest reserves, fish and wildlife refuges</b> , and similar conservation uses  | AZP                | AZP                | AZP                | AZP               | AZP              |                   |                   |                    |                   |                   |                  |                   |                  |
| <b>4.10.5 Federal, State and Town</b> buildings and uses, <i>if not otherwise exempt</i> (Note 2)  | SxP                | SxP                | SxP                |                   | SxP              | SxP               | SxP               |                    |                   | SxP               | SxP              | SxP<br>on<br>Main | SxP              |

| <b><u>4.10 SCHEDULE OF USES</u></b><br><b><u>(see footnotes on bottom of table)</u></b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>          | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|----------------------------|------------------|
| <b>4.10.6 Public Utility Equipment Facilities</b> , if not otherwise exempt (Note 3), (Note 8)<br>a) with open (not enclosed) service or storage areas<br>b) with completely enclosed service or storage areas | SxP                | SxP                | SxP                |                   | SxP<br>SxP       | SxP<br>SxP        | SxP<br>SxP        | SPA<br>SPA         | SPA<br>SPA        | SxP<br>SxP        | X<br>X           | SxP<br>SxP                 | X<br>X           |
| <b>4.10.7 Railroad Passenger Stations</b> with customary accessory services thereto, but excluding freight and storage yards.  |                    |                    |                    |                   | SxP              |                   |                   |                    | SxP               |                   | X                | X                          | X                |
| <b>4.10.8A Public and private schools, colleges, universities and other educational institutions</b> , in accordance with Section 7B   | SxP                | SxP                | SxP                |                   | SxP              | SxP               |                   |                    |                   | SxP               | X                | SxP<br>off<br>Main         | SxP              |
| <b>4.10.8B Non-Academic School</b> , including but not limited to art, music, sports (Note 4)  |                    |                    |                    |                   |                  | SxP               |                   |                    |                   |                   | SPA              | SxP                        | X                |
| <b>4.10.9 Day Care Facilities</b> , in accordance with Section 7B<br>a) Adult<br>b) Child  |                    | SxP<br>SxP         | SxP<br>SxP         |                   |                  | SxP<br>SxP        |                   |                    |                   | SxP<br>SxP        | X<br>X           | Both<br>SxP<br>off<br>Main | X                |
| <b>4.10.10 Camps</b> , defined in Section 2, and in accordance with Section 7B   |                    |                    |                    | SxP               |                  |                   |                   |                    |                   |                   | X                | X                          | X                |
| <b>4.10.11 Churches, parish houses and other religious institutions</b> , used as houses of worship, in accordance with Section 7B   | SxP                | SxP                | SxP                |                   | SxP              |                   |                   |                    |                   |                   | X                | SxP                        | SxP              |

| <b><u>4.10 SCHEDULE OF USES</u></b><br><b><u>(see footnotes on bottom of table)</u></b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>     | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-----------------------|------------------|
| <b>4.10.12 Membership clubs and associations.</b><br>such clubs being primarily social in nature, in accordance with Section 7B<br><b>a)</b> of 3,000 sq. ft. or less in total floor area<br><b>b)</b> in excess of 3,000 sq. ft. total floor area |                    |                    |                    |                   |                  | SxP               |                   |                    |                   | SxP<br>X          | X<br>X           | SxP<br>SxP<br>on Main | X<br>X           |
| <b>4.10.13A Public or private hospitals,</b> in accordance with Section 7B (Note 5)  | SxP                | SxP                | SxP                |                   |                  |                   | SxP               |                    |                   |                   | X                | X                     | X                |
| <b>4.10.13B Sanitaria, convalescent homes, rest homes,</b> in accordance with Section 7B (Note 5)  | SxP                | SxP                | SxP                |                   |                  |                   | SxP               |                    |                   |                   | X                | SxP                   | X                |

**AZP** Administrative Zoning Permit **SPA** Site Plan

**SxP** Special Permit

**“-”, “X” or Blank** Prohibited

Notes:

1. Effective November 1, 2011, “Multi-Family Residence” was added to the Regulations.
2. Effective August 1, 2009, “if not otherwise exempt” was italicized to clarify that most such buildings and uses are exempt by law from zoning.
3. Effective August 1, 2009, “and governmental” was deleted from the phrase, “Public Utility and governmental buildings” since government buildings are covered by 4.10.4. Effective March 1, 2011, “Buildings and Facilities” was replaced with “Equipment Facilities” in the title of the use.
4. Effective August 1, 2009, this use was added to the Zoning Regulations. Effective March 1, 2011, this use was allowed by SxP in the GCD.
5. Effective August 1, 2009, 4.10.12 Public or private hospitals, sanitaria, convalescent homes, nursing homes, rest homes and other medical institutions was split into two uses because the scale of these types of facilities can vary greatly. Effective March 1, 2011, “convalescent/nursing/rest homes” was replaced with “convalescent homes, rest homes”.
6. Effective November 1, 2011, the Village Commercial, Village Mixed Use and Village Residential Districts were added to the Regulations and all the existing uses were either permitted or prohibited in them.
7. Effective January 1, 2017 new regulation
8. Effective January 1, 2017 change CIPD & TID to SPA

| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b>   | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b>  | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b>  | <b><u>VMU</u></b>         | <b><u>VR</u></b>  |
|---|--------------------|--------------------|--------------------|-------------------|-------------------|-------------------|-------------------|--------------------|-------------------|-------------------|-------------------|---------------------------|-------------------|
| <b><u>4.10.14 Age Restricted Development</u></b> , in accordance with Section 7B  |                    | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  |                   |                   |                   |                   |                    |                   |                   | <b><u>X</u></b>   | <b><u>SxP</u></b>         | <b><u>SxP</u></b> |
| <b><u>4.10.14B Assisted Living Community</u></b> , in accordance with Section 7B exclusive of the Gateway District.                                       | <b><u>SxP</u></b>  |                    |                    |                   |                   |                   |                   |                    |                   |                   |                   |                           |                   |
| <b><u>4.10.15 Cemeteries</u></b>  | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  |                   |                   |                   |                   |                    |                   |                   | <b><u>X</u></b>   | <b><u>X</u></b>           | <b><u>X</u></b>   |
| <b><u>4.10.16 Mortuary and funeral homes</u></b>  |                    |                    |                    |                   |                   | <b><u>SxP</u></b> |                   |                    |                   |                   | <b><u>X</u></b>   | <b><u>SxP on Main</u></b> | <b><u>X</u></b>   |
| <b><u>4.10.17A Bed &amp; Breakfast Facilities</u></b> in accordance with Section 7B.  | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  |                   | <b><u>SxP</u></b> | <b><u>SxP</u></b> |                   |                    |                   | <b><u>SxP</u></b> | <b><u>X</u></b>   | <b><u>SxP</u></b>         | <b><u>SxP</u></b> |
| <b><u>4.10.17B Inns (Note 1)</u></b>  |                    |                    |                    |                   |                   | <b><u>SxP</u></b> |                   |                    |                   |                   | <b><u>SxP</u></b> | <b><u>SxP</u></b>         | <b><u>X</u></b>   |
| <b><u>4.10.18 Combined Use Buildings (Note 2)</u></b>   |                    |                    |                    |                   |                   |                   |                   |                    |                   |                   | <b><u>SxP</u></b> | <b><u>SxP on Main</u></b> | <b><u>X</u></b>   |
| <b><u>4.10.19 Planned Conservation Developments</u></b> , in accordance with Section 7B   | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  |                    | <b><u>SxP</u></b> |                   |                   |                   |                    |                   |                   | <b><u>X</u></b>   | <b><u>X</u></b>           | <b><u>X</u></b>   |
| <b><u>4.10.20 Golf Courses</u></b> , in accordance with Section 7B  | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  | <b><u>SxP</u></b>  |                   |                   |                   |                   |                    |                   |                   | <b><u>X</u></b>   | <b><u>X</u></b>           | <b><u>X</u></b>   |
| <b><u>4.10.21 Public or Private Passive Recreational Facilities for fishing, hiking, boating and horseback riding</u></b> , in accordance with Section 7B | <b><u>SxP</u></b>  |                    |                    | <b><u>SxP</u></b> |                   |                   |                   |                    |                   |                   | <b><u>X</u></b>   | <b><u>X</u></b>           | <b><u>X</u></b>   |

|   |            |            |  |            |            |            |            |            |            |  |            |                    |          |
|---|------------|------------|--|------------|------------|------------|------------|------------|------------|--|------------|--------------------|----------|
| <b><u>4.10.22 Commercial Boarding of Horses and/or Riding Stables</u></b> , in accordance with Section 7B (Note 4)  | <u>SxP</u> | <u>SxP</u> |  | <u>SxP</u> |            |            |            |            |            |  | <u>X</u>   | <u>X</u>           | <u>X</u> |
| <b><u>4.10.23 Outdoor Private &amp;/or commercial recreation facilities</u></b> for tennis, racquetball, gymnasium, gymnastic studios, swimming and health clubs, whether municipal, if not otherwise exempt, or private.         |            |            |  |            |            |            |            | <u>SxP</u> | <u>SxP</u> |  | <u>X</u>   | <u>X</u>           | <u>X</u> |
| <b><u>4.10.24A Indoor Commercial Recreation Facilities</u></b> , such as billiard rooms, arcades/gaming rooms, and other similar facilities, whether municipal, if not otherwise exempt, or private (Note 5), (Note 7)            |            |            |  |            |            | <u>SxP</u> | -          | -          | -          |  | <u>SxP</u> | <u>X</u>           | <u>X</u> |
| <b><u>4.10.24B Indoor Commercial Recreation Facilities</u></b> , such as bowling alleys, skating rinks, swimming pools, and other similar large scale facilities, whether municipal, if not otherwise exempt, or private (Note 5) |            |            |  |            |            | <u>SxP</u> | <u>SxP</u> | <u>SxP</u> | <u>SxP</u> |  | <u>X</u>   | <u>X</u>           | <u>X</u> |
| <b><u>4.10.24C Theater (stage or cinema)</u></b> (Note 5), (Note 8)   |            |            |  |            |            | <u>SxP</u> | <u>SxP</u> | -          | -          |  | <u>SxP</u> | <u>SxP on Main</u> | <u>X</u> |
| <b><u>4.10.25 Private and/or commercial boat clubs, yards, docks, marinas</u></b> and similar boating facilities with customary accessory services thereto  |            |            |  |            | <u>SxP</u> |            |            |            |            |  | <u>X</u>   | <u>X</u>           | <u>X</u> |
| <b><u>4.10.26 Private and/or commercial inland marinas</u></b> , for the storage and sale of boats and related items, together with customary accessory services thereto (Note 9)   |            |            |  |            |            |            |            | <u>SPA</u> |            |  | <u>X</u>   | <u>X</u>           | <u>X</u> |

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**SPA** Site Plan

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Notes:

1. Effective August 1, 2009, Inns were added as a use to enable the re-use of existing larger structures in a manner compatible with the community. Effective March 1, 2011, this use was allowed by SxP in the GCD.
2. Effective November 1, 2011, Combined Use Buildings were added to the Regulations.
3. Effective March 1, 2011, Hotels and Motels were deleted as permitted uses in any zone.

4. Effective August 1, 2009, the phrase, "of horses," was added to this use to clarify that use does not include other animal boarding, such as kennels.
5. Effective August 1, 2009, 4.10.23 Indoor Commercial Recreation and Entertainment Facilities were split into 4.10.23A, 4.10.23B and 4.10.29. Effective March 1, 2011, 4.10.23A changed from Indoor Commercial Recreation Facilities to Indoor Commercial Recreation and Entertainment Facilities and 4.10.23B changed from Indoor Commercial Recreation Facilities to Theater (stage or cinema). Effective November 1, 2011, Indoor Commercial Recreation and Entertainment Facilities was split into two uses.
6. Effective November 19, 2009, this use was permitted by Special Permit in the Commercial Industrial Park and Turnpike Industrial Districts.
7. Effective January 1, 2017 remove from CIPD, VID and TID.
8. Effective January 1, 2017 remove from CIPD and TID
9. Effective January 1, 2017

|  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                                  |                  |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|----------------------------------|------------------|
| <b><u>4.10.27 Veterinary Hospitals for cats and dogs without outdoor runs in accordance with Section 7B (Note 6)</u></b>   |                    |                    | <u>SxP</u>         |                   |                  | <u>SxP</u>        | <u>SxP</u>        | <u>SxP</u>         | <u>SxP</u>        | <u>SxP</u>        | <u>X</u>         | <u>X</u>                         | <u>X</u>         |
| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>                | <b><u>VR</u></b> |
| <b>4.10.28 Retail businesses</b> , traditional in nature and including those which provide personal services and repair services, but excluding establishments with drive-thru facilities and any business otherwise listed in this schedule, in accordance with Section 7B<br><b>a)</b> of 700 SF or less in sales floor area (Note 1)<br><br><b>b)</b> of 3,000 sq. ft. or less in total floor area<br><b>c)</b> in excess of 3,000 sq. ft. total floor area |                    |                    |                    |                   | SxP<br>SxP       | SPA<br>SPA        |                   |                    |                   | SxP<br>X          | SPA<br>SPA       | SPA off Main<br>SPA on Main<br>X | SxP<br>X<br>X    |
| <b>4.10.29 Retail Businesses</b> , traditional in nature but which require disproportional display area, such as furniture and major appliance stores  |                    |                    |                    |                   |                  | SxP               | SxP               |                    |                   |                   | X                | X                                | X                |

|   |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                   |                  |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b><u>4.10.27 Veterinary Hospitals for cats and dogs without outdoor runs in accordance with Section 7B (Note 6)</u></b>  |                    |                    | <b><u>SxP</u></b>  |                   |                  | <b><u>SxP</u></b> | <b><u>SxP</u></b> | <b><u>SxP</u></b>  | <b><u>SxP</u></b> | <b><u>SxP</u></b> | <b><u>X</u></b>  | <b><u>X</u></b>   | <b><u>X</u></b>  |
| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b>   | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
| <b>4.10.30 <u>Age Restricted Development</u></b> , in accordance with Section 7B (Note 2 & 6)   | SxP                | SxP                | SxP                | SxP               |                  |                   | SxP               |                    |                   |                   | SxP              | SxP               | SxP              |
| <b>4.10.31 <u>Restaurants with or without service of alcohol</u></b> , in accordance with Section 7B. (Note 3), (Note 7)<br>a) of 3,000 sq. ft. or less in total floor area<br>b) in excess of 3,000 sq. ft. total floor area |                    |                    |                    |                   | SxP<br>SxP       | SxP<br>SxP        |                   |                    |                   | SxP<br>X          | SxP<br>SxP       | SxP on Main<br>X  | X<br>X           |
| <b>4.10.32 <u>Drinking establishments</u></b> , in accordance with Section 7B (Note 3)  |                    |                    |                    |                   | SxP              | SxP               |                   |                    |                   |                   | SxP              | SxP on Main       | X                |
| <b>4.10.32A <u>Microbrewery/Microwinery</u></b> (Note 8)  |                    |                    |                    |                   | SxP              | SxP               | SxP               | SxP                | SxP               |                   | SxP              |                   |                  |
| <b>4.10.33A <u>Preparation of or food processing for retail, on-site sale</u></b> (Notes 3 and 4)   |                    |                    |                    |                   | SxP              | SxP               |                   |                    |                   | SxP               | SxP              | SxP on Main       | X                |
| <b>4.10.33B <u>Preparation of or food processing for wholesale distribution</u></b> (Notes 3 and 4)   |                    |                    |                    |                   |                  |                   | SPA               | SPA                | SPA               |                   | X                | X                 | X                |

|   |             |             |             |            |           |            |            |             |            |            |           |            |           |
|---|-------------|-------------|-------------|------------|-----------|------------|------------|-------------|------------|------------|-----------|------------|-----------|
| <b><u>4.10.27 Veterinary Hospitals for cats and dogs without outdoor runs in accordance with Section 7B (Note 6)</u></b>  |             |             | <u>SxP</u>  |            |           | <u>SxP</u> | <u>SxP</u> | <u>SxP</u>  | <u>SxP</u> | <u>SxP</u> | <u>X</u>  | <u>X</u>   | <u>X</u>  |
| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b>   | <u>R-80</u> | <u>R-60</u> | <u>R-30</u> | <u>PRD</u> | <u>HD</u> | <u>GCD</u> | <u>VID</u> | <u>CIPD</u> | <u>TID</u> | <u>NCD</u> | <u>VC</u> | <u>VMU</u> | <u>VR</u> |
| <b>4.10.34 <u>Contractor's Business and Storage Yards</u></b> <sup>11</sup> including building materials yards and storage of related vehicles but excluding concrete mixing and brush and stump processing in accordance with section 7B.34  |             |             |             |            |           |            |            |             | SPA        |            | X         | X          | X         |
| <b>4.10.35 <u>Landscape/Nursery Services</u></b> <sup>12</sup> Retail nursery sales including the mixing of chips, top soil and compost, firewood and the storage of small related landscape and nursery equipment with less than a 2 ton capacity but excluding brush and stump processing in accordance with section 7B.20. | SXP         |             |             |            |           |            |            | SPA         |            |            | X         | X          | X         |
| <b>4.10.36 <u>Rental of tools, light machinery, and equipment for home and/or business use</u></b> , and associated parts and accessories   |             |             |             |            |           | SPA        | SxP        | SPA         | SPA        |            | X         | X          | X         |

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**SPA** Site Plan

**SxP** Special Permit

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Notes:

1. Effective November 1, 2011, the phrase, “of 700 SF or less in sales floor area” was added to this use.
2. Effective August 1, 2009, this use was split off from the uses listed in 4.10.23. Effective March 1, 2011, this use was permitted by SxP in the GCD, VID, CIP and TID and was renumbered to 4.10.23B. Effective July 19, 2012, Age Restricted Development was added as a use to Schedule 4.10.



3. Effective April 15, 2009, 4.10.30-32 were added as uses by SxP in the HDD.
4. Effective August 1, 2009, 4.10.32 was split into 4.10.32A and 4.10.32B. Effective March 1, 2011, the title of 4.10.32A changed from, "Food Preparation/processing for retail, on-site sale, including but not limited to a bakery or purveyor of specialty foods" to "Preparation of or food processing for retail, on-site sale" and it was permitted by SxP in GCD. Effective March 1, 2011, the title of 4.10.32B changed from "Food Preparation/processing for wholesale distribution or off-site retail sale, including, but not limited to a bakery, caterer, or purveyor of specialty foods" to "Preparation of or food processing for wholesale distribution" and it was permitted by SPA in VID, CIP and TID.
5. Effective August 1, 2009, "sale" was replaced with "wholesale distribution" and "with retail sales of no more than one-third of on-site customer visits" was added to the description of this use.
6. Effective January 1, 2017 add SxP to VID, VC, VMU and VR.
7. Effective January 1, 2017 add SxP in evcess of 3,000 to HD
8. Effective January 1, 2017 New regulation
9. Effective January 1, 2017 remove from VID, change SxP to SPA in CIPD and TID
10. Effective January 1, 2017amend VID to SxP
11. Effective April 4, 2018
12. Effective April 4, 2018

| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b>   | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b>4.10.37 <u>Retail and wholesale sale or rental of farm, construction or industrial equipment</u></b> , including but not limited to tractors, farm wagons, forklifts, wood recovery and sawing equipment, backhoes, bulldozers, including the parts and accessories pertaining to the same. (Note 3) |                    |                    |                    |                   |                  |                   |                   | SPA                | SPA               |                   | X                | X                 | X                |
| <b>4.10.38 <u>Offices for business, financial, computer services, and other similar professional services</u></b> , not otherwise listed in this schedule   |                    |                    |                    |                   | SxP              | SPA               | SPA               | SPA                | SPA               | SxP               | SPA              | SPA               | SxP              |

| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b>4.10.39</b> (Intentionally blank) (Note 1)  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                   |                  |
| <b>4.10.40</b> <b><u>Medical Offices</u></b>   |                    |                    |                    |                   |                  | SxP               |                   |                    |                   | SxP               | SPA              | SxP               | SxP              |
| <b>4.10.41</b> <b><u>Real Estate Offices</u></b>   |                    |                    |                    |                   |                  | SxP               |                   |                    |                   | SxP               | X                | SPA               | SxP              |
| <b>4.10.42</b> <b><u>Mixed Use Buildings</u></b> , in accordance with Section 7B (Note 2)  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   | SPA              | SPA               | X                |
| <b>4.10.43</b> <b><u>Light manufacturing, fabrication, processing, food processing, compounding, treatment, assembly, maintenance, repair or packing of goods or products</u></b> , in accordance with Section 7B (Note 4) |                    |                    |                    |                   | SxP              |                   | SPA               | SPA                | SPA               |                   | X                | X                 | X                |
| <b>4.10.44</b> <b><u>Non-Retail Laundering and Dry Cleaning Processing, Tool and Die, Printing and Publishing Establishments</u></b> (Note 5)  |                    |                    |                    |                   |                  |                   | SxP               | SxP                | SxP               |                   | X                | X                 | X                |
| <b>4.10.45</b> <b><u>Scientific, research and clinical laboratories</u></b> , devoted to research, design and/or experimentation, including computer centers   |                    |                    |                    |                   |                  |                   | SxP               | SxP                | SxP               |                   | X                | X                 | X                |
| <b>4.10.46</b> <b><u>Gasoline Stations, motor vehicle dealerships, and motor vehicle repair services</u></b> , as defined by State Statutes, and in accordance with Section 7B   |                    |                    |                    |                   |                  | SxP               |                   |                    | SxP               |                   | X                | X                 | X                |

| <b><u>4.10 SCHEDULE OF USES (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b> | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b>4.10.47 <u>Adult Entertainment Business</u></b> , in accordance with Section 7B                  |                    |                    |                    |                   |                  | SxP               |                   |                    |                   |                   | X                | X                 | X                |

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Notes:

1. Effective November 1, 2011, Offices for business, financial, computer services, and other similar professional services, not otherwise listed in this schedule, with accessory drive-through facilities were deleted as a use and Mixed Uses were added as a use.
2. Effective August 1, 2009, Mixed-use buildings were deleted as a use since each particular use should be considered independently, with standards for that use. Effective November 1, 2011, Mixed Uses was added as a use to the Regulations. Effective July 19, 2012, Mixed Uses was replaced with Mixed Use Buildings as a use in the Regulations.
3. Effective January 1, 2016 change SxP to SPA in CIPD and TID
4. Effective January 1, 2017 remove from HD, amend SxP to SPA in VID, CIPD and TID
5. Effective January 1, 2017 change SPA to SxP in CIPD and TID

| <b><u>SCHEDULE 4.10 (continued)</u></b><br><b><u>(see footnotes at bottom of table)</u></b> | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| 4.10.48 <b>(Intentionally Blank)</b> (Note 1)   |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                   |                  |
| 4.10.49 <b><u>Rear Lots</u></b> , in accordance with Section 6 (Note 2)                     | SPA                | SPA                |                    |                   |                  |                   |                   |                    |                   |                   | X                | X                 | X                |

| <b>SCHEDULE 4.10 (continued)</b><br><b>(see footnotes at bottom of table)</b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| 4.10.50 <b><u>Communication Towers</u></b> , in accordance with Section 7B (Note 3)  | SxP                | SxP                | SxP                | X                 | X                | SxP               | SxP               | SxP                | SxP               |                   | X                | X                 | X                |
| 4.10.51 <b>(Intentionally Blank)</b> (Note 4)  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                   |                  |
| 4.10.52 <b><u>Earth Filling and Removal</u></b> , in accordance with Section 14 (Note 13)  |                    |                    |                    |                   |                  |                   |                   | SxP                |                   |                   | X                | X                 | X                |
| 4.10.53 <b><u>Public Parking Lot, private or municipal</u></b> Existing parking regulations apply, except for minimum-maximum space requirement (Note 5) |                    |                    |                    |                   |                  | SPA               |                   |                    |                   |                   | SPA              | SPA               | X                |
| 4.10.54 <b><u>Group Home/Halfway House</u></b> (Note 6)  |                    |                    | SPA                |                   |                  |                   |                   |                    |                   |                   | X                | SxP               | SxP              |
| 4.10.55 <b><u>Animal Day Care Facilities</u></b> for domestic animals (dogs and cats) in accordance with Section 7B. (Note 7)                            |                    |                    |                    |                   |                  |                   |                   | SxP                | SxP               |                   |                  |                   |                  |
| 4.10.56 <b><u>Museum (public)</u></b> (Note 8 & 14)  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   | X                | SxP               | X                |
| 4.10.57 <b><u>Historic Home Museum</u></b> (Note 9)  |                    |                    | SxP                |                   |                  | SxP               |                   |                    |                   |                   | X                | SxP               | SxP              |
| 4.10.58 <b><u>Community Center</u></b> (Note 10 & 15)  |                    |                    |                    |                   |                  | SxP               |                   |                    |                   |                   | X                | SxP               | X                |

| <b>SCHEDULE 4.10 (continued)</b><br><b>(see footnotes at bottom of table)</b> | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| 4.10.59 <b><u>Library</u></b> (Note 11)                                       |                    |                    |                    |                   |                  | SxP               |                   |                    |                   |                   | SxP              | SxP               | X                |
| 4.10.80 <b><u>Lot Line Revision</u></b> (Note 12)                             | AZP                | AZP                | AZP                | AZP               | AZP              | AZP               | AZP               | AZP                | AZP               | AZP               | AZP              | AZP               | AZP              |
| 4.10.81 <b><u>Change of Business Name or Business Ownership</u></b> (Note 12) | AZP                | AZP                | AZP                | AZP               | AZP              | AZP               | AZP               | AZP                | AZP               | AZP               | AZP              | AZP               | AZP              |
| 4.10.82-4.10.99 for future use,<br>Schedule continues with 4.10.100           |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                   |                  |

**AZP** Administrative Zoning Permit

**SPA** Site Plan

**SxP** Special Permit

**“-”, “X” or Blank** Prohibited

**Notes:**

1. Effective August 1, 2009, Conversion of existing structures to residential or commercial condominium use was removed from the Regulations since form of ownership is not relevant to Zoning Regulations.
2. Effective June 15, 2013, the permitting of this use in the R-80 and R-60 zoning districts was changed from SxP to SPA.
3. Effective June 15, 2013, the permitting of this use in the HD and PRD zoning districts was changed from SxP to X.
4. Effective June 15, 2013, “Multi Family or non-residential development in Gateway Conservation Zone, if such development is otherwise permitted in the zoning district” was replaced with “Intentionally Blank”.
5. Effective August 1, 2009, Public Parking Lot, private or municipal, was added as a use in the Zoning Regulations. Effective March 1, 2011, this use was permitted by SPA in the GCD.
6. Effective March 1, 2011, Group Home/Halfway House was added as a use and permitted by SPA in R-20.
7. Effective April 15, 2009, Section 4.10.54 (Animal Day Care Facilities) was added to the Regulations.
8. Effective March 1, 2011, Museum (public) was permitted by SxP in R-20.
9. Effective August 1, 2009, Museum, Historic Home was added as a use in the Zoning Regulations. Effective March 1, 2011, the name of the use was changed to Historic Home Museum and it was permitted by SxP in R-20 and GCD. Effective August 1, 2009, Community Center was added as a use in the Zoning Regulations. Effective March 1, 2011, this use was permitted by Special Permit in GCD and R-20.
10. Effective August 1, 2009 Community Center was added, March 1, 2011 this use was permitted by SxP in GCD and R-20
11. Effective August 1, 2009, Private Library was added as a use in the Zoning Regulations. Effective March 1, 2011, the name of this use was changed to Library and it was permitted by SxP in the GCD.

12. Effective March 1, 2011, Lot Line Revision and Change of Business Name or Business Ownership were renumbered from 4.10.52 and 4.10.53 to 4.10.80 and 4.10.81.
13. Effective January 1, 2017 removed from R-80, R-60, R-30, PRD, HD, GCD, VID and TID.
14. Effective January 1, 2017 removed from R-30
15. Effective January 1, 2017 removed from R-30

| <b>SCHEDULE 4.10 (continued) -<br/>ACCESSORY USES <u>customary with and<br/>incidental to the primary use</u>, including but not<br/>limited to</b> | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>                   | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------------------------|------------------|
| <b>4.10.100 <u>Private garages, garden<br/>houses, tool houses, play<br/>houses, boat docks</u> and other<br/>similar buildings and structures</b>  | AZP                | AZP                | AZP                |                   | AZP              |                   |                   |                    |                   |                   | AZP              | AZP for<br>residential<br>uses only | AZP              |
| <b>4.10.101 <u>Private swimming pools</u>, in<br/>accordance with Section 7B</b>  | AZP                | AZP                | AZP                |                   | AZP              |                   |                   |                    |                   |                   | X                | AZP for<br>residential<br>uses only | AZP              |
| <b>4.10.102 <u>Customary Home<br/>Occupations</u>, in<br/>accordance with Section 7B</b>  | AZP                | AZP                | AZP                |                   | AZP              |                   |                   |                    |                   |                   | AZP              | AZP for<br>residential<br>uses only | AZP              |

| <b>SCHEDULE 4.10 (continued) -<br/>ACCESSORY USES <u>customary with and<br/>incidental to the primary use</u>, including but not<br/>limited to</b>   | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>                   | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------------------------|------------------|
| <b>4.10.103 <u>The incidental storage of<br/>registered RVs, trailer<br/>campers, boats &amp; vehicles</u></b><br>owned by the occupant of<br>the premises stored in the<br>side or rear yards and<br>minimally visible from any<br>public way.(Note 1 & 6)   | AZP                | AZP                | AZP                |                   | AZP              |                   |                   |                    |                   |                   | X                | AZP for<br>residential<br>uses only | AZP              |
| <b>4.10.104 <u>Other accessory buildings<br/>and uses</u></b> which are clearly<br>subordinate, customary and<br>incidental to, and located on the<br>same lot with the principal use,<br>and that will not be hazardous to<br>the public health, safety and<br>welfare (Note 2)  | AZP                | AZP                | AZP                |                   | AZP              |                   |                   |                    |                   |                   | AZP              | AZP                                 | AZP              |
| <b>4.10.105 <u>Accessory buildings and<br/>uses for multiple-family<br/>dwellings</u></b> , when provided<br>as an integral part of the<br>overall development,<br>including, but not<br>necessarily limited to,<br>tennis courts, swimming<br>pools, other recreation<br>facilities and buildings,<br>maintenance, storage and<br>utility buildings and<br>parking areas. (Note 3) | AZP                | AZP                | AZP                |                   |                  |                   |                   |                    |                   |                   | X                | AZP                                 | AZP              |

| <b>SCHEDULE 4.10 (continued) -<br/>ACCESSORY USES <u>customary with and<br/>incidental to the primary use</u>, including but not<br/>limited to</b>   | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b>4.10.106 <u>Accessory Retail Use to a<br/>manufacturing/assembly<br/>establishment</u></b> , with such<br>retail being clearly<br>incidental to the<br>manufacturing operation, in<br>accordance with Section 7B |                    |                    |                    |                   | SxP              |                   | SxP               | SxP                | SxP               |                   | X                | X                 | X                |
| <b>4.10.107 <u>Accessory Apartments</u></b> , in<br>accordance with Section 7B<br>(Note 7)  | SPA                | SPA                | SPA                |                   | SPA              |                   |                   |                    |                   |                   | SPA              | SPA               | SPA              |
| <b>4.10.107A <u>Medi-pods</u></b> ,<br>In accordance with Section<br>7B (Note 8)  | SPA                | SPA                | SPA                |                   |                  |                   |                   |                    |                   |                   |                  |                   | SPA              |
| <b>4.10.108 <u>Cafeteria style service</u></b><br>provided within a building<br>for employees of a principal<br>use   |                    |                    |                    | AZP               |                  |                   | AZP               | AZP                | AZP               |                   | AZP              | X                 | X                |
| <b>4.10.109 <u>Child Day Care facilities</u></b><br>for children of employees   |                    |                    |                    | AZP               |                  |                   | AZP               | AZP                | AZP               |                   | AZP              | AZP               | AZP              |
| <b>4.10.110 <u>Dwelling accommodations</u></b><br>for a caretaker, custodian or<br>watchman in conjunction<br>with a principal use on the<br>same premises/property   |                    |                    |                    | AZP               |                  | AZP               | AZP               | AZP                | AZP               | AZP               | AZP              | AZP               | AZP              |



| <b>SCHEDULE 4.10 (continued) -<br/>ACCESSORY USES <u>customary with and<br/>incidental to the primary use</u>, including but not<br/>limited to</b>   | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>   | <b><u>VR</u></b> |
|---|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|---------------------|------------------|
| <b>4.10.111</b> <u>Outside storage of<br/>equipment, merchandise,<br/>non-toxic materials and<br/>supplies</u> which is clearly<br>subordinate and customary<br>with and incidental to a<br>principal use and where<br>goods so stored are sold<br>from or used on the<br>premises, provided that any<br>outdoor storage shall be<br>screened on all sides by<br>appropriate structures,<br>fencing, walls or<br>landscaping of suitable<br>type, density and height, as<br>determined by the<br>Commission |                    |                    |                    |                   | AZP              | AZP               | AZP               | AZP                | AZP               |                   | AZP              | AZP on<br>Main only | X                |

| <b>SCHEDULE 4.10 (continued) -<br/>ACCESSORY USES <u>customary with and<br/>incidental to the primary use</u>, including but not<br/>limited to</b>  | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b>    | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|----------------------|------------------|
| <b>4.10.112 <u>(Intentionally Blank)</u></b>   |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                      |                  |
| <b>4.10.113 <u>(Intentionally Blank)</u> (Note 4)</b>  |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   |                  |                      |                  |
| <b>4.10.114 <u>Signs</u> in accordance with<br/>Section 13</b>   | AZP                | AZP                | AZP                | AZP               | AZP              | AZP               | AZP               | AZP                | AZP               | AZP               | AZP              | AZP                  | AZP              |
| <b>4.10.115 <u>Outdoor/Outside Seating</u> in<br/>accordance with Section 7B</b><br><b>a) Sidewalk seating</b><br><b>b) Patio or other non-sidewalk seating<br/>location</b>   |                    |                    |                    |                   |                  |                   |                   |                    |                   |                   | AZP<br>SP        | AZP on<br>Main<br>SP | X<br>X           |
| <b>4.10.116 <u>Drive-Thru Facilities</u>,<br/>secondary to the primary<br/>business, including retail<br/>businesses, banks and other<br/>similar businesses but<br/>excluding food service<br/>establishments. (Note 5)</b> |                    |                    |                    |                   |                  | SxP               |                   |                    |                   | X                 | SxP              | SxP on<br>Main only  | X                |

| <b>SCHEDULE 4.10 (continued) -<br/>ACCESSORY USES <u>customary with and<br/>incidental to the primary use</u>, including but not<br/>limited to</b>        | <b><u>R-80</u></b> | <b><u>R-60</u></b> | <b><u>R-30</u></b> | <b><u>PRD</u></b> | <b><u>HD</u></b> | <b><u>GCD</u></b> | <b><u>VID</u></b> | <b><u>CIPD</u></b> | <b><u>TID</u></b> | <b><u>NCD</u></b> | <b><u>VC</u></b> | <b><u>VMU</u></b> | <b><u>VR</u></b> |
|--|--------------------|--------------------|--------------------|-------------------|------------------|-------------------|-------------------|--------------------|-------------------|-------------------|------------------|-------------------|------------------|
| <b>4.10.117 Free-Standing Drive-Up<br/>ATM</b> with no financial<br>service business on the<br>property (such use<br>prohibited in all other<br>districts) |                    |                    |                    |                   |                  |                   |                   |                    |                   | SxP               | X                | X                 | X                |
| <b>4.10.118 Livestock and Poultry</b> , in<br>accordance with Section 7B   | AZP                | AZP                | AZP                | AZP               |                  |                   |                   |                    |                   |                   |                  |                   |                  |

1. Effective August 1, 2009, “RVs, trailer campers,” and “a. stored in side and rear yards only, and b. Minimally visible from any public way: were added to this use.
2. Effective August 1, 2009, “Other accessory uses CLEARLY subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses that will not be hazardous to the public health, safety and welfare” was replaced with the text from 4.10.113.
3. Effective June 15, 2013, this use was allowed by AZP in the R-80 and R-60 zoning districts.
4. Effective August 1, 2009, the use in 4.10.113 was moved to 4.10.104 and the words, “(Intentionally Blank)” were added.
5. Effective June 15, 2013, this use was renumbered from 116a to 116 and the phrase, “but not limited to retail businesses, banks, and other similar establishments, a) excluding food service establishments; b) including food service establishments, whether or not the drive-thru is incidental to a take-out or table service business, excluding any drive-thru otherwise specifically permitted in this schedule.” was replaced with, “including retail businesses, banks and other similar businesses but excluding food service establishments.”
6. Effective January 1, 2017 new definition added
7. Effective January 1, 2017 change SxP to SPA
8. Effective January 1, 2017 new regulation
9. Effective January 1, 2017 removed Assembly in its entirety

## SECTION 5 – LOT REQUIREMENTS AND STANDARDS<sup>33</sup>

*NOTE: See Sections 7A and 7B for zone- and use-specific lot requirements and standards.*

- 5.1 **GENERAL.** The schedules of minimum required and maximum permitted lot and building requirements apply to all districts established by these Regulations. The lot and building regulations listed for each Zoning District as designated, are subject to any other pertinent provisions of these Regulations, and unless otherwise governed by more stringent requirements, shall be deemed to be the minimum requirement in every instance of their application.
- 5.2 **NET BUILDABLE LOT AREA.** The area of contiguous real estate required by these Regulations for the purpose of obtaining permission from the Town to build thereon in order to protect the public health and safety of the Town's inhabitants and to maintain the quality of surface and ground waters and the open space character of the Town, said area to be determined by applying the percentage allowances indicated below to those portions of the lot which exhibit the following natural resource characteristics:<sup>34</sup>
- 5.2.1 Soils classified by the Natural Resources Conservation Service (formerly the Soil Conservation Service), USDA and the Connecticut Department of Public Health Services as to Potential Ratings for Septic Tank Absorption Fields:

| <b><u>Rating of Soil</u></b> | <b><u>Allowable Percentage</u></b> |
|------------------------------|------------------------------------|
| 1. Very high potential       | 100%                               |
| 2. High potential            | 100%                               |
| 3. Medium potential          | 75%                                |
| 4. Low potential             | 75%                                |

- 5.2.2 No soils with a rating of very low or extremely low potential shall be used as part of the net buildable lot area.
- 5.2.3 The net buildable lot area shall not include any area delineated as inland wetlands or watercourses by the Town of Deep River or the State of Connecticut in accordance with Sections 22a-32 and 22a-38 of the Connecticut General Statutes, as amended.
- 5.2.4 The net buildable lot area shall not include any area mapped as a special flood hazard area as shown on the Flood Insurance Rate Map for the Town of Deep River.<sup>35</sup>

<sup>33</sup> Effective October 15, 2007, "and Standards" was added to the title of this section. Also, in this section, the residential lot requirements tables (Schedules 5A and 5B) were combined into Schedule 5.5 and the non-residential lot requirements tables (Schedules 5C and 5D) were renumbered to 5.6 and 5.7.

<sup>34</sup> Effective October 15, 2007, this definition was moved from Section 2 to Section 5.

<sup>35</sup> Effective October 15, 2007, Sections 2.1.41(1) through (4) related to Net Buildable Lot Area were moved from Section 2 to Section 5.

- 5.3 **PERFORMANCE STANDARDS:**<sup>36</sup> The use of land, buildings, and other structures wherever located, will be established and conducted to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors which if committed or exceeded in the use of land, buildings and other structures will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No Application for Certificate of Zoning Compliance will be approved by the Zoning Enforcement Officer and no Certificate of Zoning Compliance will be issued by him/her until he/she has made a determination that the proposed use of land, building and other structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations, whichever is more restrictive. The performance standards hereinafter specified will be of continuing application.
- 5.3.1 **Smoke, Gases and Fumes.** No dust, dirt, fly ash, smoke, gas or fumes will be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any lot, or to constitute a critical source of air pollution. In addition, no smoke or particulate matter will be so emitted to have opacity greater than Ringleman #2 for more than five (5) minutes in any 12-hour period.
- 5.3.2 **Noise.** With the exception of time signals, noise necessarily involved in the construction or demolition of buildings and other structures and noises associated with fire/emergency notification systems, no noise will be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence or beat frequency which endangers the public health and safety or impairs safety on or the value and reasonable use of any other lot.
- 5.3.3 **Vibration.** With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration will be transmitted outside of the lot where it originates.
- 5.3.4 **Odors.** No offensive odors will be emitted into the air from any lot so as to impair the value and reasonable use of any other lot.
- 5.3.5 **Glare and Heat.** No light will be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot. In Residence Districts the source of any lighting located out-of-doors on any lot will not be visible from any other lot; in other than Residence Districts the source of any lighting located out-of-doors and within 200 feet of a Residence District boundary line will not be visible at the boundary line.
- 5.3.6 **Refuse and Pollution.** No refuse or other waste materials will be deposited on any lot except with the approval of the Director of Health of the Town of Deep

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<sup>36</sup> Effective October 15, 2007, these Performance Standards were moved from Section 4 to Section 5.

River. No refuse or other waste materials and no liquids will be deposited and/or buried on any lot or deposited or discharged into any river, stream, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution.

5.3.7 **Danger.** No material which is dangerous due to explosion, extreme fire hazard or radioactivity will be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of Deep River, State of Connecticut and Federal Government.

5.3.8 **Radio Interference.** No use on any lot will cause interference with radio and television reception on any other lot, and any use will conform to the regulations of the Federal Communications Commission concerning electromagnetic radiation and interference.

#### 5.4 **SEWAGE DISPOSAL**<sup>37</sup>

5.4.1 Sewage disposal plans shall be prepared by a professional engineer having a demonstrated knowledge of sanitary engineering design and registered to practice in the State of Connecticut. The Plan shall be designed in accordance with the prevailing design guidelines established by the Connecticut Department of Health and approved by the Director of Health of the Town of Deep River prior to the issuance of a zoning permit.

5.4.2 The sewage disposal system shall be constructed in accordance with the approved plan and shall be constructed under the supervision of a qualified professional engineer.

5.4.3 A record drawing of the system as installed shall be filed with the Director of Health of the Town of Deep River and shall be found acceptable to the Director prior to the occupancy of the premises.

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<sup>37</sup> Effective October 15, 2007, Section 5.4 was reworded and moved from Schedule 5.7 (previously numbered Schedule 5D).

**SCHEDULE 5.5 - LOT AND BUILDING REQUIREMENTS IN RESIDENTIAL AND MIXED USE DISTRICTS**

| <b>Minimum Required</b>   | <b>R-30</b>   |                                     | <b>R-60</b>     | <b>R-80</b>     | <b>PCD</b>      |                 | <b>Preservation &amp; Recreation</b> | <b>Village Residential</b> |
|---|---|-------------------------------------|-----------------|-----------------|-----------------|-----------------|--------------------------------------|----------------------------|
|   | <b>With Water &amp;/or sewer</b>                                  | <b>Without Water &amp;/or sewer</b> |                 |                 | <b>R-60</b>     | <b>R-80</b>     |                                      |                            |
| 5.5.1 Gross Lot Area (Square Feet)  | 30,000  | 60,000                              | 60,000          | 80,000          | 40,000          | 45,000          | 400,000                              | 30,000                     |
| 5.5.2 Net Buildable Lot Area (Square Feet)                                | 20,000  | 50,000                              | 50,000          | 50,000          | 35,000          |                 | 80,000                               | 20,000                     |
| 5.5.3 Lot Width (at street line)  | 100 Feet  | 150 Feet                            | 150 Feet        | 200 Feet        | 125 Feet        |                 | 200 Feet                             | a. 150 Feet<br>b. 150 Feet |
| 5.5.4 Lot Depth (from street line)  | 150 Feet  |                                     | 200 Feet        | 200 Feet        | 120 Feet        |                 | 400 Feet                             | 150 Feet                   |
| 5.5.5 Front Setbacks (from street line)                                   |   |                                     |                 |                 |                 |                 |                                      |                            |
| a. Light Residential Street   | a. 15 Feet  |                                     | a. 20 Feet      | a. 20 Feet      | a. 20 Feet      |                 | a. 100 Feet                          |                            |
| b. Residential Collector Street   | b. 20 Feet  |                                     | b. 30 Feet      | b. 30 Feet      | b. 30 Feet      |                 | b. 100 Feet                          |                            |
| c. Arterial Collector Street  | c. 25 Feet  |                                     | c. 40 Feet      | c. 40 Feet      | c. 40 Feet      |                 | c. 100 Feet                          |                            |
| d. North of Lafayette and Essex Streets                                   |   |                                     |                 |                 |                 |                 |                                      | d. 10-35 Feet              |
| e. South of Lafayette and Essex Streets                                   |   |                                     |                 |                 |                 |                 |                                      | e. 10-35 Feet              |
| 5.5.6 Any One Side Yard   | 15 Feet   | 20 Feet                             | 15 Feet         | 20 Feet         | 20 Feet         |                 | 100 Feet                             | 25 Feet                    |
| 5.5.7 Total of Both Side Yards  | 40 Feet   | 50 Feet                             | 40 Feet         | 50 Feet         | 40 Feet         |                 | 100 Feet                             | 50 Feet                    |
| 5.5.8 Rear Yard   | 20 Feet   | 30 Feet                             | 30 Feet         | 30 Feet         | 30 Feet         | 40 Feet         | 200 Feet                             | 30 Feet                    |
| 5.5.9 Building Rectangle (from street line)                               | 100 ft x 150 ft   | 150 ft x 200 ft                     | 150 ft x 200 ft | 180 ft x 220 ft | 125 ft x 150 ft | 400 ft x 500 ft | 150 ft x 150 ft                      |                            |
| <b>Maximum Permitted</b>  |   |                                     |                 |                 |                 |                 |                                      |                            |
| 5.5.10 Building Height <sup>1</sup>                                       | 2 Stories and an Attic above Grade or 35 Feet (whichever is less) |                                     |                 |                 |                 |                 |                                      | 30 Feet                    |
| 5.5.11 Lot Coverage of all structures (% of Gross Lot Area)               | 15%   |                                     | 10%             | 10%             | 10%             |                 | 10%                                  | 30%                        |
| a. Fronting Main Street   |   |                                     |                 |                 |                 |                 |                                      |                            |
| b. Not fronting Main St.  |   |                                     |                 |                 |                 |                 |                                      |                            |
| 5.5.12 Impervious Surfaces (including roofs) as percent of Gross Lot Area | 20%   |                                     | 15%             | 15%             | 15%             |                 | 15%                                  | 35%                        |
| a. Fronting Main Street   |   |                                     |                 |                 |                 |                 |                                      |                            |
| b. Not fronting Main St.  |   |                                     |                 |                 |                 |                 |                                      |                            |
| 5.5.13 Footprint of any one building (sq. feet)                           | n/a   |                                     | n/a             | n/a             | n/a             |                 | n/a                                  | a. 2,500<br>b. 1,500       |
| 5.5.14 Length of building facing street, any one structure                | n/a   |                                     | n/a             | n/a             | n/a             |                 | n/a                                  | n/a                        |

Note 1 Any height in excess of that listed above for structures such as church steeples, water storage tanks, radio or television transmission towers, electric transmission towers or similar structures, may be permitted by the Commission subject to Special Permit and Site Plan Approval in accordance with Sections 9 and 10 of these Regulations provided such exceptions do not exceed 10% of the total roof area.



**SCHEDULE 5.6 - LOT AND BUILDING REQUIREMENTS IN NON-RESIDENTIAL DISTRICTS  
WITH PUBLIC WATER AND/OR SANITARY SEWAGE SYSTEMS**

| <b>Minimum Required</b>  | <b>Harbor</b>  | <b>Village Mixed Use</b>                | <b>Village Commercial</b>              | <b>General Commercial</b>             | <b>Village, Turnpike and Commercial Industrial</b> |
|--|--|---|--|---------------------------------------|--|
| 5.6.1 Gross Lot Area (Square Feet)                               | 30,000   | 20,000                                  | 20,000                                 | 30,000                                | 40,000   |
| 5.6.2 Net Buildable Lot Area (Square Feet)                       | 20,000   | 15,000                                  | 15,000                                 | 20,000                                | 20,000   |
| 5.6.3 Lot Width (at street line)                                 | a. n/a<br>b. 100 Feet  | a. 70 Feet<br>b. 100 Feet               | a. 70 Feet<br>b. 70 Feet               | a. 100 Feet<br>b. 100 Feet            | a. 150 Feet<br>b. 150 Feet                         |
| 5.6.4 Lot Depth (from street line)                               | 150 Feet   | 150 Feet                                | 150 Feet                               | 150 Feet                              | 200 Feet   |
| 5.6.5 Front Setbacks (from street line)                          | a. 5 Feet<br>b. 10 Feet<br>c. 20 Feet  |   |  | a. 5 Feet<br>b. 10 Feet<br>c. 20 Feet | a. 10 Feet<br>b. 20 Feet<br>c. 30 Feet             |
| 5.6.6 Front Setbacks (from street line)                          | a. Fronting Main Street<br>b. Not fronting Main Street   | a. 5 Feet<br>b. 5 Feet                  | a. 0 Feet<br>b. 5 Feet                 | 10 Feet                               | 20 Feet  |
| 5.6.7 Total of Both Side Yards <sup>1</sup>                      | a. Fronting Main Street<br>b. Not fronting Main Street   | a. 10 Feet<br>b. 10 Feet                | a. 0 Feet<br>b. 10 Feet                | 10 Feet                               | 35 Feet  |
| 5.6.8 Rear Yard  | 20 Feet  | 25 Feet                                 | 20 Feet                                | 20 Feet                               | 30 Feet  |
| 5.6.9 Building Rectangle (from street line)                      | a. Fronting Main Street<br>b. Not fronting Main Street   | a. 70 ft x 100 ft<br>b. 100 ft x 100 ft | a. 70 ft x 150 ft<br>b. 70 ft x 150 ft | 100 ft x 150 ft                       | 150 ft x 200 ft                                    |
| <b>Maximum Permitted</b>   |  |   |  |                                       |  |
| 5.6.10 Building Height <sup>2</sup>                              | 2 Stories and an Attic above Grade or 35 Feet (whichever is less)                                |   |  |                                       |  |
| 5.6.11 Lot Coverage of all structures                            | a. Fronting Main Street<br>b. Not fronting Main St.  | a. 40%<br>b. 30%                        | a. 40%<br>b. 40%                       | 30%                                   | 25%  |
| 5.6.12 Impervious Surfaces including roofs (% of Gross Lot Area) | a. Fronting Main Street<br>b. Not fronting Main St.  | a. 60%<br>b. 50%                        | a. 70%<br>b. 60%                       | 60%                                   | 50%  |
| 5.6.13 Footprint of any one building (sq. feet)                  | a. One Story<br>b. Two or more stories<br>c. Fronting Main Street<br>d. Not fronting Main Street |   |  | 10,000 Sq. Ft. <sup>4</sup>           |  |
| 5.6.14 Length of building facing street, any one structure       | n/a  | c. 3,500<br>d. 2,500                    | c. 5,000<br>d. 3,500                   | n/a                                   | n/a  |

Note 1 This requirement may be waived upon written permission of the abutting owner or owners.

Note 2 Any height in excess of that listed above for structures such as church steeples, water storage tanks, radio or television transmission towers, electric transmission towers or similar structures, may be permitted by the Commission subject to Special Permit and Site Plan Approval in accordance with Sections 9 and 10 of these Regulations provided such exceptions do not exceed 10% of the total roof area.

Note 3 The difference between the maximum impervious surface permitted in Schedule 5.6 and 100% may be serviced with either permeable surface, stormwater recharge system, or a combination of the two. Effective March 1, 2011, impervious surfaces in the Downtown were reduced from 70% to 60%.

Note 4 The area of all attached covered or roofed areas including but not limited to canopies, arcades, and porches shall not be included in determining the Maximum Structure Footprint and may be permitted if the Commission determines that these improvements do not result in the bulk of the structure being unacceptable considering the area in which it is located. Furthermore, the area of all such attached covered or roofed areas shall not be used for calculating parking requirements; nor shall these areas be used for anything other than pedestrian or vehicle access.

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<sup>38</sup> Effective November 1, 2010, Note 3 was added to the table and the notes were renumbered.



**SCHEDULE 5.7 – LOT AND BUILDING REQUIREMENTS IN NON-RESIDENTIAL DISTRICTS  
WITHOUT PUBLIC WATER OR SANITARY SEWAGE SYSTEMS**

| <b>Minimum Required</b>   | <b>Harbor Development</b>   | <b>General Commercial</b>   | <b>Downtown</b> | <b>Village, Turnpike and Commercial Industrial</b> |
|---|---|-----------------------------|-----------------|--|
| 5.7.1 Gross Lot Area  | 40,000 Sq. Ft.  | 80,000 Sq. Ft.              | Same as GCD     | 80,000 Sq. Ft.                                     |
| 5.7.2 Net Buildable Lot Area  | 20,000 Sq. Ft.  | 40,000 Sq. Ft.              | Same as GCD     | 40,000 Sq. Ft.                                     |
| 5.7.3 Lot Width (at street line)  | 150 Feet  | 150 Feet                    | Same as GCD     | 150 Feet   |
| 5.7.4 Lot Depth (from street line)  | 200 Feet  | 200 Feet                    | Same as GCD     | 200 Feet   |
| 5.7.5 Front Setbacks (from street line)                                       |   |                             |                 |  |
| a) Light Residential Street   | 5 Feet  | 5 Feet                      | 0-10 feet       | 20 Feet  |
| b) Residential Collector Street   | 10 Feet   | 10 Feet                     | (see 6.3.1)     | 30 Feet  |
| c) Arterial Collector Street  | 20 Feet   | 20 Feet                     |                 | 40 Feet  |
| 5.7.6 Any One Side Yard <sup>1</sup>  | 20 Feet   | 10 Feet                     | Same as GCD     | 25 Feet  |
| 5.7.7 Total of Both Side Yards <sup>1</sup>                                   | 35 Feet   | 10 Feet                     | Same as GCD     | 40 Feet  |
| 5.7.8 Rear Yard   | 30 Feet   | 30 Feet                     | Same as GCD     | 40 Feet  |
| 5.7.9 Building Rectangle (from street line)                                   | 150 ft x 200 ft   | 150 ft x 200 ft             | Same as GCD     | 150 ft x 200 ft                                    |
| <b>Maximum Permitted</b>  |   |                             |                 |  |
| 5.7.10 Building Height <sup>2</sup>   | 2 Stories and an Attic above Grade or 35 Feet (whichever is less) |                             |                 |  |
| 5.7.11 Lot Coverage (all structures) (% of Gross Lot Area)                    | 25%   | 25%                         | Same as GCD     | 20%  |
| 5.7.12 Impervious Surfaces including roofs (% of Gross Lot Area) <sup>3</sup> | 50%   | 50%                         | 70%             | 40%  |
| 5.7.13 Structure Footprint of <i>any one building</i>                         | 10,000 Sq. Ft.  | 10,000 Sq. Ft. <sup>4</sup> | Same as GCD     |  |

Note 1 This requirement may be waived upon written permission of the abutting owner or owners.

Note 2 Any height in excess of that listed above for structures such as church steeples, water storage tanks, radio or television transmission towers, electric transmission towers or similar structures, may be permitted by the Commission subject to Special Permit and Site Plan Approval in accordance with Sections 9 and 10 of these Regulations provided such exceptions do not exceed 10% of the total roof area.

Note 3 The difference between the maximum impervious surface permitted in Schedule 5.7 and 100% may be serviced with either permeable surface, stormwater recharge system, or a combination of the two.

Note 4 The area of all attached covered or roofed areas including but not limited to canopies, arcades, and porches shall not be included in determining the Maximum Structure Footprint and may be permitted if the Commission determines that these improvements do not result in the bulk of the structure being unacceptable considering the area in which it is located. Furthermore, the area of all such attached covered or roofed areas shall not be used for calculating parking requirements; nor shall these areas be used for anything other than pedestrian or vehicle access.

<sup>39</sup> Effective November 1, 2010, Note 3 was added to the table and the notes were renumbered.

## SECTION 6 - ALTERNATIVE AREA, LOCATION AND BULK STANDARDS

*NOTE: See Sections 7A and 7B for zone- and use-specific lot requirements and standards.*<sup>40</sup>

- 6.1 **LOT ACCESS AND REAR LOT REGULATIONS.** No Zoning Permit or Building Permit shall be issued for any building unless the lot upon which such building is to be erected fronts on or is directly accessible to a municipally acceptable street, an accepted public street, or a street in an approved subdivision; except that the Planning and Zoning Commission may permit rear lots to be created and used in Low Density Residential Districts (R-80 and R-60), subject to the following conditions and safeguards:
- 6.1.1 The applicant or subdivider shall prove to the satisfaction of the Commission that the land characteristics and physical site conditions make such rear lot development practical, reasonable, and desirable, and that such rear lot development will be in harmony with the purposes and intent of the Comprehensive Development Plan and will comply with all other applicable Town codes, regulations, and ordinances.
- 6.1.2 Such rear<sup>41</sup> lots shall only be used for permitted single-family dwellings.
- 6.1.3 Each rear lot shall be connected to a municipally acceptable street, an accepted public street or a street in an approved subdivision by a driveway access strip owned by the owner of said rear lot and capable of the providing suitable vehicular access to the lot.
- (1) The minimum length of such driveway access strip shall be not less than the minimum required lot depth for the applicable Residential District.
  - (2) The maximum length of such driveway access strip shall be determined by the Commission; except that two adjoining driveway access strips shall, in general, each not exceed a length equal to 2 1/2 times the minimum required lot depth for the applicable Residential District.
  - (3) Each driveway access strip shall be at least fifteen (15) feet in width.
  - (4) The area of such driveway access strips shall not be calculated in the minimum required area of the lot.
- 6.1.4 Each rear lot shall comply with all other lot and building requirements for the applicable Residential District.
- 6.1.4.1 The Commission shall determine which lot line shall be construed to be the front lot line.
- 6.1.5 The maximum slope of any driveway shall not exceed 12% in any location.

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<sup>40</sup> This note was added along with the amendments effective October 15, 2007.

<sup>41</sup> Effective October 15, 2007, "real" was replaced with "rear".

## SECTION 7A - ADDITIONAL AND SPECIAL STANDARDS SPECIFIC FOR DISTRICTS AND ZONES<sup>42</sup>

7A.1 **PURPOSE:** It is recognized that there are additional standards and criteria that must be applied to certain specified buildings and uses in order to insure that those buildings and uses are consistent and in harmony with their surroundings. This section establishes those standards and criteria that shall be applied in addition to those required elsewhere in these Regulations, and shall not in any way be construed to permit the expansion of any non-conforming use.

The Deep River Planning and Zoning Commission, in an effort to clarify the intent of Sections 7A and 7B of the Zoning Regulations, finds that the Special Standards attached to specific zoning districts and specific uses are an integral component of the regulations and are intended to further restrict those districts and uses as deemed appropriate by the Commission. As such, they are not subject to variance by the Zoning Board of Appeals as noted in Section 16.4 of the Deep River Zoning Regulations and Section 8-6 of the Connecticut General Statutes.<sup>43</sup>

These standards are in addition to any use-specific standards contained in Section 7B of these Regulations. At no time shall it be construed that the use-specific standards of Section 7B or district-specific standards of Section 7A are exclusive of each other. If there is any conflict between the two, the more restrictive, as determined by the Planning and Zoning Commission, shall prevail.<sup>44</sup>

7A.2 **GENERAL COMMERCIAL DISTRICT.**<sup>45</sup> In addition to requirements elsewhere in these Regulations, the following Special Standards shall apply to all uses within the General Commercial District:

7A.2.1 **Design Standards.** Site design, architectural design, and scale and massing of buildings shall be of such character as to harmonize and be compatible within the General Commercial District. The intent of these standards is not to require historically accurate design or duplication of architectural detail of other structures in the District, but rather to encourage the use of design elements which are common to the existing and traditional New England Main Street streetscape.

(1) **Site Development.** Building setbacks from the street, side setbacks from adjacent buildings, and orientation of the axis of buildings shall be consistent with and recognize the rhythm, spacing and orientation of other adjacent buildings. The primary visual focus of the site shall be the front yard area and front building façade. Where possible, off-street parking shall be located in side and rear yards

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<sup>42</sup> Effective October 15, 2007, this section was divided into two sections and the title of this section changed from, "Section 7 - Additional Standards" to "Section 7A - Additional and Special Standards Specific for Districts and Zones" and "Section 7B - Additional and Special Standards Specific for Uses".

<sup>43</sup> Effective June 15, 2013, this paragraph was added to the Regulations.

<sup>44</sup> This paragraph was added to the Regulations, effective October 15, 2007.

<sup>45</sup> Effective October 15, 2007, the section title was changed from "Special Standards for the General Commercial District" to "General Commercial District" and renumbered from 7.24 to 7A.2.

only, and shared parking areas may be established for adjacent lots. Each site shall be designed to encourage pedestrian use along the street fronting the site, and non-residential uses shall be designed to facilitate pedestrian movement within each site.

- (2) Building Form and Materials. These standards are intended to promote new development of such residential scale and character as to harmonize with adjacent buildings and the Main Street streetscape.
- (a) Lengthy unbroken facades parallel to Main Street and other fronting streets in the District shall not be permitted. The maximum horizontal length of an unbroken façade facing the primary street frontage of the lot shall not exceed thirty (30) feet. Façade offsets shall be sufficient to create a strong shadow line.
- (b) On lots where street frontage limits building width, and on other lots where appropriate, buildings shall be oriented so that the narrow end (short axis) is facing the primary street frontage.
- (c) In accordance with the existing architectural character of the area, roof structures shall be hipped or gabled in appearance as seen from any public way. Flat roofs seen from a public way shall not be permitted. Roofs shall project enough beyond the façade to create an overhang and cast a strong shadow.
- (d) Mechanical equipment shall be concealed within the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets or adjacent residential uses. Mechanical equipment located at ground level shall be screened and landscaped to the satisfaction of the Commission.
- (e) Particular attention shall be given to architectural detail and landscaping the side of the building facing Main Street or other primary street frontage in the District, even if the primary building entrance is located on other than the side of the building facing Main Street or other primary street frontage.

**7A.3 VILLAGE INDUSTRIAL DISTRICT.**<sup>46</sup> In addition to requirements elsewhere in these Regulations, the following Special Standards for Site Development and Redevelopment shall apply to all uses within the Village Industrial District.

7A.3.1 To the greatest extent practicable, redevelopment of existing industrial sites shall include creative reuse of existing industrial buildings of significant historic and architectural interest.

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<sup>46</sup> Effective October 15, 2007, this section was restored and renumbered.

7A.3.2 All new construction shall be designed to complement the character of existing development on site and within the surrounding area and shall relate to the surrounding area with regard to texture, scale, mass, proportion and color.

7A.3.3 Landscaping shall be provided in accordance with Section 12 of these Regulations.

#### **7A.4 TURNPIKE INDUSTRIAL DISTRICT.**<sup>47</sup>

7A.4.1 No storage of petroleum or petroleum products shall be permitted, except for that approved by the Fire Marshal and which is used exclusively for the operation of the principal use of the premises.

7A.4.2 Building and Site Design. Building and site design shall be of such character as to harmonize and be compatible in size and appearance with other uses in the District and the surrounding area.

- (1) Due to the nature and location of many uses permitted in the Turnpike Industrial District, access to and within a proposed use will be reviewed for design of access, any proposed or necessary traffic controls, physical features of the access site, any proposed construction designs peripheral to access and related to traffic control, existing traffic conditions and any nearby pending development.
- (2) Any permit may be denied by the Commission if proposed access to a public highway is deemed to create a hazardous condition or when the expected traffic to be generated from the proposed use is considered cumulatively with existing traffic conditions and is deemed to cause or worsen hazardous conditions so as to imperil public safety.
- (3) In order to reduce possible traffic conflict points, wherever possible each development shall be limited to one (1) access point per property. The owners of adjacent properties may, with approval of the Commission, construct a common driveway serving more than one property. A written agreement for the common use and maintenance of shared access must be records in the Town Land Records.

#### **7A.5 VILLAGE DISTRICTS**<sup>48</sup>

**7A.5.1 AUTHORITY.** These regulations have been adopted pursuant to CGS §8-2 and 8-2j, as amended.

**7A.5.2 DEFINITIONS.** For the purpose of this sub-section, the following definitions apply:

- (1) Design Advisory Board (the “DAB”): the board appointed by the Deep River Board of Selectman according to qualifications as deemed appropriate by that Board that may be empowered to review Village District applications on behalf of the Commission for design considerations.

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<sup>47</sup> Effective October 15, 2007, the Turnpike Industrial District section was restored and renumbered.

<sup>48</sup> Effective November 1, 2011, Village Districts was added to the Regulations and Downtown District was deleted from the Regulations.

- (2) Village District Design Consultant (the “Design Consultant”). The agency, firm or certified professional qualified to review Village District applications pursuant to Section 8-2j CGS and so designated by the Planning & Zoning Commission. The Design Advisory Board may, at the Commission’s discretion, serve as the Design Consultant.
- (3) Substantial Alteration. Substantial alterations include any modification to a structure which changes the outer envelope of a structure as seen from a public street or right-of-way. This would include the removal or demolition of all or part of an existing structure. In addition, a substantial alteration can be any modification to a structure or its façade that is determined to be such that the proposed modification could render the structure incompatible with its surroundings from a design sense.
- (4) New Construction. Any construction which is visible from a public street or right-of-way and which adds to a building footprint or creates a new structure, adds to a structure’s height, or otherwise increases the volume of a structure.

#### **7A.5.3 PURPOSE AND INTENT.**

Village District regulations are intended to protect and enhance the unique character and scale of the Village Commercial (VCD), the Village Mixed Use (VMUD) and the Village Residential Districts (VRD) as a small New England village in accordance with the goals set forth in the Town of Deep River Plan of Conservation and Development. These Regulations are intended to insure that new development or redevelopment of land or modification of buildings within the Districts is consistent and compatible with existing streetscape character and consistent with the following:

- (1) Maintain the existing village scale by discouraging buildings which are noticeably larger than, or out of character with, the residential scale buildings which predominate the streetscape;
- (2) Preserve the historic and significant structures within the Districts;
- (3) Promote the Districts as attractive commercial/residential areas which encourage pedestrian activity and movement.
- (4) Promote and retain a mix of commercial and residential uses in the Districts.
- (5) Buffer areas surrounding the Districts from commercial activities that might cause diminution of values or quality of residential life.
- (6) Encourage non-repetitive structure and designs.

#### **7A.5.4 VILLAGE DISTRICTS OVERVIEW.**

Within the area of the three Village Districts, many of the buildings – especially on Main Street - at one time included both commercial and residential uses. Many today still do. Two-story, residentially-scaled structures predominate and open porches are common. Front yard setbacks vary, but most are minimal with close access to pedestrian traffic, and walkways and crosswalks encourage pedestrian activity. Mature trees, especially on the side streets off Main Street, provide shade to the landscape. Structures are predominantly wood clapboard siding with brick chimneys and shingled peaked roofs. Windows are primarily double-hung with separate panes or lights and

large plate glass windows without mullions are rare. Shutters are a common element and there are facades without these features.

In the Village Commercial District (VCD), homes date from late 1700's to the present. Small (10,000 sq. ft) narrow lots and structures with little or no side setbacks exist. Within close proximity to Elm and River Streets in the center of town, structures are "built to" the sidewalk. As one moves away from that central intersection, structures are located further and further back from the street and have more and more space between structures. Commercial buildings nearest the center of town which front on Main Street have moderately-sized plate glass windows. Where structures exist further back from the street, many have front lawns with mature plantings; porches are common. Narrow driveways often exist within side setbacks and, for the most part, garages are located to the rear. Properties in the VCD are served by public water and sewer.

In the Village Residential District (VRD), numerous period structures exist and should be preserved by allowing limited mixed uses. Lot sizes are similar to those in the Village Commercial District that are located away from the village's primary intersection at Main Street and Elm/River Street. Clapboard-style siding and shutters, brick chimneys, porches and shingled peaked roofs prevail. Window styles vary from 2-over-2 to 16-over-16 double-hung sash. Front lawns are limited but where existing have mature plantings and large shade trees. Properties are served by public water and sewer.

The Village Mixed-Use District (VMUD), being a transition district between the Village Commercial and Village Residential Districts, contains elements of both and serves to buffer the residential areas from the commercial.

**7A.5.5 BOUNDARIES.** The boundaries of the Village Commercial (VCD), Village Mixed-Use (VMUD) and Village Residential (VRD) Districts are hereby established to be those shown on a map entitled "Village Districts of the Town of Deep River, Connecticut", dated November 1, 2011, as may be amended.

**7A.5.6 APPLICABILITY.**

A. These regulations shall not apply to:

- (1) Routine maintenance: Activities that occur on a regular basis to keep the property in good condition.
- (2) Basic repairs: Repairs that do not expand or decrease the floor area, height, or horizontal footprint of a building, change a roof line or roof type, or add or remove parts of the building envelope.
- (3) Safety repairs: Repairs, certified by the Building Inspector or similar agent, required for public safety because of an unsafe or dangerous condition.

B. All new construction and any activities identified as "Substantial Reconstruction" require the approval of a "Site Plan" unless a "Special Permit" application is otherwise required in accordance with Sections 9 and 10, inclusive, of these

Regulations. In determining whether reconstruction is “substantial”, the Zoning Enforcement Officer and/or the Planning & Zoning Commission shall be guided by the following:

(1) Residential Use:

- a. Any change in footprint to the primary structure which affects or creates a facade visible from a public way.
- b. Any change to more than approximately 25% of the area of a facade, should the change to that facade be visible from a public way. This shall not be construed to necessarily include a change in facade material or color, but may include a change of any size which affects the character or period of a structure or is not in harmony with the surroundings.
- c. Any change to more than approximately 25% of roof line or roof area which is visible from a public way. This shall not be construed to include a change of roofing material or color.

(2) Commercial or Mixed Use:

- a. Any change in structure footprint on the lot which is visible from a public way.
- b. Any change to a facade, should any portion of that facade be visible from a public way. This shall not be construed to necessarily include a change in facade material or color but may include any change which affects the character or period of a structure or which is not in harmony with the surroundings.
- c. Any change to a roof line or roof area which is visible from a public way.

**7A.5.7 PROCEDURE.** For projects in any Village District, a property owner or agent shall follow the procedure as outlined below.

**A. Preliminary Design Review.** The applicant shall confer with the Zoning Enforcement Officer or other designated agent to determine the appropriate application process. Based on the property owner or agent’s description of the project, the Zoning Enforcement Officer or other designated agent will determine whether a design review is required.

- (1) If design review is not required, proceed with submission of necessary application documents to the land use office for review and approval, or
- (2) If design review is required, consult with the Design Consultant specified by the Commission prior to having formal plans and application materials prepared so proper guidance can be provided before significant costs are incurred and before a Site Plan or Special Permit application is formally submitted to the Commission.

For the preliminary review with the Design Consultant, the applicant shall submit

- a. Nine (9) copies of a conceptual drawing or drawings that need not be prepared by a design professional. Such drawings shall generally describe the proposed project in a way that will allow the Design Consultant to provide guidance on the project and on what application documents and materials may be needed for a formal application to the Commission.



- b. Photographs showing all existing structures on the lot and photographs showing the property in context of structures on adjacent properties.

**B. Formal Application.** Following the pre-application review, an application for a Site Plan or Special Permit, as required, shall be submitted to the Planning & Zoning Commission. The Commission shall promptly refer such application and all supporting materials relevant to design to its Design Consultant and any other agencies it may deem appropriate. Said application shall contain all of the information required in accordance with Sections 9 or 10 of the Zoning Regulations, as applicable, including but not limited to any item specified during the preliminary design review.

If a preliminary design review with the Design Consultant has been conducted, three (3) copies of “final” design drawings showing sufficient detail but not necessarily prepared by a design professional shall be submitted with the formal application for review by the Design Consultant and the Commission, one copy being a “working copy”, one copy being kept as a file copy by the reviewer, and one copy accompanying the formal Design Consultant’s report to the Commission and for the formal application record. If a preliminary design review has not been conducted, ten (10) copies of the final design drawings prepared by a design professional shall be submitted with the formal application for review by the Design Consultant and the Commission. This is in addition to copies of items required for Commission consideration of a Site Plan or Special Permit application.

(1) Requirements. As a part of any application submitted for new construction or substantial reconstruction located within a Village District, the following design information is required:

- a. Elevation drawings of new, expanded or altered structures and associated work;
- b. Details for all site structures that are proposed as visible from a public way, including but not limited to trash containers, planters, mechanical or electrical equipment, exterior lights, attached and/or free standing signs.
- c. Landscaping plan;
- d. The design, paving materials and placement of public and private roadways, driveways, and walkways and changes thereto;
- e. The demolition of any structure or part thereof.
- f. Description of exterior materials for structures, whether primary or accessory.

(2) Potential Requirements. If the Commission or the Design Consultant finds additional information is necessary for adequate review of a formal application either the Commission or the Design Consultant may require any or all of the following:

- a. Samples of materials;
- b. Perspective drawings;

- c. A streetscape illustration showing the project drawn to scale and indicating the dimensional relationship between it and adjacent structures and those visible on adjacent streets;
- d. A three-dimensional model of the proposal;
- e. Historical pictures of subject site and surrounding area as available;
- f. Half-size sections through all trim details;
- g. Any other similar information determined necessary by the Commission in order to provide for the proper enforcement of these Regulations.

#### **7A.5.8 VILLAGE DISTRICT DESIGN CONSULTANT.**

- A. The Design Consultant is to advise the Commission concerning the project's compatibility with the village character as described in these Regulations and as contained in standards and guidelines as may be developed and amended by the Design Advisory Board and/or Design Consultant and the Planning & Zoning Commission.
- B. The Design Consultant shall promptly review applications in accordance with Section 7B.8.7.B. Application Requirements so as to submit a written report with recommendations to the Commission within twenty-eight (28) days after the official date of receipt of the application by the Commission. Such report and recommendations shall be entered into the record and considered by the Commission in making its decision. Failure of the Design Consultant to report within the specified time shall not alter or delay any other time limit imposed by the Commission.
- C. In addition to the Design Consultant, the Commission may seek the recommendations of any town or regional agency or outside specialist with which it consults, including but not limited to, a licensed architect, a licensed landscape architect, certified planner, the regional planning agency, the municipality's 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.5.9 VILLAGE DISTRICT USES AND DESIGN STANDARDS.**

- A. Uses. For permitted uses in the Village Commercial (VCD), Village Mixed Use (VMUD) and Village Residential (VRD) Districts, see Schedule of Uses, Section 4.10.
- B. Design Standards. Site design, architectural design, and scale and massing of buildings shall be of such character as to harmonize and be compatible within the Village Districts. The intent of these standards is not to require historically accurate design or duplication of architectural detail of other structures in the Districts, but rather to encourage the use of design elements which are compatible to the existing local streetscape and its visual character.

The following general design standards shall apply in addition to those described in any design standards and guidelines to all development within the Village Districts of Deep River:

- (1) Site Development. Building setbacks from the street, side setbacks from adjacent buildings, and orientation of the axis of buildings shall be consistent with and recognize the rhythm, spacing and orientation of other adjacent buildings. The primary visual focus of the site shall be the front yard area and front building façade. Where possible, off-street parking shall be located in the side and rear yards only, and shared parking areas may be established for adjacent lots. Each site shall be designed to encourage pedestrian use along the street fronting the site, and non-residential uses shall be designed to facilitate pedestrian movement within each site.
- (2) Building Form and Materials. These standards are intended to promote new development of such residential scale and character as to harmonize with adjacent buildings:
  - a. Unbroken, windowless street facades shall not be permitted.
  - b. On lots where street frontage limits building width, and on other lots where appropriate, buildings shall be oriented so that the narrow end (short axis) is facing the primary street frontage.
  - c. In accordance with the existing architectural character of the area, roof structures shall be of a style compatible with the neighborhood.
  - d. Roofs shall project enough beyond the facade to create an overhang and cast a strong shadow.
  - e. Mechanical equipment shall be concealed within the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets or adjacent residential uses. Mechanical equipment located at ground level shall be screened and landscaped to the satisfaction of the Commission.
  - f. For all buildings fronting Main Street, an entrance shall face Main Street, but if not practical, then the main entrance should be obvious and visible from the street.
  - g. Particular attention shall be given to architectural detail and landscaping on the side of the building facing the street or other primary street frontage in the District.

**7A.5.10 SIGNIFICANT AND REPRESENTATIONAL STRUCTURES.** The applicant may refer to the document entitled Visual Inventory of Significant and Representational Structures of the Deep River Village Commercial, Village Mixed-Use and Village Residential Districts (aka “Visual Inventory”), once available, as a guide in determining whether proposed project complies with the provisions of these Regulations; provided, however, that said Visual Inventory shall not be deemed to comprise the full extent of acceptable architectural forms, designs or patterns in the Village Districts, and that the Commission may approve other forms, designs or patterns if it finds them to be consistent with the intent of these Regulations. The Visual

Inventory once published will be on file in the Land Use Office in the Deep River Town Hall and will be made available at the Deep River Public Library.

**7A.5.11 LOT REQUIREMENTS AND STANDARDS** See Section 5 of these Regulations.

**7A.5.12 PERMITTED USES** shall be as specified in Section 4 of these Regulations. Should there be any discrepancy between Section 4 and this Section 7B, the provisions of Section 7B shall prevail.

**7A.5.13 SPECIAL STANDARDS** for Uses within a Village District, in accordance with Section 4.10 and in addition to any standards specific to the use and activities as are otherwise specified in these Regulations. Should there be any discrepancy between any other standards and those below, the provisions below shall prevail.

**A. Multi-family residence**

- (1) Maximum of four (4) units
- (2) Units must average no more than 1.5 bedrooms, with studio unit counting as one bedroom
- (3) Lot must front Main Street. In the Mixed-Use district, residential uses prohibited on ground floor.

**B. Public Utility equipment facility**

- (1) Off Main Street only
- (2) To be residential in appearance

**C. Membership Clubs.**

- (1) Total floor area/structure coverage shall not exceed 2,000 square feet in area. For multi-story Membership Clubs, structure coverage (building footprint) shall not exceed 1,500 square feet with a Total Floor Area not to exceed 3,000 square feet.
- (2) Odor and noise shall conform to the standards as set forth in Section 5, Performance Standards
- (3) Minimum Lot Size shall be one and one-half times larger than the minimum lot size of the abutting properties. If the abutting properties have different minimum lot sizes, the smaller/smallest shall be used to determine the minimum lot size.
- (4) Parking Setback Adjacent to Residential. Where adjacent to residentially zoned or used property, parking will be separated from the shared property line by at least ten (10) feet for side lot lines and twenty (20) feet for rear lot lines. The parking setback is to be improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. The Commission may determine in some circumstances that both the fence and the vegetation are appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering.
- (5) Vegetated Buffer Adjacent to Residential. Along Residential district boundary lines where parking does not or will not be located, a ten (10) foot buffer will be provided

and improved with a combination of six-foot stockage fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. The Commission may determine in some circumstances that both the fence and vegetation are appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering.

- (6) Alcohol only with Food Service. Alcohol shall be served and/or consumed only when in association with the serving of food in a restaurant-like setting.
- (7) Any additional standards specific to the club's activity would apply.

D. Sanitaria/Convalescent/Nursing Homes are limited to twenty (20) patient beds.

E. Assisted Living Facilities are limited to ten (10) living units.

F. Mortuaries, funeral homes

- (1) Permitted in Village Commercial south of Essex Street only.
- (2) Up to 50% of parking may be satisfied by on street or off-site parking

G. Bed & Breakfast facilities

- (1) Minimum of 100 square feet each guest room; guest rooms must average 120 SF or more.
- (2) Maximum of three (3) guest rooms in Village Residential, five (5) guest rooms in Mixed-Use Village, and seven (7) guest rooms in Village Commercial.
- (3) Special events (weddings, parties, etc.) allowed only as approved in original zoning application or approved modification. Statement of use to be specific as to frequency, hours and size of such events as well as parking arrangements.

H. Inns

- (1) Minimum of 100 square feet each guest room; guest rooms must average 120 SF or more.
- (2) No guest room limit for structures existing as of January 1, 2012; maximum twelve (12) guest rooms for new construction and for combination of existing and new construction.
- (3) Special events (weddings, parties, etc.) allowed only as approved in original zoning application or approved modification. Statement of use to be specific as to frequency, hours and size of such events as well as parking arrangements.

I. Retail in Mixed-Use Village

- (1) 700 SF or less total retail floor area per lot, not per structure, if lot does not front on Main Street.
- (2) 1,000 SF or less total retail area per lot, not per structure, if lot fronts on Main Street.

J. Restaurants, with and without serving of alcohol

- (1) In Village Commercial, a maximum of 3,000 SF total floor area if not fronting on Main Street. Up to 50% of parking requirements may be provided on street or off-site.

- (2) In Mixed-Use Village, special standards as specified for restaurants in Neighborhood Commercial district. If fronting on Main Street, up to 20% of parking requirements may be satisfied by on-street or off-site parking.

K. Drinking Establishments in Mixed-Use Village

- (1) 1,500 SF or less Total Floor Area

L. Office for Business

- (1) Mixed Use Village, lots fronting Main Street: No more than fifteen (15) employees, whether full- or part-time.
- (2) Mixed Use Village, lots not fronting Main Street: No more than six (6) employees, whether full- or part-time.
- (3) Village Residential: No more than four (4) employees, whether full- or part-time.

M. Medical Office

- (1) Mixed Use Village, lots fronting Main Street: No more than five (5) examination rooms.
- (2) Mixed Use Village, lots not fronting Main Street: No more than three (3) examination rooms.
- (3) Village Residential: No more than two (2) examination rooms.

N. Non-Academic School.

- (1) Private lessons only (no classes) in any Village district if lot does not front Main Street.
- (2) Provisions must be made for the safe drop-off and pick-up of students.

O. Museum

- (1) Minimum lot size: One (1) acre
- (2) Additional ten (10) feet of landscape buffer over any buffer otherwise required to any abutting lot zoned Residential or Village Residential.

P. Community Center, these standards being for a free-standing or primary use, not as an accessory use to a school, church, etc.

- (1) Minimum lot size: One (1) acre
- (2) Additional ten (10) feet of landscape buffer over any buffer otherwise required to any abutting lot zoned Residential or Village Residential.

Q. Group Home/Halfway House, limited to ten (10) client beds.

R. Combined use Buildings

- (1) Ground floor use must be non-residential.
- (2) Upper floor(s) may contain no more than two residential units. Any additional units must be non-residential.
- (3) Residential units must be at least 500 SF in total floor area.

**7A.5.14 VARIANCES.** In accordance with Section 8-6 of the Connecticut General Statutes, it is hereby specified that no variance may be granted by the Zoning Board of Appeals from the requirements established under this Section 7A.5.

**7A.6 NEIGHBORHOOD COMMERCIAL DISTRICT<sup>49</sup>**

**7A.6.1 Membership Clubs and Associations.**

- (1) Total Floor Area/Structure Coverage shall not exceed 2,000 square feet in area. For multi-story Membership Clubs and Associations, structure coverage (building “footprint”) shall not exceed 1,500 square feet with a Total Floor Area not to exceed 3,000 square feet.
- (2) Odor and Noise shall conform to the standards as set forth in Section 5, Performance Standards.<sup>50</sup>
- (3) Minimum Lot Size shall be one and one-half times larger than the minimum lot size of the abutting properties. If the abutting properties have different minimum lot sizes, the smaller/smallest shall be used to determine the minimum lot size.
- (4) Parking Setback Adjacent to Residential – Where adjacent to residentially-zoned or used property, parking will be separated from the shared property line by at least ten (10) feet for side lot lines and twenty (20) feet for rear lot lines. The parking setback is to be improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. The Commission may determine, in some circumstances, that both the fence AND vegetation are appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering.
- (5) Vegetated Buffer Adjacent to Residential– Along Residence District boundary lines where parking does not or will not be located, a ten (10) foot buffer will be provided and improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. The Commission may determine, in some circumstances, that *both* the fence AND vegetation are appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering.
- (6) Alcohol only with Food Service. In Membership Clubs and Associations, alcohol shall be served and/or consumed only when in association with the serving of food in a restaurant-like setting.

**7A.6.2 Restaurants in Neighborhood Commercial Districts:**

- (1) For single story Restaurants, Total Floor Area/Structure Coverage shall not exceed 2,000 square feet in area. For multi-story Restaurants, structure coverage (building “footprint”) shall not exceed 1,500 square feet with a Total Floor Area not to exceed 3,000 square feet.
- (2) Odor and Noise shall conform to the standards as set forth in Section 5, Performance Standards.<sup>51</sup>

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<sup>49</sup> Effective October 15, 2007, this section was established and included standards from previously numbered Sections 7.26, 7.27 and 7.28.

<sup>50</sup> Effective October 15, 2007, the reference was updated from Section 4.2 to Section 5.

<sup>51</sup> Effective October 15, 2007, the reference was updated from Section 4.2 to Section 5.

- (3) Minimum Lot Size shall be double the minimum lot size of the abutting properties. If the abutting properties have different minimum lot sizes, the smaller/smallest shall be used to determine the minimum lot size.
- (4) Parking Setback Adjacent to Residential – Where adjacent to residentially-zoned or used property, parking will be separated from the shared property line by at least ten (10) feet for side lot lines and twenty (20) feet for rear lot lines. The parking setback is to be improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. The Commission may determine, in some circumstances, that *both* the fence AND vegetation are appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering.
- (5) Vegetated Buffer Adjacent to Residential– Along Residence District boundary lines where parking does not or will not be located, a fifteen (15) foot buffer will be provided and improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering. The Commission may determine, in some circumstances, that *both* the fence AND vegetation are appropriate.
- (6) Alcohol shall be served only in association with restaurant service. No separate bar or alcohol service areas shall be permitted unless specifically approved by the Planning & Zoning Commission.

#### **7A.6.3 Preparation or Food Processing with Sale of food Products on the Premises and Distribution of Same**

- (1) In addition to the standards included in Section 5, Performance Standards<sup>52</sup>, odors shall not be detectable nor exhaust fan noise audible by neighbors on adjacent residentially zoned or residentially used properties.
- (2) Trucking (deliveries and pick-ups) shall not take place from 7:00 p.m. to 7:00 a.m. and on Saturday, Sunday, or major holidays.

#### **7A.7 HARBOR DISTRICT.**<sup>53</sup>

- 7A.7.1 Building in which light manufacturing is to take place shall be a historic building (built prior to 1900) with a minimum of 50% of the building having documented prior history of similar light manufacturing use.
- 7A.7.2 No additions to the existing historic building shall be constructed for expansion of the light manufacturing, fabrication, processing, compounding, treatment, assembly, maintenance, repair or packaging of goods or products.
- 7A.7.3 No outside storage of equipment, merchandise, materials or supplies with be allowed.

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<sup>52</sup> Effective October 15, 2007, the reference was updated from Section 4.2 to Section 5.

<sup>53</sup> Effective October 15, 2007, this section was restored to the Regulations after being omitted in error from the existing text when the Schedule of Uses was converted to table format. The section was proposed to be numbered 7A.6 and then was renamed to 7A.7 after it was restored. Effective May 17, 2012, Development was deleted from the district's title.



In addition to requirements elsewhere in these Regulations, the following Special Standards shall apply to all uses within the Harbor District.<sup>54</sup>

**7A.7.4 Design Standards.** Site design, architectural design, scale and massing of buildings shall be of such character as to harmonize and be compatible within the Harbor District. The intent of these standards is not to require historically accurate design or duplication of architectural detail of other structures in the District, but rather to encourage the use of design elements which are common to the existing and traditional New England Main Street streetscape. The standards are also intended to insure that any new development or modification of existing development is consistent with the mission of the Connecticut River Gateway Commission to protect the “*natural and traditional river way scene*” by minimizing the visual impact of such development on the views from the Connecticut River.

- (1) **Site Development.** Building setbacks from the street, side setbacks from adjacent buildings and orientation of the axis of buildings shall be consistent with and recognize the rhythm, spacing and orientation of other adjacent buildings. The primary visual focus of the site shall be the front yard area, front building façade and its visual relationship to the Connecticut River. Where possible, off-street parking shall not be visible from the water and be located in side and rear yards only. Shared parking areas may be established for adjacent lots. Each site shall be designed to encourage pedestrian use along the street fronting the site, and to facilitate pedestrian access to the water, where possible within each site.
- (2) **New Non-Residential Construction.** For properties where new non-residential structures are proposed to be built on vacant lots or where existing structures are to be removed and replaced with new structures for the purpose of any non-residential use, the standards of Section 14.4.3.4, Special Permit Criteria, shall apply to such site development. Where additions are required for existing structures, such additions shall not exceed ten (10) percent of the existing footprint and be located on the non-riverfront side of the structure unless such location is not possible or practical.
- (3) **Building Form and Materials.** These standards are intended to promote new development of such scale and character as to harmonize with adjacent buildings in the Harbor District.
  - (a) Lengthy unbroken facades parallel to the water and other fronting streets in the District shall not be permitted. The maximum horizontal length of an unbroken façade facing either the primary street frontage of the lot or the water shall not exceed thirty (30) feet. Façade offsets shall be sufficient to create a strong shadow line.

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<sup>54</sup> Effective April 15, 2009, this introductory sentence and Sections 7A.7.4, 7A.7.5 and 7A.7.6 were added to the Zoning Regulations.

- (b) On lots where street frontage limits building width and on other lots where appropriate, buildings shall be oriented so that the narrow end (short axis) is facing the primary street frontage and/or the water.
- (c) In accordance with the existing architectural character of the area, roof structures shall be hipped or gabled in appearance as seen from any public road or waterway. Flat roofs seen from a public road or waterway shall not be permitted. Roofs shall project enough beyond the façade to create an overhang and cast a strong shadow.
- (d) Mechanical equipment shall be concealed within the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets, water ways or adjacent residential uses. Mechanical equipment located at ground level shall be screened and landscaped to the satisfaction of the Commission.
- (e) Particular attention shall be given to architectural detail and landscaping of the side of the building facing the water or other primary street frontage in the District, even if the primary building entrance is located on another side of the building.

#### **7A.7.5 Restaurants**

- (1) In the Harbor District, restaurants shall be encouraged to locate in existing structures when possible. Total Floor Area/Structure Coverage of new construction of single story restaurants, shall not exceed 2,000 square feet in area. For new construction of multi-story restaurants, structure coverage (building “footprint”) shall not exceed 1,500 square feet with a Total Floor Area not to exceed 3,000 square feet.
- (2) Odor and Noise shall conform to the standards as set forth in Section 4.2, Performance Standards.
- (3) Vegetated buffers are required along Residential District boundary lines and water frontage boundaries where parking does not or will not be located. A fifteen (15) foot buffer will be provided and improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the restaurant use, whichever is more appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering. The Commission may determine, in some circumstances, that *both* the fence AND vegetation are appropriate. A twenty (20) foot vegetation buffer is required along water frontage to enhance the visual scenic river view.

#### **7A.7.6 Preparation or Food Processing with Sale of Food Products on the Premises and Distribution of Same**

- (1) In addition to the standards included in Section 4.2, Performance Standards, odors shall not be detectable nor exhaust fan noise audible by neighbors on adjacent residentially zoned or residentially used properties.
- (2) Trucking (deliveries and pick-ups) shall not take place from 7:00 p.m. to 7:00 a.m. and on Saturday, Sunday, or major holidays.

## **SECTION 7B - ADDITIONAL AND SPECIAL STANDARDS SPECIFIC FOR USES<sup>55</sup>**

**7B.1 PURPOSE:** It is recognized that there are additional standards and criteria that must be applied to certain specified buildings and uses in order to insure that those buildings and uses are consistent and in harmony with their surroundings. This section establishes those standards and criteria that shall be applied in addition to those required elsewhere in these Regulations, and shall not in any way be construed to permit the expansion of any non-conforming use.

The Deep River Planning and Zoning Commission, in an effort to clarify the intent of Sections 7A and 7B of the Zoning Regulations, finds that the Special Standards attached to specific zoning districts and specific uses are an integral component of the regulations and are intended to further restrict those districts and uses as deemed appropriate by the Commission. As such, they are not subject to variance by the Zoning Board of Appeals as noted in Section 16.4 of the Deep River Zoning Regulations and Section 8-6 of the Connecticut General Statutes.<sup>56</sup>

These standards are in addition to any district-specific standards contained in Section 7A of these Regulations. At no time shall it be construed that the use-specific standards of Section 7B or district-specific standards of Section 7A are exclusive of each other. If there is any conflict between the two, the more restrictive, as determined by the Planning and Zoning Commission, shall prevail.<sup>57</sup>

### **7B.2 ACCESSORY BUILDINGS AND USES.**

**7B.2.1 Accessory Buildings and Uses.** An accessory building or use may be located in any required side or rear yard, provided that:

- (1) Such buildings or uses shall be set back at least ten (10) feet from any lot line.
- (2) All such buildings or uses in the aggregate shall not occupy more than thirty (30) percent of the area of the required rear or side yard.

**7B.2.2 Corner Lots.** For the purpose of determining building setbacks for a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard and the other, or others, a side yard.

**7B.2.3 Private Swimming Pools.** No permit shall be granted for the installation or construction of any swimming pool, as defined and regulated in "The Public Health Code of the State of Connecticut", as amended, unless the Town Engineer or Health Officer has certified that the drainage of such pool is adequate and will not interfere with any domestic water facilities, or any municipal or state drainage system.

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<sup>55</sup> Effective May 17, 2012, 7B.3 Trailers and Mobile Homes was deleted from the Regulations.

<sup>56</sup> Effective June 15, 2013, this paragraph was added to the Regulations.

<sup>57</sup> This paragraph was added to the Regulations, effective October 15, 2007.

7B.2.4 **Location of Sub-Surface Sewage Disposal Systems.** No part of any subsurface sewage disposal system or its required reserve area on any lot shall be located within fifty (50) feet of any lake, pond, watercourse or associated wetlands lying within the jurisdiction of the Town of Deep River.

7B.3 **COMMERCIAL AGRICULTURAL OPERATIONS** and accessory uses thereto, where permitted, shall be consistent with<sup>58</sup> additional standards. The following activities may be considered as a commercial agricultural operation:<sup>59</sup>

7B.3.1 The raising of field and garden crops, vineyard and orchard farming and the maintenance of nurseries.

7B.3.2 The keeping, breeding and raising of fish, cattle, sheep, goats, pigs, fowl, horses and similar livestock provided:

(1) The “gross lot area” on which such activity occurs is at least five (5) acres<sup>60</sup>, and

(2) No pond, stable, livestock pen or similar animal housing, exercise area, or the storage of manure or other odor or dust producing substances is located within<sup>61</sup> 50<sup>62A</sup> feet of any street or lot line.

7B.3.3 Barns, silos and related structures, provided such buildings conform to the minimum lot<sup>62</sup> requirements for principal buildings.

7B.3.4 One-story buildings for the display and retail sale of agricultural products raised primarily on the lot, provided such building does not exceed 500 square feet in floor area and is set back at least 25 feet from any street or lot line.

7B.3.5 The Commission may allow living accommodations for full-time farm employees by Special Permit. Individual living units shall not have more than two bedrooms and shall not exceed one living unit for every twenty acres of farmed land.<sup>62C</sup>

7B.4 **COMMERCIAL BOARDING AND/OR RIDING STABLES,** where permitted, shall be consistent with the following additional standards:

7B.4.1 The gross lot area on which such activity occurs is at least ten (10) acres in size;

7B.4.2 No structure, pasture or pen housing animals and no runway, stable or animal exercise pen shall be located within 50<sup>62B</sup> feet of any street or within 50<sup>62B</sup> feet of any lot line;

7B.4.3 The maximum numbers of animals kept shall be limited as determined by the Commission with due regard for impact on adjoining property owners, the

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<sup>58</sup> Effective October 15, 2007, “the following” was deleted.

<sup>59</sup> Effective October 15, 2007, “The following activities may be considered as a commercial agricultural operation” was added to the Regulations.

<sup>60</sup> Effective October 15, 2007, “in size” was deleted.

<sup>61</sup> Effective October 15, 2007, “with” was replaced with “within”.

<sup>62</sup> Effective October 15, 2007, “yard” was replaced with “lot”.

<sup>62A</sup> Effective January 1, 2017, 100 replaced with 50.

<sup>62B</sup> Effective January 1, 2017, replace 150 and 100 with 50.

<sup>62C</sup> Effective August 1, 2017, added living accommodations.

general character of the neighborhood, and other appropriate considerations, provided that the operator of such an establishment can show evidence that all applicable provisions of the State and Town Building, Health and Sanitation Codes and Ordinances have been met to the satisfaction of the officials charged with the responsibility of administering such codes and ordinances.

7B.4.4 The Commission may allow living accommodations for full-time farm employees by Special Permit. Individual Living units shall not have more than two bedrooms and shall not exceed one living unit for every twenty acres used for boarding, training and lessons.<sup>63A</sup>

7B.5 **GOLF COURSES**, where permitted, shall be consistent with the following additional standards:

7B.5.1 The gross lot area on which such activity occurs must be at least eight (8) acres in size;

7B.5.2 Not less than three (3) spaces of off street parking are provided for each hole, plus four (4) spaces for course employees;

7B.5.3 Accessory structures and uses shall be limited to rental and sale of golf equipment, sale of light refreshments and non-alcoholic beverages to course patrons, restroom facilities, and necessary maintenance activities.

7B.5.4 There shall be no artificial lighting on the course itself and no play is permitted after sunset.

7B.5.5 A plan for use of fertilizers and pesticides in accordance with best management practices for golf courses shall be submitted, including type of materials to be used, storage of materials, and rate and method of application.

7B.5.6 Golf facilities shall be designed and located so that there is no hazard to persons or property off the premises. All tees shall be located at a minimum of fifteen (15) feet from any property line, depending on the topography. Additional setbacks, screening or landscaping may be required along exterior property boundaries in order to improve safety and reduce intrusion on neighboring properties.

7B.5.7 Adjacent property lines should be clearly posted.

7B.6 **CUSTOMARY HOME OCCUPATIONS**, where permitted as an accessory use, shall be consistent with the following additional standards, provided:

7B.6.1 Such occupation is incidental to the residential use of the lot and is carried on in the principal or an accessory building, by a resident thereof and no more than one (1) non-resident;

7B.6.2 Such occupation is carried on in an area not exceeding thirty percent (30%) of the floor area of the principal building;

7B.6.3 Such occupation is conducted in a manner that will not cause injury or a disturbance to any of the surrounding properties, or to their owners or occupants, or result in a change in neighborhood character. To this end the Commission may:

(1) Require screening of driveways and parking areas;

(2) Regulate the hours of operation, as well as the hours during which vehicles relating to the customary home occupation enter or leave the premises;

- (3) Limit the number and/or type of vehicles that may be stored on, or used in conjunction with, the customary home occupation;
  - (4) Permit one (1) unlighted sign with an area no greater than two (2) square feet.
- 7B.6.4 All materials and products used in connection with the customary home occupation are stored within a structure, and all activities relating to the customary home occupation, with the exception of loading and unloading of vehicles, is carried out within a structure.
- 7B.6.5 The applicant for this permitted use provides the Commission with sufficient information, including a plot plan of the location of the proposed use, for the proper review and approval of the use. An application form is available from the Zoning Enforcement Officer. The completed application will be attached to the zoning permit.
- 7B.6.6 Where the Commission determines that a Site Plan is necessary in order to properly assess compliance with these Zoning Regulations, it may require a formal Site Plan pursuant to Section 9, Site Plans. It is intended that the site plan for this use be prepared with due consideration for:
- (1) The purpose and intent of these Regulations;
  - (2) Coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, watercourses, buildings and other features that support the neighborhood;
  - (3) Protection of the public health, safety, welfare, property values and the environment.
- 7B.7 **LIVESTOCK AND POULTRY.** The following species of livestock and poultry may be kept as an accessory to a residential use in <sup>63</sup>Residential Districts provided they are suitable and adequately confined or controlled at all times and consistent with the following additional standards:
- 7B.7.1 **The following species of livestock and poultry may be kept in the Low Density Residential Districts (R-60 and R-80):<sup>64</sup>**
- 7B.7.1.A **Poultry and Rabbits.** Poultry and rabbits may be kept on any lot having an area of 20,000 square feet or more subject to the following restrictions:
- (1) There shall be no more than twenty five (25) of either species on the premises at any one time; and
  - (2) Their shelters and runs shall be located at least twice the distance from the street line as the required setback, shall observe all other setback requirements, and at their nearest point shall be no less than fifty (50) feet from any dwelling on any adjacent lot.

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<sup>63</sup> Effective November 1, 2011, “the Low Density” was deleted from this sentence.

<sup>63A</sup> Effective August 1, 2017, added living accommodations.

<sup>64</sup> Effective November 1, 2011, this line was added to the Regulations.

7B.7.1.B Hoofed Animals, such as Horses, Cattle, Ponies, Sheep, Goats, Burros and Donkeys. Horses, cattle, ponies, sheep, goats, burros, and donkeys may be kept on any lot, subject to the following restrictions:

- (1) No horse, cattle, pony, burro, or donkey shall be kept on a lot containing less than forty thousand (40,000) square feet, provided, however, that on any lot containing forty thousand (40,000) square feet or more, one horse, cattle, pony, burro, or donkey may be kept for the first forty thousand (40,000) square feet, and one additional horse, cattle, pony, burro, or donkey may be kept for each additional twenty thousand (20,000) square feet or fraction thereof.
- (2) No sheep or goat shall be kept on a lot containing less than twenty thousand (20,000) square feet, provided, however, that on any lot containing twenty thousand (20,000) square feet or more, an aggregate total of three (3) sheep or goats may be kept for the first twenty thousand (20,000) square feet and an aggregate of two (2) additional sheep or goats may be kept for each additional twenty thousand (20,000) square feet.
- (3) Their shelters shall observe all other setback requirements, and at their nearest point shall be no less than one hundred (100) feet from any dwelling on an adjacent lot.

**7B.7.2 The keeping of female chickens, henceforth, referred to as hens, may be allowed as an accessory use on residential properties in the Moderate Density District (R-30)<sup>65</sup> for health, convenience and personal enjoyment benefits afforded by such use, in a manner which preserves the quality of life of the surrounding neighborhood.<sup>66</sup>**

- (1) No more than twelve (12) hens may be kept on any lot having an area of 20,000 square feet or more.
- (2) Buildings, pens or other structures shall be required and shall be constructed so as to prevent hens from escaping the property. Their shelters and runs shall be located in the rear of the property and shall meet all setback requirements.
- (3) At their nearest point the shelter shall be no less than fifty (50) feet from any dwelling on any adjacent lot. All such buildings or structures shall be constructed and all food products kept so as to prevent offensive odors and the presence of pest and predators. Waste to be composted or disposed of offsite.
- (4) No roosters shall be kept in the Moderate Density District (R-30)
- (5) The keeping of hens shall be conducted in a manner consistent with and in compliance with the Public Health Code.

**7B.8 GASOLINE STATIONS, MOTOR VEHICLE DEALERSHIPS AND MOTOR VEHICLE REPAIR SERVICES**, as defined by State Statutes and where permitted, shall be consistent with the following additional standards:

7B.8.1 Previous approval of location has been granted by the Zoning Board of Appeals<sup>67</sup> of the Town of Deep River, Connecticut;

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<sup>65</sup> Effective May 17, 2012, R-20 was replaced with R-30.

<sup>66</sup> Effective November 1, 2011, Section 7B.8.2 was added to the Regulations.

<sup>67</sup> Effective June 15, 2014, "Planning and Zoning Commission" was replaced with "Zoning Board of Appeals".



- 7B.8.2 The use is no less than two hundred (200) feet from any school, church, hospital, or place of assembly; said distance to be measured in a straight line between the nearest points of each of the lots on which the uses are located;
- 7B.8.3 The minimum "gross lot area" for a gasoline station and a motor vehicle dealership shall be forty thousand (40,000) square feet.<sup>68</sup>
- 7B.8.4 Entrance and exit driveways shall have an unrestricted width of not less than thirty (30)<sup>69</sup> feet<sup>70</sup> and shall be located no less than thirty (30) feet from any lot line;
- 7B.8.5 Vehicle lifts or pits and all automotive parts or supplies shall be located within completely enclosed buildings.
- 7B.8.6 All service or repair of motor vehicles, other than the<sup>71</sup> sale of gasoline or oil, shall be conducted in completely enclosed buildings.
- 7B.8.7 The storage of gasoline or flammable petroleum in bulk shall be in accordance with all state and local regulations<sup>72</sup> and located<sup>73</sup> no nearer than fifty (50) feet from any property line.<sup>74</sup>
- 7B.8.8 Front and rear yard setbacks shall be fifty (50) feet and side setbacks shall be thirty (30) feet unless bordering residential property and then the setback shall be fifty (50) feet.
- 7B.8.9 Outside storage of vehicles, automotive or construction, shall be located on a designated paved area with striped spaces the size and location of which shall conform to Section 11 – Off Street Parking and Loading Requirements of these regulations.
- 7B.8.10 Landscaping, in conformance with Section 12 – Landscaping, Screening and Buffer Areas of these regulations, is required.<sup>75</sup>

## 7B.9 **BED & BREAKFAST FACILITIES AND INNS.**<sup>76 77</sup>

- 7B.9.1 Minimum of one hundred (100) square feet of bedroom space per room on average.

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<sup>68</sup> Effective June 15, 2014, "and the minimum lot frontage shall be one hundred fifty (150) feet" was deleted from this sentence.

<sup>69</sup> Effective June 15, 2014, "twelve (12)" was replaced with "thirty (30)".

<sup>70</sup> Effective June 15, 2014, "nor more than thirty (30) feet" was deleted from this sentence.

<sup>71</sup> Effective June 15, 2014, "such minor servicing as change of tires or" was replaced with "the".

<sup>72</sup> Effective June 15, 2014, "shall be in accordance with all state and local regulations" was added to this sentence.

<sup>73</sup> Effective June 15, 2014, "fully underground and" was deleted from this sentence.

<sup>74</sup> Effective June 15, 2014, "other than the street line" was deleted from this sentence.

<sup>75</sup> Effective June 15, 2014, Sections 7B.8.8, 7B.8.9, and 7B.8.10 were added to the Regulations.

<sup>76</sup> Effective August 1, 2009, this section was renumbered from 7.10 to 7.10A and "and Bed & Breakfast Facilities" was removed from the section title.

<sup>77</sup> Effective August 1, 2009, Section 7B.10B was added to the Zoning Regulations. Effective March 1, 2011, Section 7B.10A Boarding, Lodging, Rooming Houses was deleted from the Regulations and Section 7B.10B was renamed to Bed & Breakfast Facilities and Inns and the regulations for both types of uses were modified and inserted into Section 7B.10.

- 7B.9.2 The operator of such an establishment can show evidence that all applicable provisions of the State and Town Building, Health and Sanitation Codes and Ordinances have been met to the satisfaction of the officials charged with the responsibility of administering such codes and ordinances.
- 7B.9.3 At least five thousand (5,000) square feet additional “gross lot area” over and above the minimum required is available for each three additional rooming units over three.
- 7B.9.4 For Bed & Breakfast Facilities, no more than two adults, one child permitted per room.
- 7B.9.5 For Bed & Breakfast Facilities, no room limit for existing structures as of March 1, 2011; maximum of 12 rooms for new construction and for combination of existing and new construction.
- 7B.9.6 For Bed & Breakfast Facilities, special events (weddings, receptions, etc.) allowed only as approved in original application or approved modification. Statement of Use to be specific as to frequency, hours and size of such events as well as parking arrangements.
- 7B.10 **PUBLIC AND PRIVATE SCHOOLS, COLLEGES, UNIVERSITIES AND OTHER EDUCATIONAL INSTITUTIONS, NON-ACADEMIC SCHOOLS; CHURCHES, PARISH HOUSES AND OTHER RELIGIOUS INSTITUTIONS; PUBLIC OR PRIVATE HOSPITALS, SANITARIA, CONVALESCENT HOMES, NURSING HOMES, REST HOMES, ASSISTED LIVING FACILITIES, AND OTHER MEDICAL INSTITUTIONS,** where permitted, shall be consistent with the following additional standards:<sup>78</sup>
- 7B.10.1 The “gross lot area” on which such activity occurs is at least three (3) acres in size, except there shall be no minimum lot size for nursery schools, tutoring services, non-academic schools and similar uses.<sup>79</sup>
- 7B.10.2 The lot on which such activity occurs has at least fifty (50) foot frontage on and suitable direct access to a collector or arterial street as shown on the Comprehensive Development Plan, except for nursery schools, tutoring services, non-academic schools, and similar uses.<sup>80</sup>
- 7B.10.3 The principal building or buildings are located at least one hundred (100) feet from any lot line and fifty (50) feet from any street line, except for nursery schools, tutoring services, non-academic schools, and similar uses.<sup>81</sup>
- 7B.10.4 Any accessory buildings or uses are located at least fifty (50) feet from any lot line or street line.

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<sup>78</sup> Effective October 15, 2007, “Camps” and “Veterinarian Hospitals without outdoor runs” were deleted from this title. Effective March 1, 2011, “Non-Academic Schools” and “Assisted Living Facilities” were added to this title and “or Charitable” was deleted between the words “Religious” and “Institutions”.

<sup>79</sup> Effective March 1, 2011, “except there shall be no minimum lot size for nursery schools, tutoring services, non-academic schools and similar uses” was added to this sentence.

<sup>80</sup> Effective March 1, 2011, “except for nursery schools, tutoring services, non-academic schools and similar uses” was added to this sentence.

<sup>81</sup> Effective March 1, 2011, “except for nursery schools, tutoring services, non-academic schools, and similar uses” was added to this sentence.

## 7B.11 ACCESSORY APARTMENTS<sup>82</sup>

7B.11.1 **Intent and Purpose.** The purpose of these regulations is to address the identified need of providing and preserving affordable and secure housing for all the population of the Town, while preserving the appearance and character of the Town's neighborhoods; by permitting, as a special permitted use, the creation of a separate unit within an existing single-family residence or existing garage on a single family residence lot. The creation of such accessory apartments will promote the general welfare of the Town, without increasing the number of residential buildings, by allowing people to continue to live in our Town, either in their present homes or in the accessory apartments permitted hereunder.

7B.11.2 **Standards.** Single-family residences approved for such use by the Commission and located within in any of Deep River's residential zones, may be converted, through the special permitting process, into a one-family dwelling with a single accessory apartment, only if the applicant has demonstrated, to the satisfaction of the Commission, that the proposed use meets as a minimum the special permit requirements and the following standards:

- (1) The primary dwelling and the accessory apartment shall remain under common ownership.
- (2) The originally existing single-family residence and accessory structure, shall have been in existence as a legal single family residence for a minimum of ten (10) years and shall not have undergone any exterior alterations or other expansion of the original footprint for a minimum of five (5) years except such alterations as may have been made on the existing foundation of the house.
- (3) If the accessory structure is to be used as the accessory apartment, then the structure shall have been in existence as a legal accessory use for a minimum of ten (10) years and shall not have undergone any exterior alterations or other expansion of the original footprint for a minimum of five (5) years except such alterations as may have been made on the existing footprint.
- (4) No expansion beyond the existing footprint or alterations to the exterior may be made to accommodate the accessory apartment, except minor alterations made solely for the purpose of providing access and egress.
- (5) Either the primary dwelling or the accessory apartment shall be the property owner's principal residence and shall not be rented out or otherwise allowed to become the residence of a third party if the owner is away.
- (6) The accessory apartment shall be within the single-family residence or within an existing accessory structure.
- (7) Additional front entrances are prohibited. Separate access to the accessory apartment from the outside shall placed and screened so as not to be seen from the street.

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<sup>82</sup> Effective July 19, 2012, this section was amended in its entirety.

- (8) One driveway shall serve both the primary dwelling and the accessory apartment. Off-street parking for both units must be provided with two (2) spaces for the principal dwelling unit and one (1) space for the accessory apartment.
- (9) Both the accessory apartment and the primary dwelling shall include their own separate kitchen and three-fixture bath.
- (10) The interior living space of the accessory apartment shall not be less than 400 square feet of floor area nor shall it exceed 1,100 square feet of floor area. This calculation shall exclude basement and attic storage space.
- (11) The accessory apartment shall contain not more than one (1) bedroom, and occupancy shall be limited to two (2) persons.
- (12) The apartment shall comply with all housing, building, fire, health or other applicable codes and ordinances.
- (13) No part of a basement or 3rd floor attic space may be use as part of an accessory apartment's interior living space.
- (14) The owner of the residence shall file with the Zoning Enforcement Officer on or before January 31st of each year an affidavit on a form to be supplied by the Zoning Enforcement Officer, certifying that the primary dwelling and accessory apartment are in compliance with the conditions and requirements set forth above.

7B.12 **HOTELS AND MOTELS**, where permitted, shall also be consistent with the following additional standards:

- 7B.12.1 No rooming unit shall contain kitchen or cooking facilities;
- 7B.12.2 The operator of such an establishment shall show evidence that all applicable provisions of the State and Town Building, Housing, Health and Sanitation Codes and Ordinances have been met to the satisfaction of the officials charged with the responsibility of administering such codes and ordinances.
- 7B.12.3 At least two thousand (2,000) square feet of "gross lot area" is available for each rooming unit.

7B.13 **COMMUNICATION TOWERS**. The intent of this section is to provide for the location of wireless telecommunication facilities which shall consist of towers, antennae and necessary telecommunications equipment buildings, within the Town of Deep River while protecting neighborhoods and minimizing the adverse visual, environmental and operational effects of towers and antennae through careful design siting and screening. Communication towers, poles, dishes, or similar structures more than thirty-five (35) feet in height intending to send or receive signals by radio wave, electrical impulse, or similar or related technologies shall be permitted in any district, but only when specifically authorized in the particular instance by a Special Permit granted by the Commission under Section 10 and subject to the conditions prescribed in Section 9 and subject to the following general limitations:

7B.13.1 **Site Selection Criteria**.

- (a) Encourage the use of nonresidential buildings and structures, such as silos, and power line structures.
- (b) Encourage joint use of new or existing towers and facilities.
- (c) Encourage protection of Gateway and Preservation Districts, historic and conservation areas, wetlands and watercourses.
- (d) Encourage reduction of the number of towers and/or antennae needed in the future through comprehensive planned coverage designs.
- (e) Encourage suitable design measures to minimize adverse visual impacts of wireless communication facilities.

7B.13.2 **Site Location Preferences.** The general order of preference for wireless telecommunication facilities shall range from 1) as the most preferred to 4) as the least preferred.

- 1. On existing structures such as nonresidential building facades, utility poles, steeples, chimneys, silos and windmills.
- 2. On existing approved towers.
- 3. On new towers located in Industrial Districts, Municipal properties and Very Low and Low Density Residential Districts, excluding the Connecticut River Gateway District.
- 4. On new towers located in the Gateway District, Preservation and Recreation District, conservation areas such as wetlands and watercourses and properties located within 500 feet of and adjoining municipality.

7B.13.3 The tract of land on which the tower is to be located shall not be less than two (2) acres;

7B.13.4 Towers or antennae not requiring FAA paintings or markings shall either have a galvanized finish or be painted a non-contrasting blue, grey or black;

7B.13.5 Tower details shall be submitted noting the proposed height from grade, shape, type, method of anchoring and location in reference to property lines. The application shall include a U.S. Quadrangle map showing the location of the tower. The Commission may require the applicant to raise a balloon or crane or by other means illustrate the visual effect of the proposed tower;

7B.13.6 No tower, antennae or other accessory structures or equipment shall exceed the height requirement of the district unless the applicant can demonstrate to the satisfaction of the Commission that such service can only be provided at the location and height requested, but in no event shall the total height exceed 195 feet. Further, any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional personal wireless service users, as defined in section 704 of the Telecommunications Act, if the tower is more than 100 feet or for at least one additional user if the tower is more than 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at various heights.

- 7B.13.7 Every effort shall be made to use existing structures, including adding multiple uses to single towers so as to minimize the number of towers and other structures.
- 7B.13.8 Telecommunication facilities shall be placed in locations on the lot or lots where the existing topography, vegetation, buildings or other structures provide adequate screening to the satisfaction of the Commission. Structures and accessory buildings shall be designed so as to be compatible with other buildings in the area.
- 7B.13.9 The structure shall be located in an area removed from neighboring buildings or other structures so as to minimize the risks associated with collapse or upset;
- 7B.13.10 The tower shall be set back from all property lines a distance equal to the height of the tower and its highest antenna;
- 7B.13.11 The structure shall not cause interference with television, radio, or other signals in the area, and shall comply with all state and federal standards with regard to electromagnetic radiation and interference, ionizing radiation, or health hazards or threats;
- 7B.13.12 All structures, including supporting accessory structures such as buildings for power or controls shall comply with all applicable zoning standards including setbacks and percentage of lot use;
- 7B.13.13 Any lighting on the structure shall be shielded to prevent glare onto neighboring properties;
- 7B.13.14 The tower shall be so guarded as to prohibit trespass either by the use of a fence or anti-climbing shields or devices;
- 7B.13.15 Each structure shall bear a sign with the name and phone number of a person responsible for the maintenance or operation of the facility in case of emergencies, such sign to be no higher than 6 feet off the ground and shall be visible from outside the premises and contain data identifying pole location. No other signs shall be permitted on any tower, antennae or telecommunication facility.
- 7B.13.16 Permits for communication towers shall be granted for a duration of five (5) years and renewable upon application to the Commission;
- 7B.13.17 In the case of cease of use, either by expiration of the permit or abandonment by the owner, the structure shall be dismantled and removed by the then owner of the property on which the tower is located.
- 7B.13.18 The applicant shall submit a map showing the service area of the proposed wireless telecommunication site and a map showing the extent of the providers existing and planned coverage.
- 7B.13.19 The applicant shall submit a written report indicating why the proposed site location is necessary to satisfy the telecommunication providers plan of coverage and show a minimum of two alternate site locations which were considered and the reasons for their elimination.
- 7B.14 **ADULT ENTERTAINMENT BUSINESSES.** The following standards, criteria and conditions pertain to the establishment and operation of Adult Entertainment Businesses in the Town of Deep River:

- 7B.14.1 **Purpose and Intent.** The purpose of this section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. These Regulations prevent clustering of these uses in any one location and thereby protect health, safety, general welfare, and property values in the Town of Deep River.
- 7B.14.2 **Definitions.** For the purposes of this section, the term “Adult Entertainment Business” is defined as any establishment which is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or more combinations of the following types of businesses: Adult Bookstore, Adult Motion Picture Theater, Adult Mini-Motion Theater, Adult Cabaret, Adult Novelty Business, Adult Personal Service Businesses. These businesses and their operations are further defined as follows:
- (1) “Adult Bookstore” shall mean an establishment which has as a principal activity the sale of books, magazines, newspapers, videotapes, videodiscs and motion picture films or tapes which are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy, and which establishment excludes minors by virtue of age.
  - (2) “Adult Motion Picture Theater” shall mean an enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein and from which establishment excludes minors by virtue of age.
  - (3) “Adult Mini-Motion Picture Theater” shall mean an enclosed building having as a principal activity the presenting of material characterized by emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths and from which minors are excluded by virtue of age.
  - (4) “Adult Cabaret” shall mean a cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.
  - (5) “Adult Novelty Business” shall mean a business which has as a principal activity the sale of devices or simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age.
  - (6) “Adult Personal Service Business” shall mean a business having as a principal activity a person, while nude, partially nude or fully clothed, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances, tattoo parlors, and body piercing studios. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.

- (7) Partially Nude” shall mean having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.
- (8) “Principal Activity” shall mean a use accounting for more than 10% of a business stock in trade, display space, or floor space, or movie display time per month.

7B.14.3 **Specific Conditions.** An Adult Entertainment Business may be approved by Special Permit in a [General Commercial District] only, provided the following standards and criteria are met in addition to the standards, criteria and conditions elsewhere in Section 9 and 10.

- (1) No such Adult Entertainment Business shall be located within two hundred and fifty feet (250 ft.) of a district which, pursuant to these Regulations and the Zoning Map of the Town of Deep River is classified as Low Density Residential, Moderate Density Residential, Harbor, Village Industrial, and Commercial Industrial Park Districts nor shall it be located within five hundred feet (500 ft.) from any neighboring municipality.
- (2) No such Adult Entertainment Business shall be established within one thousand feet (1,000 ft.) of another such business.
- (3) No such Adult Entertainment Business shall be established within one thousand feet (1,000 ft.) of the property line of any public, private, or parochial school, day-care center, library, park, playground, or other recreational facility, whether commercial or non-profit, Town municipal property or any other area where numbers of minors regularly travel or congregate, in any district. Nor shall any such business be located within one thousand feet (1,000 ft) of the property line of any church, convent, monastery, synagogue or similar place of worship, or cemetery.
- (4) For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult entertainment use to the nearest boundary of the uses specified in (a), (b) and (c), above.
- (5) Any building or other structure proposing to contain an Adult Entertainment Business shall be set back a minimum of fifty feet (50 ft) from all property lines and the site shall be landscaped in such a manner so as to be buffered from view from any Town or State roadway.
- (6) No accessory apartment or apartments or other dwelling units shall be permitted on the premises of an adult entertainment business.
- (7) In accordance with Connecticut General Statutes 8-6, these Regulations (Section 7B.14, inclusive) shall not be varied by the Zoning Board of Appeals to permit an Adult Entertainment Business.

7B.14.4 **Application Procedure.** Application for a permit for an Adult Entertainment Business shall be made to the Planning and Zoning Commission in accordance with Sections 9 and 10, and demonstrating compliance with this section.



7B.14.5 **Required Renewal.** Permit renewal for Adult Entertainment Businesses is required in January of each calendar year and shall conform to the following standards:

- (1) Purchasers of buildings or structures that have had Special Permits for adult entertainment businesses who want to continue the Special Permit shall obtain a zoning permit and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the Adult Entertainment Business.
- (2) Any such renewal shall be referred to the Zoning Commission for consideration. The Planning and Zoning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Permit prior to the continued operation of the Adult Entertainment Business.

7B.15 **ADULT DAY CARE FACILITIES.** Adult Day Care Facilities constitute an important part of the continuum of care for our seniors, filling a growing niche between independent living and nursing home placement. By utilizing the cost-effective, high-quality professional care (not overnight care) provided by Adult Day Care Facilities, seniors can often be maintained at home for a longer period of time.

7B.15.1 The design of the facility shall take into account the special needs of frail and mobility impaired participants and shall include the following in order to facilitate the participants' movement throughout the center and involvement in activities and services.

- (1) The facility shall have no more than 14 clients.
- (2) In the R-60 district, the facility shall have no drop-off or pick-up for clients on regular basis. The transportation for clients shall be van or similar.
- (3) The facility shall have at least two clearly identified exits with battery operated emergency exit lights at exit doors.
- (4) The facility shall have sixty square feet (60 sq. ft.) of activity space per person not including offices, bathrooms, kitchen, closets and vestibules.
- (5) The facility shall provide one parking space for each employee on the largest shift, and one loading space for the arrivals and departures of the participants.
- (6) Locked storage space shall be provided for medications. All controlled substances shall be double locked.
- (7) Shielded outside lighting must be supplied to provide safe lighting levels at all entrances and exits.
- (8) The facility shall meet all applicable federal, state and local requirements including licensing, certification, sanitation, fire, building and safety requirements.

7B.15.2 If the Adult Day Care Facility is located in a residential structure, the following standards must be applied in addition to those stated above:

- (1) The facility shall have its own separate identifiable space from the residential/office area and designated bathrooms located within the space utilized for the facility.

(2) The facility shall provide private office space for use by the facility.

**7B.16 CAMPS.**

7B.16.1 Gross lot area on which any activity occurs is at least twenty (20) acres in size;

7B.16.2 Lot on which the activity occurs has at least fifty (50) feet of frontage on a collector or arterial street.

7B.16.3 The principal building or buildings are located at least two hundred (200) feet from any lot line and one hundred (100) feet from any street line;

7B.16.4 Any accessory building or use is located at least one hundred (100) feet from any lot line or street line.

**7B.17 For Future Use<sup>83</sup>**

**7B.18 VETERINARY HOSPITALS.<sup>84 85</sup>**

7B.18.1 Any accessory buildings or uses are located at least fifty (50) feet from any lot line or street line.

7B.18.2 The lot on which such activity occurs has at least fifty (50) foot frontage on and suitable direct access to a collector or arterial street as shown on the Comprehensive Development Plan;

7B.18.3 No outside storage of materials, supplies, or animals shall be allowed;

7B.18.4 No lodging or boarding of animals shall be allowed except for normal recovery periods following surgical procedures.

7B.18.5 In the Neighborhood Commercial Districts<sup>86</sup>

(1) Minimum Lot Size shall be one and one-half times larger than the minimum lot size of the abutting properties. If the abutting properties have different minimum lot sizes, the smaller/smallest shall be used to determine the minimum lot size.

(2) Buffer: When adjacent to residentially zoned or used property, there will be a buffer of at least ten feet along the common property line. The ten (10) foot setback is to be improved with a combination of six-foot stockade fence and vegetation sufficient to buffer the residential use from the non-residential use, whichever is more appropriate. The Commission may determine, in some circumstances, that *both* the fence AND vegetation are appropriate. Such buffer will be for the purpose of providing both visual and noise attenuation buffering.

7B.18.6 In the Commercial Industrial Park District and the Turnpike Industrial District:<sup>87</sup>

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<sup>83</sup> Effective October 15, 2007, "BED AND BREAKFAST. (a) There shall be no more than fifteen (15) guest beds." was replaced with "For Future Use".

<sup>84</sup> Effective October 15, 2007, this regulation was amended to include requirements from Section 7B.11.

<sup>85</sup> Effective November 19, 2009, the following text was deleted from this section: 7B.19.1 The "gross lot area" on which such activity occurs is at least three (3) acres in size; 7B.19.2 The principal building or buildings are located at least one hundred (100) feet from any lot line and fifty (50) feet from any street line; and the section was renumbered.

<sup>86</sup> Effective November 19, 2009, "Additionally, in" was replaced with "In the".

<sup>87</sup> Effective November 19, 2009, Section 7B.18.6 was added into the Zoning Regulations.

- (1) The “gross lot area” on which such activity occurs is at least three (3) acres in size.
- (2) The principal building or buildings are located at least one hundred (100) feet from any lot line and fifty (50) feet from any street line.

7B.19 **PREPARATION OR FOOD PROCESSING.** The Commission may establish such conditions as may be necessary to assure the use be compatible with surrounding areas and may consider limitation of hours of operation, limitation of processing water, and measures to control food odor.

7B.20 **LANDSCAPE/NURSERY SERVICES.**<sup>\*\*</sup>

7B.20.1 In the R-80 District retail nursery sales including the mixing of chips, top soil and compost, firewood and the storage of related small landscape and nursery equipment with less than a 2 ton capacity but excluding properties with the Gateway Conservation Zone and brush and stump processing provided;

- (1) Minimum lot size shall be 15 acres and shall have frontage on a State or Town road designated Arterial Collector in accordance with section 2.16.7.
- (2) Business is not visible from street.
- (3) A 50’ vegetative buffer along all side and rear lines shall be maintained.
- (4) All loose material shall be stored in bins.
- (5) Total stockpiled material shall not exceed 100 cubic yards.

7B.20.2 In the CIP District storage of landscape and nursery equipment with less than a 2 ton capacity screening of top soil and cutting firewood but excluding brush and stump processing provided;

- (1) A 50’ landscaped buffer shall be maintained along all property lines bordering residential property.
- (2) Screened topsoil and cut firewood is for use by Contractor’s business and not for retail sales.
- (3) All loose material shall be stored in bins.
- (4) Total stockpiled material shall not exceed 100 cubic yards.

7B.21 **LIGHT MANUFACTURING, FABRICATION, PROCESSING, COMPOUNDING, TREATMENT, ASSEMBLY, MAINTENANCE, REPAIR OR PACKAGING OF GOODS OR PRODUCTS**

7B.21.1 All subject operations are conducted within a completely enclosed building designed for such operations.

7B.21.2 No outside storage of equipment, merchandise, materials or supplies will be allowed.

7B.22 **OUTSIDE/OUTDOOR SEATING.**

7B.22.1 Such seating shall be clearly accessory to and incidental to the primary business.

7B.22.2 Any tables and chairs shall be located on the sidewalk in such a manner that there is an area of the sidewalk for pedestrian movement that is at least five (5) feet in width.

7B.22.3 Applicants shall submit the following items to the Zoning Enforcement Officer prior to placement of outdoor tables and chairs: a plan showing the location of the tables and chairs and an insurance certificate naming the Town of Deep River as additional insured.

### **7B.23 PUBLIC UTILITY EQUIPMENT FACILITIES**

7B.23.1 To be of residential appearance when in a residential zone.

**7B.24 AGE RESTRICTED DEVELOPMENT.**<sup>88</sup> An Age Restricted Development (ARD) is a multi-unit, multi-structure development in which at least one occupant of each dwelling unit is 55 years of age and there is no occupant of any dwelling under 21 years of age.

#### **7B.24.1 Definitions**

- (1) Bedroom: Any room designed, intended, furnished, or occupied for sleeping quarters, and any room other than a living room, dining room, den/library/office, kitchen, bathroom, or small utility or storage room of less than fifty (50) square feet will be considered a bedroom.
- (2) Den/Library/Office: A room which is not a living room, dining room, kitchen, bathroom, or small utility or storage room of less than fifty (50) square feet, which is not intended to be, approved to be, or may be utilized as sleeping quarters.

#### **7B.24.2 Lot Requirements**<sup>89</sup>

##### **(1) Minimum Lot Size**

|                                   |      |            |      |            |
|-----------------------------------|------|------------|------|------------|
| (a) With public water & sewer     | R-30 | 120,000 SF | R-60 | 160,000 SF |
| (b) Without public water          | R-30 | 120,000 SF | R-60 | 240,000 SF |
| (c) Without sewer                 | R-30 | 120,000 SF | R-60 | 240,000 SF |
| (d) Without public water or sewer | R-30 | 160,000 SF | R-60 | 320,000 SF |

##### **(2) Minimum Net Buildable Lot Area**

|                                   |      |            |      |            |
|-----------------------------------|------|------------|------|------------|
| (a) With public water & sewer     | R-30 | 80,000 SF  | R-60 | 120,000 SF |
| (b) Without public water          | R-30 | 80,000 SF  | R-60 | 180,000 SF |
| (c) Without sewer                 | R-30 | 80,000 SF  | R-60 | 180,000 SF |
| (d) Without public water or sewer | R-30 | 120,000 SF | R-60 | 240,000 SF |

(3) Maximum Density                      8 bedrooms/acre + 4 dens/dining rooms/acre

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<sup>88</sup> Effective June 1, 2007, this section was added to the Regulations as Section 7.29. The section was renumbered effective October 15, 2007.

<sup>89</sup> Effective May 17, 2012, R-20 was changed to R-30 and R-40 was changed to R-60.

\* Effective June 25, 2015, Age Restricted development

\*\* Effective April 4, 2018, Landscape/Nursery Services

- |      |   |  |
|------|---|--|
| (4)  | Maximum Development Size                                  | 48 bedrooms  |
| (5)  | Maximum Units/Structure*                                  | 4, except in the Gateway Conservation Zone and the Village Districts where a maximum of 2 Units/structures are permitted.    |
| (6)  | Maximum Lot Coverage as percentage of non-wetland acreage | Building 15%, Total Impervious 20%   |
| (7)  | Minimum Units   | 6  |
| (8)  | Setbacks  |  |
|      | (a) Front   | 1½ times that for single family units in zone  |
|      | (b) Side & Rear   | 2 times that for single family units in zone   |
| (9)  | Minimum Distance betw. Bldgs                              | 20'  |
| (10) | Maximum Building Height*                                  | 35 feet, except Gateway Conservation Zone and the Village Districts where a maximum building height of 30 feet is permitted. |
| (11) | Maximum No. of Stories                                    | 2  |
| (12) | Unit Size   | 1 bedroom: 800 SF or greater<br>2 bedrooms: 1000 SF or greater   |

#### 7B.24.3 **Landscaping**

- (1) **General Landscaping:** The ARD shall be suitably landscaped. A specific and detailed plan and schedule shall be submitted as part of the application for an ARD. Suitable landscaping, which may include lawns or existing vegetation, is required in all areas not covered by impervious surfaces. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable.
- (2) **Vegetated Buffers:** Landscaped front, side and rear yard buffer areas of a minimum of 10' (ten feet) in width shall be provided adjacent to each property line of the subject parcel except that if an adjacent property has been developed with a similar use or development density (as measured in dwelling units/acre), the Commission may, by Special Permit, modify the side and/or rear buffer area requirement so that the total buffer width of the two adjacent parcels is a minimum of 15' (fifteen feet) in width, so long as the buffer on the adjacent property is in accordance with an approved site plan.

Side and rear yard buffer areas shall be planted or preserved in a natural state with a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to provide a reasonably opaque, vegetative barrier to a height of not less than ten (10) feet.

#### 7B.24.4 **Other Requirements**

- (1) **Unit Size\*:** No dwelling unit may be designed or approved to have more than three bedrooms, except in the Gateway Conservation Zone and the Village

Districts where a three bedroom unit is not permitted. Any additional room designed and approved as a den/library/office or a dining room may not be used as a bedroom.

- (2) Access Street\*: Street on which development fronts must already meet current street standards, or if it does not, except in the Gateway Conservation Zone and the Village Districts, the Commission may require that the lot frontage meet current street standards so that the development will not hinder safety on existing or proposed streets.
- (3) Paving and Sidewalks\*: All paved areas, curbing and sidewalks will be installed in conformity with the standards of the Subdivision Regulations of Deep River. The placement, size, arrangement, and use of access driveways to public or private streets will be adequate to service residents of the ARD and will not hinder safety on existing or proposed streets. Access driveways serving more than two dwellings shall be at least twenty (20) feet in width at the driveway intersection with a public or private street and will remain as private driveways. Sidewalks are required on at least one side of the access driveway in the ARD where it shall connect to an existing public road with a sidewalk on at least one side. If there is no sidewalk on either side of the public road to which the private driveway connects, except in the Gateway Conservation Zone and the Village Districts, the Commission may require that an area not less than ten feet in width on one side of the main driveway be suitably graded and landscaped so as to allow for pedestrian use.
- (4) Neighborhood Character\*: Except in the Gateway Conservation Zone and the Village Districts where a 3 bedroom unit is not permitted, in order to maintain character of the residential neighborhood in which it sits, no more than two (2) units in any building shall have three (3) bedrooms and no ARD development shall have more than fifty percent (50%) three (3) bedroom units and the overall design and the design of individual structures shall be compatible with single family homes in the neighborhood, including, but not limited to materials, roof slopes, overall bulk, colors, trim, and such design features to individualize buildings within the ARD development and in any other ARD development in the same neighborhood.
- (5) Management: Each ARD will be established by a legal entity which is organized and existing under applicable sections of the Connecticut General Statutes and which provides for ownership and management of common properties and facilities, for open space, and for utility, sewage, and water systems, unless provided by a public entity (e.g., Connecticut Water Company) and will include provisions for financing and maintenance of the property, facilities, and systems so as to ensure continuing compliance with the standards and criteria for ARDs as specified in these Regulations. All legal documentation for the entity will be subject to review and approval by the Commission before a permit for the ARD can be approved.
- (6) Open Space: No less than 50% of the ARD lot is to be set aside as open space permanently dedicated for preservation, the location and configuration of which is subject to Commission approval. Land set aside shall be typical of the total parcel and shall not contain a higher proportion of wetlands or otherwise unbuildable

land than the parcel as a whole. Any area which is dedicated to or available for non-municipal active recreation use, such as golf courses, tennis clubs, pool clubs, ball fields, and similar facilities, and the related parking, driveways, and accessory facilities shall be excluded from the calculation. Publicly accessed pedestrian and/or equestrian trails may be included in the open space.

- (7) Utilities: All utilities are to be located underground.
- (8) Layout: Buildings shall be clustered to create a sense of neighborhood while maintaining adequate separating distance to provide privacy. The size of the clusters and the setback between buildings will be evaluated based on the size, height, and number of dwelling units in the building.
- (9) Parking\*: Each dwelling unit shall have an attached garage for one or two cars. There shall be at least 1-1/2 off-street parking spaces, whether in garage or outside, per approved bedroom, but there shall be no more than three (3) off-street parking spaces, whether in garage outside, per unit, including a three(3) bedroom unit, except in the Gateway Conservation Zone and the Village Districts where a three 3 bedroom unit is not permitted.
- (10) Other: ARDs must otherwise comply with all other relevant regulations.

7B.25 **PLANNED CONSERVATION DEVELOPMENT (PCD).**<sup>90</sup> The purpose of this section is to allow the arrangement of individual lots in such a way as to focus development into one or more groupings or clusters of lots, while retaining the remainder of the property as permanently-protected open space. A Planned Conservation Development will maximize the preservation of natural resources and retention of the scenic quality of the landscape, and will facilitate adequate and economical provision of streets and utilities in a manner which reduces the overall cost of subdivision development.

7B.25.1 **Application Procedure.** Approval of a PCD is a two-part process. An applicant must obtain both a Special Permit in accordance with Section 10 of these Zoning Regulations and approval of a subdivision application under the requirements of the Subdivision Regulations.

- (1) Preliminary Review. The applicant is strongly encouraged to present a preliminary conceptual plan for the proposed PCD to the Commission for its review, prior to incurring the costs of detailed engineering, so that alternatives or changes which may be suggested by the Commission may be made more readily and economically prior to extensive engineering work. A preliminary plan will be reviewed with the understanding that such plan has no official status and that consent with regard to feasibility of a preliminary plan on the part of the Commission in no way implies approval of the formal application. No fee is required for submission of a preliminary plan.

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<sup>90</sup> Effective October 15, 2007, the Planned Conservation Development standards were moved from Section 6 to Section 7B.

\* Effective June 25, 2015, Age Restricted Development

- (2) **Formal Application.** An application for a PCD shall be made in accordance with the requirements for both a special permit and a subdivision application. The applicant shall submit the two applications concurrently.

Subdivision maps and any other information required as part of the subdivision application shall serve instead of the documentation requirements for a Special Permit application under Section 10<sup>91</sup> of these Regulations. In addition to the requirements for all subdivision applications, the applicant shall also submit the following information:

- (a) A separate map showing the location and acreage of all inland wetlands and tidal wetlands areas; the high tide line as defined in Section 22a-359(c) of the State Statutes; all areas which have been mapped as flood hazard areas; and all areas with naturally occurring slope in excess of twenty-five percent (25%), as measured over a horizontal distance of forty (40) feet.
- (b) A table of calculations used in determining the maximum number of building lots that may be approved as part of a PCD.

7B.25.2 **Eligible Districts.** Planned Conservation Development will be considered in Low Density Residential Districts (R-60 and R-80) only.

7B.25.3 **Minimum Area for Consideration.** The minimum size of a tract to be considered for a PCD shall be twenty (20) acres. Said acreage shall be in single ownership at the time of the application for such PCD.

7B.25.4 **Uses.** The following uses are permitted within the PCD:

- (1) Single-family dwellings, and accessory uses thereto.
- (2) Recreational facilities owned by and for the use of residents of the PCD and their guests.

7B.25.5 **Determination of Maximum Number of Lots.** The maximum number of lots which shall be allowed in any PCD shall be determined as follows:

- (1) From the total acreage of the subject parcel, the following shall be subtracted:

**EITHER** THE SUM OF <sup>92</sup>

(a) Twenty percent (20%) of the total acreage, *plus*<sup>93</sup>

(b) All land identified as streams, rivers, ponds, waterbodies or watercourses, seasonal or otherwise, *plus*<sup>94</sup>

<sup>91</sup> When incorporating the amendments effective October 15, 2007 into these Regulations, this reference was updated from 7B.2 to 10.

<sup>92</sup> Effective October 15, 2007, "the following:" was deleted from this line.

<sup>93</sup> Effective October 15, 2007, "," was replaced with ", plus" in lines (a) and (c)

<sup>94</sup> Effective October 15, 2007, "." was replaced with ", plus".



- (c) Seventy-five percent (75%) of all land which has been classified as inland or tidal wetlands, and all land which has been mapped as flood hazard area, *plus*
- (d) All land with slopes greater than twenty-five percent (25%), as measured over a horizontal distance of forty feet (40').

**OR** Fifty percent (50%) of the total acreage of which only twenty-five percent (25%) may be classified wetlands, watercourses, waterbodies and flood hazard areas.

**WHICHEVER IS GREATER.**

- (2) The total acreage remaining from the computation above <sup>95</sup> and any additional subtractions required to meet the minimum Open Space Dedication as noted below<sup>96</sup> shall be divided by the Gross Lot Area as shown in the table below. The largest divisible whole number is the **maximum** number of lots which may be approved.

The Commission may further restrict the number of lots which may be approved in recognition of site limitations such as extreme topography, unsuitable soil conditions, irregular parcel shape, or other factors which limit development.

**7B.25.6 Individual Lot Standards.**<sup>97</sup> The following standards shall be met for each new building lot in place of the requirements of Schedule 4A, Schedule of Lot and Building Requirements in the Low Density Residential Districts:

- (1) **Minimum Gross Lot Area.** Each lot shall include a minimum Gross Lot Area for each residential zoning district as follows:
  - R-80 residential zone – 45,000 minimum gross lot area
  - R-60 residential zone – 40,000 minimum gross lot area
- (2) **Net Buildable Lot Area.** Each lot shall contain a net buildable lot area for each residential zoning district as follows:
  - R-80 residential zone – 35,000 minimum net buildable
  - R-60 residential zone – 35,000 minimum net buildable
- (3) **Submission of Proposed Lot Layout.** The subdivision plan shall show a proposed layout for each lot, prepared by a licensed professional engineer, including the location of the proposed dwelling, septic system and water supply system, and demonstrating that each lot is capable of supporting an on-site septic system and individual well in accordance with the requirements of the Public Health Code of the State of Connecticut.

<sup>95</sup> Effective October 15, 2007, “in Section 6.2.5(1),” was replaced with “above”.

<sup>96</sup> Effective October 15, 2007, “in Section 6.2.7, Open Space,” was replaced with “below”.

<sup>97</sup> Effective October 15, 2007, the calculations to determine Net Buildable Lot Area (a) through (d) were deleted from this section since they were moved to Section 5. When incorporating these amendments, subsections 3-5 were restored to these Regulations after being previously omitted in error.

- (4) Lot Minimum Width. Each lot shall have a minimum width of one hundred twenty five (125) feet, measured at the building setback line, and shall be of such shape that a rectangle 125 feet by 150 feet can be placed within the lot boundaries.

- (5) Minimum Setbacks. Minimum required setbacks shall be as follows:

|                              |         |
|------------------------------|---------|
| (a) Front yard setback       | 20 feet |
| (b) Any one side yard        | 20 feet |
| (c) Total of both side yards | 40 feet |
| (d) Rear yard                | 30 feet |

7B.25.7 Open Space. Open space dedicated through the PCD process shall be in accordance with the following standards:

- (1) Dedication. At least fifty percent (50%) of the total acreage of the PCD tract as approved by the Commission shall be dedicated as permanent open space. The following limits and guidelines below shall be when determining open space:
- (a) Sixty percent (60%) of the minimum acreage required for open space dedication shall consist of “upland” acreage which may include soils classified with very low or extremely low potential for septic tank absorption fields and land with slopes greater than twenty-five percent<sup>98</sup> (25%).
  - (b) Not more than forty percent (40%) of the minimum acreage required for open space dedication shall be identified as streams, rivers, ponds, waterbodies, watercourses or wetlands, either inland or tidal.
  - (c) Calculations used to establish compliance with this section should be included on the site plan in table form.
- (2) Preliminary Review. The Commission strongly encourages the discussion of the Open Space dedication during the Preliminary Review as noted in this Section<sup>99</sup> prior to submission of a formal application to the Commission.
- (3) Location. Open space shall be located so as to provide a buffer area which will screen new subdivision lots from adjacent properties and from existing public roads to the maximum extent possible.
- (4) Linkage. Open space shall be located to provide linkage with other reserved open space on the tract and on adjacent properties wherever possible.
- (5) Resource Preservation. Open space shall be located so as to preserve existing woodlands, farmland, unique natural features, stone walls, and sites of historic, archaeological or scenic value.
- (6) Open space in all PCD’s shall be subject to all provisions<sup>100</sup> of the Subdivision Regulations of the Town of Deep River, except that a homeowner's associations

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<sup>98</sup> When incorporating the amendments effective October 15, 2007 into these Regulations, “percent” was added.

<sup>99</sup> Effective October 15, 2007, “pursuant to Section 6.2.1(1),” was replaced with “in this Section”.

<sup>100</sup> Effective October 15, 2007, “of Section 6.12” was deleted.

shall be formed for each PCD in accordance with Subdivision Regulations<sup>101</sup> to own and maintain the open space within the PCD, unless the Commission determines in consultation with the developer that another method of reservation and disposition would be more appropriate.

7B.25.8 **General Standards**. The Commission **shall not** approve a PCD unless the following standards are met:

- (1) The proposed lots are clustered in a manner which is in harmony with the natural site so as to promote the preservation of natural resources, unique natural and manmade site features, and scenic views.
- (2) The proposed lot layout contributes to the convenience of residential living and has a relationship to adjoining properties and neighborhoods which is harmonious with their character and serves to protect their property values.

7B.25.9 **Relationship to Other Regulations**. Except as provided in this Section<sup>102</sup>, all provisions of the Zoning Regulations and Subdivision Regulations shall be applicable to Planned Conservation Developments.

7B.26 **ANIMAL DAY CARE FACILITIES**<sup>103</sup> for domestic animals (dogs and cats) including grooming facilities, rehabilitation training, obedience classes and related retail items shall be permitted by Special Permit in accordance with the following standards:

7B.26.1 No animal shall stay overnight on the premises.

7B.26.2 Each animal shall be allotted a minimum of 50 square feet of interior space devoted to animal use.

7B.26.3 There shall be 1 employee on site for every 15 dogs.

7B.26.4 Feces shall be removed and disposed of daily.

7B.26.5 The facility including outdoor areas will be cleaned and sanitized daily. Feces will be removed hourly.

7B.26.6 Grooming and retail products shall be available for day care customers only.

7B.27 **MUSEUM (PUBLIC)**<sup>104</sup>

7B.27.1 Minimum lot size: One (1) acre

7B.27.2 Additional 10' landscaped buffer (over existing regulations) to any abutting lot zoned residential.

7B.28 **HISTORIC HOME MUSEUM**<sup>105</sup>

7B.28.1 For structures at least 100 years old of historic value.

7B.29 **COMMUNITY CENTER (PUBLIC OR NON-PROFIT)**<sup>106</sup>

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<sup>101</sup> Effective October 15, 2007, "Section 6.12.2(c)," was deleted.

<sup>102</sup> Effective October 15, 2007, "6.2" was deleted.

<sup>103</sup> Effective April 15, 2009, Animal Day Care Facilities was added to the Regulations.

<sup>104</sup> Effective March 1, 2011, Museum (Public) was added to the Regulations.

<sup>105</sup> Effective March 1, 2011, Historic Home Museum was added to the Regulations.

<sup>106</sup> Effective March 1, 2011, Community Center (Public or Non-Profit) was added to the Regulations.

- 7B.29.1 Permitted in General Commercial Zone if adjacent to an academic school or in any zone if within 1,000 feet of an academic school.
- 7B.29.2 Minimum lot size: 1 acre
- 7B.29.3 Additional 10' landscaped buffer (over existing regulations) to any abutting lot zoned residential.
- 7B.29.4 Parking requirements shall be in accordance with specific uses, i.e., indoor recreational, theater, office, etc.

7B.30 **MIXED USE BUILDINGS.**<sup>107</sup> Special Standards for mixed-use buildings:

- 7B.30.1 Ground floor to contain commercial uses only.
- 7B.30.2 A mix of residential and commercial uses are not permitted on the same floor.
- 7B.30.3 No more than 50% of the gross square footage of new or existing buildings shall be used as residential dwelling units.
- 7B.30.4 The maximum number of residential units shall be two (2) and shall not be allowed on the basement or first floors.
- 7B.30.5 Dwelling units shall have a minimum floor area of 500 square feet.
- 7B.30.6 No dwelling unit shall have more than two bedrooms.
- 7B.30.7 There shall be no public access to individual dwelling units from the exterior of the buildings as January 1, 2012.

7B.31 **AG-TIVITIES/AGRITOURISM.** The following activities are considered to be accessory to an agriculture operation permitted under 4.10.3 and carried on under private ownership. These uses should be incidental and subordinate to the use of the property for farming. These regulations are intended to ensure that these activities are compatible with the permitted uses in the surrounding area.

7B.31.1 **Definitions.** As used in this Subsection, the following terms shall have the meanings indicated:

(1) **Agricultural Tourism.** Refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, agricultural educational instruction, demonstration of production of farm products, or active involvement in the activities of the farm or operation.

(2) **Ag-tivities.** Events of limited duration on a farm that are incidental to agricultural uses, including, but not limited to, hayrides, corn mazes, festivals and other similar activities; on-farm sales, such as farm stands and pick-your-own operations retailing farm and farm-related products; and on-farm processing operations, provided they comply with all applicable state and municipal health codes.

(3) **Non-agricultural-related uses.** Activities that are part of an agricultural operation's overall offerings but are not incidental to agriculture or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, weddings, receptions, fee-based outdoor

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<sup>107</sup> Effective July 19, 2012, special standards for Mixed Use Buildings were added to the Regulations.

recreation such as bird watching, hiking, snow-shoeing, and other such passive recreational activities.

7B.31.2 **General Requirements.** In addition to the provisions and standards of Sections 9 and 10, the following conditions shall apply to these uses:

(1) **Parcel size.** The minimum parcel size shall be five contiguous net buildable acres.

(2) **Frontage.** The parcel shall have owned frontage of at least 25 feet on a Town road or state highway and shall be accessed over such frontage on a Town road or state highway.

(3) **Neighboring premises.** The proposed use and improvements shall not adversely affect the enjoyment, usefulness and value of premises in the general neighborhood thereof. The location of outdoor events and activities associated with agritourism and/or activities on the farm shall take into consideration the current use of surrounding properties. The Commission may require specific separating distances and/or appropriate buffer strips with plantings, fences, or walls that screen any such activity from the adjacent properties.

(4) **Traffic.** The proposed use and improvements shall not adversely affect the pattern, flow, intensity or character of traffic in the public streets.

(5) **Parking.** Adequate off-street parking for agriculturally related and non-agricultural-related uses above shall be provided. Parking shall, to the maximum extent possible, be located in areas on the site where they will be the least visible from access roads and adjoining properties.

(6) **Noise.** Noise shall be controlled so as not to exceed Department of Environmental Protection standards for recreation areas and shall comply with the requirements of Section 5.3.2.

(7) **Lighting.** Exterior lighting shall be of a style and character which is in harmony with the character of the district. Lighting standards shall not exceed 12 feet in height. Lighting or luminaires shall have shielded light sources to prevent glare, and no exterior lighting shall shine on adjacent properties or towards any roadways.

(8) **Retail sales.** Any retail sales shall be related specifically to the use granted and available solely for patrons of the farm.

(9) **Number of events.** The number of events to be held shall be specified. Non-agricultural-related uses shall be limited to eight (8) within a given calendar year. Upon renewal of an Approved Special Permit the applicant may apply to

increase that number if they demonstrate to the Commission that there will be no adverse impact on neighboring properties.

(10) **Number of persons attending.** The number of persons attending activities/agritourism activities or events under this section shall not exceed 100 at any given time. Groups such as garden clubs, book clubs, chamber of commerce meetings or similar activities of less than 20 persons shall not count towards the eight yearly events.

(11) **Hours of operation.** The hours of operation of activities/agritourism activities shall not begin before 9:00 a.m. nor finish after 6:00 p.m., Sunday through Thursday, and not before 9:00 a.m. or after 10:00 p.m., Friday and Saturday.

(12) **Temporary structures.** Temporary accessory structures such as tents shall not exceed 1,200 square feet of floor area. Temporary structures must be put up no more than two days in advance of the event and removed from the property, unless it is to be stored in a permanent structure located on the site, no more than two days after the event for which they are first set up.

(13) **Buildings.** New accessory buildings and structures for activities/agritourism activities under this section shall not exceed 600 square feet of floor area. Buildings may not be used for overnight use except as specified under Section 4.10.17A.

(14) **Architectural design.** The architectural design of buildings and signs, including the building materials and exterior elevations, shall be of such character as to reflect accent existing farm structures and to harmonize with the neighborhood.

(15) **Uses.** Uses not specified or expressly permitted by the Zoning Regulations are prohibited.

(16) **Duration.** The duration of a permit for any of the uses in this Section shall be for a period of at least one year but not more than five years. Permits are renewable. The Commission shall take into consideration the past performance of the applicant in considering the renewal of any permit.

(17) **Expansion.** Any expansion of an existing facility shall require either a Site Plan review or a Special Permit as determined by the Commission in accordance with Sections 9 and 10 of these regulations.

(18) **Permits.** All other applicable local, state, and federal permits shall be obtained.

(19) **Abandonment.** Should the principal farm use be abandoned and/or discontinued, the accessory uses as provided in this section shall be terminated and shall not become the principal use.

7B.32 **Medi-pods** (Granny Pod) – Temporary health care structures for persons 55 and over or special needs adults in accordance with section 7B.

7B.32.1 Units are temporary, self-contained, pre-fabricated health care pods no larger than 400 SF.

7B.32.2 Units must be able to connect to the primary residences existing water and sewer supply.

7B.32.3 Occupancy is restricted to persons related to the property owner who are 55 years of age or older and/or adults with special needs.

7B.32.4 Commission approved Site Plans are valid for 5 years and can be extended up to another 5 years by the Commission. Further extensions require Commission approval.<sup>107B</sup>

7B.33 **ASSISTED LIVING COMMUNITY.**<sup>107C</sup> The purpose of this section is to permit an Assisted Living Community as an alternative residential option for older residents which also contains support services to assist residents with the activities of daily living.

7B.33.1 **Permitted Uses:**

(1) An Assisted Living Community may be permitted by the Commission by Special Permit when the proposed facility and site meets the requirements of these regulations, where the assisted living community is the primary use along with accessory uses which are intended and designed for the operation and maintenance of the Assisted Living Community.

(2) Assisted Living Community is intended to contain living units, kitchen and dining room facilities, laundry facilities, common assembly areas, indoor and outdoor recreation areas, health care and administrative offices as well as other support services necessary to operate the facility.

(3) Incidental retail, community or entertainment uses within the facility may be permitted provided these are intended to serve the residents of the facility. No external advertising for these uses is allowed.

(4) At least one resident in each living unit in the facility shall be 55 years of age or older, except when a person's medical condition requires the services of an Assisted Living Community.

7B.33.2 **Bulk Requirements:**

(1) Minimum parcel size shall be 10 acres.

(2) Maximum Building Height shall be 3 stories. The Commission may allow up to ten feet over the required district height by Special Permit approval.

(3) Maximum Building Coverage shall be 30%.

- (4) Maximum number of units shall 20 per acre.
- (5) Building setbacks shall be fifty feet from all property lines.

7B.33.3 **Site and Infrastructure Requirements:**

- (1) Parking shall be provided at a **minimum** ratio of 1 space per each independent unit, 1 space for every 2 assisted living units, 1 space for each employee, plus an amount equal to 10% of the total number of units for visitors.
- (2) The parcel shall be served by public water and public sanitary sewer.
- (3) Pedestrian sidewalks shall be provided along all roadways and are encouraged on-site as an amenity to residents. Other passive recreation facilities and areas shall be provided such as benches, gardens, and other provisions as appropriate to the individual site and as approved by the Commission. To the extent possible, such sidewalks should tie into existing or planned paths and sidewalks on adjacent ROWs or properties.
- (4) A Site Landscaping Plan shall be provided indicating at a minimum native and non-invasive materials including shade trees along public roadways and within parking lots, foundation plantings around the building, and other landscape areas of shrubs and flowers providing a pleasant exterior environment for the residents of this community.
- (5) Buffer plantings shall be provided in the required 50' buffer area along all property boundaries if the existing vegetation has been disturbed or is insufficient to provide screening from adjacent properties.

7B.33.4 **Architecture:**

- (1) Buildings shall be designed to achieve a residential appearance having pitched roofs, gables, building offsets and other architectural features to reduce the appearance of its mass.
- (2) Applicants are encouraged to seek guidance from the Deep River Design Advisory Board Guidelines for their architectural designs.

7B.33.5 **Review and Approval Criteria:** In addition to the Special Permit standards and criteria in the Deep River Zoning Regulations, the following specific criteria shall be used by the Commission is reviewing each application for an Assisted Living Community:

- (1) The proposal will help meet senior living needs of the community;
- (2) The proposal is designed in an aesthetically pleasing manner which is compatible to the surrounding neighborhood and zoning district.

7B.34 **Contractor's Business Storage Yards**<sup>107D</sup> including building materials yards and storage of related vehicles but excluding concrete mixing and brush and stump processing where permitted provided;

- (1) All loose material shall be stored in bins.
- (2) A 50' landscaped buffer shall be maintained along all property lines bordering residential property and a 15' landscaped buffer along street lines.



- (3) Materials and equipment shall be located within a designated area shown on the site plan.
- (4) Any storage of hazardous materials approved by the Commission shall adhere to the CT DEEP hazardous waste regulations.
- (5) All maintenance work on equipment shall be performed within a structure on an impervious surface designed to retain any spillage of fluids which shall be cleaned on a regular basis.

<sup>107A</sup> Effective January 1, 2017 Activities/Agritourism was added to the Regulations.

<sup>107B</sup> Effective January 1, 2017, Medi-pods were added to the Regulations.

<sup>107C</sup> Effective August 1, 2017, Assisted Living Community added to the regulations.

<sup>107D</sup> Effective April 4, 2018, Contractors Business and Storage Yards.

## SECTION 8 - ADMINISTRATION AND ENFORCEMENT

8.1 **ADMINISTRATION.** The Deep River Planning and Zoning Commission may from time to time, by resolution, adopt or amend administrative policies, rules and procedures and establish fees as the Commission deems necessary for the orderly conduct of its business and the uniform enforcement of these Regulations, in accordance with the provisions of the Connecticut General Statutes.

8.1.1 **Zoning Enforcement Officer.**<sup>108</sup> The Commission shall appoint a Zoning Enforcement Officer as its agent having the responsibility and authority to enforce the provisions of these Regulations. The Zoning Enforcement Officer, subject to the Commission's approval, may appoint Deputy Zoning Enforcement Officers to act for the Commission on the Zoning Enforcement Officer's behalf. No permit, certificate, order or other zoning enforcement document shall be valid unless signed by the Zoning Enforcement Officer or his duly appointed deputy, acting in his capacity as agent for the Commission.

The duties and responsibilities of the Zoning Enforcement Officer shall include, but not be limited to:

- (1) Review of all permit applications to determine that the requirements of these Regulations are satisfactorily met before issuance of the permit, including the assurance that all other necessary permits have been received from those Federal, State or town governmental agencies from which prior approval is required.
- (2) Review of all plans for walls to be used to enclose space below the base flood level to assure compliance with the requirements of these Regulations pertaining to special flood hazard areas.
- (3) Review and reasonable utilization of base flood elevation data available from any other federal, state or local source, when such data is not provided on the Flood Insurance Rate Map, so that the standards of these Regulations may be uniformly and adequately administered.
- (4) Receipt and maintenance of the following information for public inspection on all permits issued for property located within the special flood hazard areas:
  - (a) The actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
  - (b) The actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been flood-proofed;
  - (c) Certification by an architect or professional engineer registered in the State of Connecticut that all new or substantially improved structures are securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash in all coastal high hazard areas;

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<sup>108</sup> When incorporating the amendments effective October 15, 2007, this section was renumbered.

- (d) Evidence that adjacent towns and the Water Resources Unit of the Connecticut Department of Environmental Protection have been notified prior to any alteration or relocation of a watercourse;
  - (e) Certification by a professional engineer registered in the State of Connecticut that the flood carrying capacity within the altered or relocated portion of a watercourse will be maintained.
- (5) Submission to the Federal Insurance Administration of an annual report and copies of all notifications to adjacent towns and the Water Resources Unit of the Connecticut Department of Environmental Protection concerning the alteration or relocation of watercourses.

8.1.2 **Records.** The Zoning Enforcement Officer shall keep records of all applications, fees, permits and certificates, all identifiable complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served by him and the action taken thereon.

8.1.3 **Issuance of Zoning Permit.** No building or other structure or part thereof shall be constructed, reconstructed, enlarged, extended, moved or structurally altered, no lot, building, or other structure be used or changed in use, no substantial removal of vegetation or trees, no alteration of line lines, nor shall existing grades be changed until a Zoning Permit for such has been issued by the Zoning Enforcement Officer or his deputy. If a building or structure fifty (50) years or older is to be demolished, no demolition shall occur for ninety (90) days after application for a demolition permit. Demolition must be legally noticed. At the conclusion of the ninety (90) day period, the demolition permit may be issued. A waiver of the ninety (90) day period may be issued by the Planning and Zoning Commission if circumstances demonstrated to the Commission warrant such a waiver. Nothing herein contained shall prevent the immediate demolition of any structure upon the order of the Town Building Official whenever, in his judgment, there exists a risk to public safety. A Zoning Permit shall be issued in accordance with the following procedure:

(1) **Application.** Prior to construction, reconstruction, extension, enlargement, moving or substantial alteration of any building or other structure, prior to the use or occupancy of any land, building or other structure, prior to the substantial removal or alteration of any vegetation, prior to change of existing grade of the land affected, and prior to alteration of lot lines, an application for a Zoning Permit in a form prescribed by the Commission shall be submitted to the Zoning Enforcement Officer in duplicate. The application shall be accompanied by a plot plan showing the following information:

- (a) The area of the lot, and the approximate dimensions of all lot lines;
- (b) The height, dimensions, use, floor area, ground coverage and location of all buildings and other structures;
- (c) The location of any existing or proposed on-site sewage disposal system and water supply well and/or utility service lines;

- (d) The location, area and dimensions of off-street parking and loading spaces, signs and other facilities and improvements that are subject to these Regulations; and
- (e) Such additional information as the Zoning Enforcement Officer deems necessary to determine compliance with the provisions of these Regulations; and to include specifically in all special flood hazard areas the following:
  - (i) The elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  - (ii) The elevation in relation to mean sea level to which any structure has been or will be flood-proofed;
  - (iii) Certification by an architect or professional engineer registered in the State of Connecticut that the flood-proofing methods of any non-residential structure meets the flood-proofing criteria in Section 14 of these Regulations;
  - (iv) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, certification by an architect or professional engineer registered in the State of Connecticut that the flood carrying capacity within the altered or relocated portion will be maintained, and evidence that adjacent towns affected and the Connecticut Department of Environmental Protection, Water Resources Unit have been notified;
  - (v) Plans for any walls to be used to enclose space below the base flood elevation;
  - (vi) All necessary permits from those Federal, State or Town governmental agencies from which prior approval is required.
- (2) Approval of Zoning Permit. In the event that the Zoning Enforcement Officer determines that an application is not subject to the issuance of a Special Permit or a Site Plan approval by the Deep River Planning and Zoning Commission, the Zoning Enforcement Officer shall issue a Zoning Permit to authorize the construction, reconstruction, extension, enlargement, moving or substantial alteration of a building or other structure or the use of a lot, building or other structure when he or she determines that the information shown on the application for Zoning Permit meets all of the requirements of these Regulations and any additional conditions imposed upon the applicant by action of the Commission under Sections 9 and 10, Site Plans and Special Permits. One (1) copy of the approved and signed Zoning Permit and accompanying plot plan shall be returned to the applicant by the Zoning Enforcement Officer.
- (3) Referral of Application for Zoning Permit to Planning And Zoning Commissions. When an application for a Zoning Permit is subject to the issuance of a Special Permit and Site Plan Approval by the Deep River Planning and Zoning Commission, the application and accompanying maps, pertinent drawings, plans and documents shall be referred by the Zoning Enforcement Officer, upon receipt, to the Commission and all other authorities having regulatory jurisdiction for their

review and approval prior to the issuance of a Zoning Permit or a Certificate of Zoning Compliance.

- (4) Expiration of Zoning Permit. An Administrative Zoning Permit issued by the Zoning Enforcement officer shall expire one (1) year from its date of issue if it has not been substantially completed. Such expiration will occur automatically unless the applicant requests in writing an extension of not more than one (1) year, and no more than one extension shall be granted. Such request for extension shall be received by the Zoning Enforcement Officer no later than one month before the expiration of the permit
- (5) Information For Public Inspection Within a Special Flood Hazard Area. Receipt and maintenance of the following information for public inspection on all permits issued for property located within the special flood hazard areas:
  - (a) The actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
  - (b) The actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been flood-proofed;
  - (c) Certification by an architect or professional engineer registered in the State of Connecticut that all new or substantially improved structures are securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash in all coastal high hazard areas;
  - (d) Evidence that adjacent towns and the Water Resources Unit of the Connecticut Department of Environmental Protection have been notified prior to any alteration or relocation of a watercourse;
  - (e) Certification by a professional engineer registered in the State of Connecticut that the flood carrying capacity within the altered or relocated portion of a watercourse will be maintained

8.1.4 **Certification of Zoning Compliance.** No lot, building or other structure for which a Zoning Permit, Special Permit or Site Plan has been approved shall be used or changed in use and no premises occupied until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer or his or her deputy, in accordance with the following procedure:

- (1) Application. An application for a Certificate of Zoning Compliance shall be submitted in duplicate to the Zoning Enforcement Officer in a form prescribed by the Commission and shall include: (a) an as-built plot plan prepared by a registered land surveyor demonstrating that the property improvements made as a result of the issuance of a Zoning Permit, Special Permit or a Site Plan approval have been made in compliance with the requirements of the Commission and these Regulations. Such additional information as the Zoning Enforcement Officer deems necessary to determine compliance with the provisions of these Regulations shall be provided upon request.

- (2) Approval and Issuance of Certificate of Zoning Compliance. The Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance if he determines that all requirements of these Regulations, and any additional conditions imposed by written directive(s) of the Commission or any other Town or State agency having jurisdiction have been met. One (1) copy of the approved and signed Certificate of Zoning Compliance and any accompanying documentation thereto shall be returned to the applicant by the Zoning Enforcement Officer.
- (3) Release of Bond. Any required performance bond posted to assure compliance with these Regulations shall be released by the Town of Deep River upon notification by the Zoning Enforcement Officer that a Certificate of Zoning Compliance has been issued.

## 8.2 **ENFORCEMENT**

- 8.2.1 **Authority.** The issuance of Zoning Permit or a Certificate of Zoning Compliance shall not be construed to constitute compliance with any other regulation, ordinance or law not under the jurisdiction of the Deep River Planning and Zoning Commission nor to relieve the applicant from further responsibility to obtain any permit thereunder.
- 8.2.2 **Inspections.** The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to determine that the use and/or the building or other structures conform to these Regulations.
- 8.2.3 **Orders.** The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER if in his or her judgement the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not carried out in compliance with these regulations; he or she shall withdraw such order when it is determined that there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.
- 8.2.4 **Penalties.** Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the State Statutes of the State of Connecticut pertaining to zoning.
- 8.2.5 **Remedies.** The proper authorities of the Town of Deep River, or any person, firm or corporation, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.

## SECTION 9 - SITE PLANS

- 9.1 **PURPOSE.** Pursuant to Connecticut General Statutes Section 8-3(g), a site plan is required for certain uses permitted within these Regulations in order to determine the conformity of a proposed building, use or structure with the provisions of these Regulations. This Section establishes procedural and informational requirements for site plans.

Where a site plan is required, the site plan shall be prepared with due consideration for the purpose and intent of these Regulations, including protection of public health, safety, comfort and convenience, coordination with and improvement of vehicular and pedestrian access, provision of adequate drainage and utilities, appropriate lighting and landscaping, protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical, and maintenance of architectural harmony with the surrounding area.

- 9.2 **REQUIREMENTS FOR A SITE PLAN.** Where required by these Regulations, no buildings or structures shall be erected, altered or enlarged, nor building, use or structure shall be used or uses altered in space, time or intensity, and no permit shall be issued by the Zoning Enforcement Officer, until a site plan meeting all applicable requirements of this Section herein has been approved by the Planning and Zoning Commission.

Unless otherwise specified elsewhere in these Regulations, a site plan is required for all proposed uses or change of use, except the following:

- (1) Single family residential use on a previously approved and buildable lot. A plot plan as detailed in Section 8.1.3.1 is adequate for most single family uses; provided, however, that a site plan may be required by the Commission or its representative when topography, soils, existing development, mixed uses or other factors make it infeasible to properly determine conformance with the Zoning Regulations without a site plan, or where the proposed use is within one hundred (100) feet of tidal wetlands, coastal bluffs and escarpments and beaches and dunes.
- (2) Within a General Commercial (GC), Village Commercial (VC), and Village Mixed Use on Main (VMU) districts<sup>109</sup>, a change from an existing permitted use located within a structure to another permitted use located within the same structure, provided that the Commission determines that the new use will not result in either the alteration of the exterior of the structure or in an intensification of the use of the structure. Intensification shall be defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than existed prior to the change of use. A plot plan and statement of use are required for the change of use.

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<sup>109</sup> Effective May 17, 2012, "District" was deleted before (GC) and "Village Commercial (VC), and Village Mixed Use on Main (VMU) districts" was added to this sentence.

- (3) Within the Commercial Industrial Park (CIP) District,<sup>110</sup> the Turnpike Industrial District (TID), and Village Industrial District (VID) a change or addition to an existing permitted use located within a building or structure, provided that the new use will not occupy more than six thousand (6,000) square feet of floor area, nor employ more than ten (10) employees; and further provided that the Commission determines that the new use (a) will not result in the alteration of the exterior of the structure, and (b) will stay within the limits of the site and building as initially approved. The existing plot or site plan must be updated for each change or addition and a statement of use equivalent to Section 9.5.2(1) shall be filed with the Commission.
- (4) Any use for which the Commission approves a waiver of site plan requirements under Section 9.2.1, Waiver of Site Plan Requirements.

9.2.1 **Waiver of Site Plan Requirements.** In addition to uses and activities specifically exempted elsewhere in these Regulations, the Commission may waive requirements for a site plan if it determines that a proposed activity will not affect existing traffic circulation, or result in an increase in the need for parking, nor shall it entail any significant exterior change to a building or site, nor shall such new activity have an impact substantially different from the existing use from which the change is requested. Coastal site plans, where applicable, and site plans for development within industrial districts shall not be waived.

9.2.2 **Partial Waiver of Site Plan Requirements.** In order to avoid unnecessary delay and expense for an applicant whose proposed activity is minor in nature and limited in its impact on the surrounding area, the Commission may, at its sole discretion, exempt any application from specific information requirements as set forth in this Section. Such exemption may be approved only if the Commission finds that such information would not aid the commission in its determination of the application's compliance with these Regulations.

9.3 **INFORMAL DISCUSSION OF SITE PLAN.** Any applicant for a use requiring site plan approval may request the placement of such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and receiving preliminary comments, observations, and questions, and identifying areas of concern. Neither the applicant nor the Commission shall be bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon further receipt, if any, of a formal submission of the site plan. At this informal discussion, the applicant may request a full or partial waiver of site plan requirements under Section 9.2.1 or 9.2.2 above. Following informal discussion, the Commission may suggest that the proposal or certain aspects thereof be

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<sup>110</sup> Effective August 28, 2008, “and” was replaced with “,” and “and Village Industrial District (VID)” was added to this sentence.



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 site plan approval.

#### 9.4 **APPLICATION FOR SITE PLAN APPROVAL**

9.4.1 **Submission of Application.** All applications for site plan review, including all maps, reports, legal documents and other information required under Section 9.5, shall be submitted to the Zoning Enforcement Officer or other designated agent of the Commission. In order to receive prompt consideration, a complete application should be submitted no later than fourteen (14) days prior to a regularly scheduled Commission meeting. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Section 9.5 have been received. Failure to submit a complete application may be cause for disapproval of the application.

9.4.2 **Official Date of Receipt.** The date of official receipt of a site plan application shall be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Zoning Enforcement Officer or other designated agent, or 35 days, whichever is sooner.

9.4.3 **Statutory Requirements.** Site plan applications, except those accompanying a Special Permit request in accordance with Section 10 of these Regulations, shall be acted upon by the Commission under the provisions of Section 8-7d(b) of the Connecticut General Statutes. The Commission may hold a public hearing on any site plan. In the case of site plans accompanying a Special Permit application, such plans shall be considered as part of the Special Permit application and action on such plan shall be taken in accordance with Section 10 of these Regulations.

9.4.3.1 **Required Public Notice:** For a site plan for which a public hearing is scheduled, at least fifteen (15) days prior to the date of the public hearing and continuously thereafter until the public hearing closes, the applicant shall post a notice of the hearing on the property for which a Site Plan application has been filed, in a location and at a site clearly visible from the public highway. Corner lots shall post two signs, one on each frontage. The sign shall be no smaller than 18" x 24"; lettering shall be at least 1.25" high, and text shall be as follows:

APPLICATION PENDING  
on this property  
before the Planning & Zoning Commission.  
Hearing Date \_\_\_\_\_ Time \_\_\_\_\_  
Place: Deep River Town Hall  
For information, call 526-6030

- 9.4.4 **Inland Wetland Report and Permit Required.** If any part of the site is within the jurisdiction of the Deep River Conservation and Inland Wetlands Commission in accordance with the Inland Wetlands and Watercourses Act, the report of said Commission together with any permit issued for regulated activities shall be submitted with the site plan. In accordance with State Statutes, the Planning and Zoning Commission shall take no action on a site plan application until the report of the Deep River Conservation and Inland Wetlands Commission has been received and considered.
- 9.4.5 **Referrals.** The Commission may transmit copies of site plan materials to other officials and agencies for advisory reports and consultation and/or for approval as may be required by law. Such referrals may include, but are not limited to, the following: Board of Selectmen, Commission attorney, Town Sanitarian, Fire Marshal, Commission engineer, State Department of Transportation, Conservation and Inland Wetlands Commission, Parks and Recreation Commission, Water Pollution Control Authority, Economic Development Commission, Connecticut River Estuary Regional Planning Agency, Middlesex Soil and Water Conservation District, or any other regulatory or advisory body of local or state government from which the Commission wishes to seek advice and counsel in reaching its decision.

**9.5 CONTENTS OF A SITE PLAN APPLICATION.** Unless waived by the Commission under Section 9.2, each application for site plan review shall include all information listed below, (Amended 4-1-2018)

**9.5.1 Site Plan Requirements. Ten (10) copies of each site plan application shall be filed with the Zoning Enforcement Officer or other designated agent on a form provided by the Commission.** Additional copies of site plan materials and/or digital copies shall be provided by the applicant upon request from the Commission. The application shall be accompanied by a fee as may be established by the Commission. The following information shall be submitted as part of a Site Plan application.

(1) Statement of Use. A written statement, signed by the applicant, and by the owner if different from the applicant, describing the nature and extent of the proposed use or occupancy in sufficient detail to determine compliance with the use provisions of these Regulations. The statement of use shall also include an affidavit, in a form acceptable to the Commission, binding the applicant, his heirs and/or assigns to use the property only in the manner approved by the Commission, so as not to create a condition which is offensive or detrimental to the public health, safety and welfare of the surrounding area.

(2) Maps. All maps shall be on sheets measuring 24" x 36", and shall be neatly prepared from existing plans, surveys and maps.

- (a) Location Map. An accurate map at a scale of one inch equals one thousand (1,000) feet shall be submitted showing the subject property and all property and streets within one thousand (1,000) feet of any part of the subject property,

including all lots and lot lines, all zoning district boundaries, and all existing streets and roads. The location map may be included on the site plan. (The location map may be derived from the Commission's base map.)

(b) Site Plan. Site plans shall be prepared at a scale of not more than fifty (50) feet to one inch and shall indicate the following information, where appropriate:

1. General Information.

- a) Name and address of the applicant and owner of record and all adjoining property owners as listed on the Town's tax roles;
- b) Date, north arrow, and numerical and graphical scale on each map;
- c) A brief written description of the existing and proposed use or uses;
- d) A table or chart indicating existing zoning and the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the zoning regulations;
- e) The words, "Approved by the Deep River Planning and Zoning Commission", with designated places for the title and signature of the Commission Chairman, and the date.

2. The Property.

- a) Boundaries of the property;
- b) Location, width, and purpose of all existing and proposed easements and rights-of-way on the property and show all cuts and fill quantities and location.
- c) Existing and proposed contours or spot grades at intervals of five (5) feet or less, referred to a datum satisfactory to the Commission and location and elevation of a certified benchmark.
- d) Location of all existing wooded areas, watercourses, wetlands, stone walls, rock outcrops, and other significant physical features; and where appropriate; mean high water line, high tide line, wetlands boundary, flood hazard areas, channel encroachment line and coastal jurisdiction line.

3. Buildings and Uses.

- a) Location, design, and height of all existing and proposed buildings, signs, fences and walls;
- b) Preliminary architectural elevations and floor plans for all buildings;
- c) Location of all existing and proposed uses and facilities not requiring a building, such as tennis courts, light standards, tanks, fences, transformers, dumpsters, and the like;
- d) Location and design of all existing and proposed uses not requiring a structure.

4. Parking, Loading and Circulation.

- a) Location, arrangement, and dimensions of all existing and proposed paved areas, including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps;
- b) Location, arrangement and dimensions of loading and unloading areas;

- c) Location and dimensions of pedestrian walkways, entrances, exits and walks;
- d) All parking shall meet the requirements of Section 11 of these regulations.

5. Open Space and Landscaping.

- a) Percentage, size, arrangement, uses, and dimensions of open space on the site;
- b) Location and design of all required buffer strips and screening, interior landscaped areas; plant materials, fencing, screening devices, decorative paving, or other materials proposed;
- c) Location of existing trees with a trunk caliper of more than six (6) inches, except in densely wooded areas where the foliage line shall be indicated;
- d) All landscaping will meet the requirements of Sections 12 of these regulations.

6. Signs and Lighting.

- a) Location, size, height, orientation and plans of all existing and proposed signs and outdoor lighting in accordance with Section 13 of these Regulations.

7. Utilities.

- a) Location and design of all existing and proposed sanitary subsurface sewage disposal systems, storm water drainage, water supply facilities, and refuse collection areas including provisions for recycling, as well as other underground and above ground utilities.

8. Sedimentation and Erosion Control Measures.

- a) Location and design of all proposed sedimentation control measures in accordance with Section 14.6.

9. Other information.

- a) A non-commercial cutting plan, if the proposed development is located within the Gateway Conservation Zone. (See Section 2.1.38 for definition).
- b) Such additional flood hazard information as may be required by these Regulations, if the site or any portion thereof is located within an identified special flood hazard area.

**5.9.2 Professional Reports.** The following information and reports shall be submitted with all applications requiring a Site Plan;

(1) An accurate Class A-2 survey of the property and all improvements, prepared by a land surveyor registered in the State of Connecticut.

(2) All plans shall be prepared, signed and sealed by a professional engineer, architect or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the information and design. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems and water systems shall be prepared, signed and sealed by a licensed professional engineer.

(3) Storm water drainage system details, including location, size and elevations of all catch basins, dry wells, culverts, drainage swales, detention or retention basins and other features.

(4) The following written reports may be requested by the Commission where appropriate:

(a) Sewage Disposal. The site plan shall provide for sewage disposal requirements for the proposed use. Where public sewers are not available, a written report prepared by a licensed professional engineer on suitability of the site for on-site sewage disposal shall be submitted to and approved by the Town Sanitarian prior to submission to the Commission. The report shall contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal. When the site is to be served by public sewers, the applicant shall provide evidence from the Deep River Water Pollution Control Authority or its agent that the site can be adequately served by public sewers.

(b) Potable Water Supply. Where public water is available, the applicant shall provide evidence from the Connecticut Water Company that the site can adequately be served by public water. Where public water is not available and cannot be provided, the Commission may require that the applicant retain the services of a licensed water analyst who shall perform such chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests shall be submitted to the Town Sanitarian for review and written approval.

(c) Fire Protection. The applicant shall identify the source of water for fire protection, and shall where necessary, after consultation with the Commission, provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report shall include evidence that the comments of the fire marshal have been solicited and received.

(d) Traffic Generation. For all new commercial and industrial development, a report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the proposed use or uses. For site plans involving fifty (50) or more parking spaces, a traffic impact analysis, prepared by a recognized traffic engineer, shall be submitted as part of the application.

(e) Hazardous Materials and Wastes. The applicant shall identify any hazardous materials and wastes to be associated with the proposed occupancy and use of the property. Hazardous materials and wastes are included in Section 3001 of

the Federal Resource Conservation and Recovery Act, Connecticut Hazardous Waste Regulations, the Federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that the substances will not specifically pollute or degrade natural resources or the surrounding environment.

- (f) Staging Plan. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating the ultimate development shall be submitted.
- (g) Protection of Significant Historical and Archaeological Sites. When a site or portion of a site has been identified by the State Archaeologist as historically or architecturally significant, the applicant shall identify on the plans the nature and location of the archaeological resource and shall indicate what measures are being taken to protect such resource.

**9.5.4 Additional Requirements for Site Plans:** In addition to the requirements of Section 9, other plans and reports may be required under these regulations, as required by law, including but not limited to the following:

- (1) Coastal Site Plan, under Section 14.1;
- (2) Special requirements for Flood Hazard Areas, under Section 14.3111;
- (3) Erosion and Sediment Control Plan, when the disturbed areas of such development is cumulatively more than one-half acre, under Section 14.6112;
- (4) Any permits required from any state and/or federal agencies.
- (5) Evidence of compliance with the Plan of Conservation and Development.

**9.5.5 Other Information:** Any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

**9.6 SITE PLAN OBJECTIVES.** In reviewing a site plan application, the Commission shall take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may approve such modifications as are necessary to assure that the site plan complies with the requirements of these regulations. In particular, the Commission shall assure that the site plan meets the following objectives:

- 9.6.1 Complete Application.** That the application is complete and includes all materials and information required by the Commission under these Regulations in order to reach the findings contained herein.
- 9.6.2 Conformance with Zoning Regulations.** That the application conforms to all relevant provisions of these Regulations.
- 9.6.3 Town Plan of Development.** That the proposed site plan is in general conformance with the intent of the Town Plan of Development, however the

Plan of Development shall not take precedence over the specific provisions of these Zoning Regulations.

- 9.6.4 **Emergency Services.** That all buildings, structures, uses, equipment, or material are readily accessible for fire, police and emergency medical services, and are protected against hazards from fire and flood and other hazards to public safety.
- 9.6.5 **Traffic Access.** That all proposed traffic accessways do not create traffic hazards and are adequate in width, grade, alignment, and visibility; and that the capacity of adjacent and feeder streets is adequate to accommodate peak and average traffic volume and any special traffic characteristics of the proposed use.
- 9.6.6 **Circulation and Parking.** That adequate off-street parking and loading spaces are provided to prevent on-street congestion, that the interior circulation system is adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians through the parking area and to all uses, structures, and parking spaces.
- 9.6.7 **Landscaping and Screening.** That the landscaping of the site complies with the intent and purpose of these regulations, that existing trees are preserved to the maximum extent possible, and that parking and service areas are suitably screened and buffered during all seasons of the year from the view of adjacent residential areas and public streets.
- 9.6.8 **Lighting.** That glare from the installation of outdoor lighting and illuminated signs is properly shielded from the view of adjacent property and public streets.
- 9.6.9 **Public Health.** That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.
- 9.6.10 **Natural and Historical Resources.** That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and preserve scenic views or historically and archaeologically significant features.
- 9.6.11 **Neighborhood Character.** That the location and size and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be detrimental to the appropriate and orderly development or use of any adjacent land, building or structure.
- 9.7 **APPROVAL OF A SITE PLAN.** A decision to approve, modify or deny a site plan application shall be made within the time period specified by State Statute. The reason for the Commission's decision shall be stated on its records. Notice of

the decision shall be published in accordance with State Statutes. Once approval has been granted by the Commission, one (1) mylar and four (4) copies of the approved plan, on which all modifications approved by the Commission as part of its approval have been clearly indicated, shall be forwarded to the Commission for its endorsements.

- 9.8 **SECURITY**. The Commission may require, as a condition of Site Plan approval, that the applicant post security satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan. Said security shall be posted in accordance with the requirements of the “Subdivision Regulations of the Town of Deep River, Connecticut”, as amended from time to time.

9.9 **AMENDMENTS TO AN APPROVED SITE PLAN.**

9.9.1 **Minor Amendments**. Minor amendments to an approved site plan may be approved by the Commission, provided said amendments do not alter the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan as approved. Minor changes shall include, but are not limited to slight relocation of paved areas, utilities, landscaped areas, lighting and other site features because of unforeseen topographic or other field conditions.

9.9.2 **Major Amendments**. Major amendments shall be treated as new applications for site plan approval in accordance with these regulations. Major amendments shall include but are not limited to any significant alteration in the square footage or location of landscaped areas; any alteration in residential density; any increase in building floor area or height, and any other alteration which significantly affects the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan. The Commission shall decide, on cases of question, whether a change shall be designated major or minor.

- 9.10 **COMMENCEMENT OF CONSTRUCTION**. Construction shall commence on any site plan in accordance with the final plans within one year of the date of the Planning & Zoning Commission’s approval thereof. Any plan not commenced within one year from the date of the Commission’s approval shall be null and void and no Building Permit shall be issued until a new Site Plan is approved by said Commission. Any site not completed within five (5) years of the date of the Commission’s approval shall likewise become null and void, and no Certificate of Occupancy shall be issued except upon approval of a new Site Plan. A notice of approval of a Site Plan shall include a statement of the date on which such five (5) year period expires.

- 9.11 **CERTIFICATE OF OCCUPANCY**. No Certificate of Occupancy shall be issued by the Building Official until the Commission or its agent has determined that the site has been completed in accordance with the approved Site Plan and has been issued a final Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued until the Commission or its designated agent



has received written certification from the project architect, engineer or land surveyor, if one has participated in the preparation of the application materials, to the effect that the project has been completed in accordance with the approved plan, pursuant to Section 8.1.4 of these regulations. If the Commission or its agent finds that the project is complete in accordance with the approved plan, issuance of a Certificate of Occupancy shall be authorized. If the Commission or its agent finds that the project is incomplete, a Certificate of Occupancy shall not be issued.

## **SECTION 10 – APPROVAL FOR A SPECIAL PERMIT**

10.1 **PURPOSE.** It is recognized that there are certain uses which, because of their nature, cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district, without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area, and without careful evaluation of the public need for such uses in the particular locations proposed. Such uses, therefore, shall be treated individually through the use of Special Permits. Special Permits shall also be used to evaluate other uses or development as indicated elsewhere in these Regulations.

10.2 **APPLICATION FOR A SPECIAL PERMIT.** The following standards shall apply to submission of Applications for a Special Permit:.

10.2.1 **Submission of Application.** Ten (10) copies of each application for the approval of a Special Permit shall be filed with the Zoning Enforcement Officer or other designated agent on a form provided by the Commission, at least fourteen (14) days prior to the next regular meeting of the Commission, and shall be accompanied by a fee as established by the Commission. An application will be considered complete when an application form, fee, maps and other materials conforming substantially to the requirements of Sections 9 and 10 have been received. Failure to submit a complete application shall be grounds for denial of the application.

10.2.2 **Official Date of Receipt.** The date of official receipt of a Special Permit application shall be the date of the next regularly scheduled meeting of the Commission following the date of submission of a completed application to the Zoning Enforcement Officer or other designated agent.

10.2.3 **Public Hearing Required.** The Commission shall hold a public hearing on all applications for Special Permit in accordance with the requirements of Section 8-3c of the Connecticut General Statutes.

10.2.3.1 **Required Public Notice.** When a public hearing is to be held on an application for a Special Permit under these Regulations, at least fifteen (15) days prior to the date of the public hearing and continuously thereafter until the public hearing closes, the applicant shall post a notice of the hearing on the property for which a Special Permit application has been filed, in a location and at a site clearly visible from the public highway. Corner lots shall post two signs, one on each frontage. The sign shall be no smaller than 18" x 24"; lettering shall be at least 1.25" high, and text shall be as follows:

APPLICATION PENDING  
on this property  
before the Planning & Zoning Commission.  
Hearing Date \_\_\_\_\_ Time \_\_\_\_\_  
Place: Deep River Town Hall  
For information, call 526-6030

- 10.2.4 **Requirement for Site Plan.** Unless specified to the contrary elsewhere in these Regulations, each Special Permit application shall include a site plan prepared in accordance with the requirements of Section 9 of these Regulations. Informal discussion of the site plan is particularly encouraged for Special Permit applications. The Commission may take action simultaneously on both the Special Permit application and the Site Plan prepared for the subject property, however, approval of the Special Permit application shall not constitute approval of the site plan unless specifically stated by the Commission.
- 10.3 **FINDINGS.** In addition to any standards for granting of a specific Special Permit which are set forth elsewhere in these Regulations, a Special Permit shall not be granted until the Commission has determined that all of the following conditions have been satisfied:
- 10.3.1 **Compliance with the Plan of Development and Zoning Regulations.** The proposed use of the subject site is consistent with the purpose and intent of the Town Plan of Development, and the proposed use is one which is permitted to be established in the district in which the subject site is located, subject to approval of the Special Permit; and that the proposed use and the arrangement of all proposed buildings, structures, facilities and other site improvements shall comply with all applicable provisions of these Regulations.
- 10.3.2 **Orderly Development.** The location, type, character and size of the use and of any building or other structure in connection therewith is in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of an adjacent property.
- 10.3.3 **Property Values and Character of the Neighborhood.** The proposed use will not depreciate adjacent property values and the size and height of all proposed buildings and the extent of all proposed site improvements shall be in harmony with the existing character of the neighborhood in which such use is to be established.
- 10.3.4 **Public Safety.** The nature and location of the proposed use and of any building or other structure in connection therewith is such that there is adequate access to it for the purpose of fire protection, police protection, and other emergency equipment.

- 10.3.5 Traffic Considerations. The streets serving the proposed use are adequate to carry all prospective traffic; adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created; adequate off-street parking and loading facilities shall be provided.
- 10.3.6 Landscaping and Buffers. The site on which the proposed use is to be located will be suitably landscaped to protect the neighborhood and adjacent property and the proposed use of the subject property will not result in the loss of any existing buffering; the proposed landscaping is in keeping with the character of Deep River.
- 10.3.7 Relationship to Utility Systems, Drainage Systems and Impact on Community Facilities. The subject site has adequate provisions for water and sewage disposal for the proposed use; adequate provisions for storm water drainage can be provided without adversely affecting neighboring properties or adjacent public drainage systems; and the proposed use will not adversely affect existing community facilities.
- 10.4 **PERMITTED STIPULATIONS WITH SPECIAL PERMIT.** The Commission, in approving a Special Permit, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values, and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern the actual operation of the proposed use and/or components of the site plan, including, but not limited to the following: hours and scope of operation; building location, size and layout; distribution of and relationship between uses and structures; vehicular and pedestrian circulation; parking, open space, landscaping and screening, signs and lighting; and the design and architectural treatment of all structures.
- 10.5 **SUBSTANTIAL CONSTRUCTION WITHIN ONE (1) YEAR.** If within one (1) year of the date of approval of a Special Permit, substantial construction has not begun on a building or structure, or no use authorized by the special permit has been established, the Special Permit shall become null and void. Substantial construction shall include the erection of all foundation structures and at grade slabs.
- However, at the Commission's discretion and for good cause, upon request of the applicant the Commission may extend for an additional one (1) year the period of time allotted for the beginning of substantial construction or establishment of a use, provided such extension shall be granted only once for any particular Special Permit.
- 10.6 **REVOCATION OF SPECIAL PERMIT.** The following pertain to the Commission's authority for the revocation of a Special Permit:

- 10.6.1 **Violation of Conditions.** Whenever the Commission shall find that any of the terms, conditions or restrictions upon which a Special Permit was granted are not being complied with, the Board or Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and the applicant for the Special Permit.
- 10.6.2 **Abandonment.** Whenever a use permitted by Special Permit is abandoned, the approval of such Special Permit shall be rescinded and revoked. Resumption of a use for which a Special Permit approval has been rescinded shall constitute a violation of these Regulations.
- 10.7 **CHANGES TO APPROVED SPECIAL PERMITS.** Once a Special Permit has been granted under these Regulations and a Site Plan regarding the use has been approved under Section 9, no subsequent change in the operations or conditions of the approved use or approved site plan shall be permitted unless a new application for a Special Permit is submitted to and approved by the Commission. Minor modifications which do not materially alter either the Special Permit or Site Plan, as determined by the Commission, may be approved by the Commission without a public hearing.

## **SECTION 11 - OFF-STREET PARKING AND LOADING REQUIREMENTS<sup>111</sup>**

*NOTE: See Sections 7A and 7B for zone- and use-specific off-street parking and loading requirements.*

**11.1 PURPOSE.** These parking regulations are adopted for the purpose of providing sufficient parking facilities to meet actual demand off the street and on the same lot as the building they serve for all existing and proposed uses and to:

- 1) Allow flexibility in parking, loading and vehicular and pedestrian access;
- 2) Present strategies to solve parking issues rather than to enumerate parking space requirements;
- 3) Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air;
- 4) Ensure that off-street parking, loading and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;
- 5) Provide landscaping in parking areas to improve lot appearance and safety, intercept and manage stormwater runoff and optimize natural infiltration of rainwater; *and*
- 6) Support and promote safe and convenient pedestrian movement in parking lots.

11.1.1 Existing Uses. A use existing at the time of the adoption of these regulations will be maintained in conformance with these parking standards to the extent that it conforms at the time of adoption of this section. If any existing use of land,

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<sup>111</sup> Effective January 3, 2008, the entire Section 11 was amended.

buildings, or other structure is changed to a use requiring additional off-street parking and loading under these Regulations, additional required spaces are to be provided for the new use. An existing use which does not conform to the standards of this section may not be changed to a use which would require additional off-street parking and loading spaces to conform, unless those additional spaces are provided. An extension or enlargement of a non-conforming building or use will require compliance with this section.

**11.2 NUMBER OF PARKING SPACES.** It is the intent of these regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. These regulations and parking guidelines are designed to minimize impervious surfaces and to prevent construction of large blacktopped parking lots recognizing that in doing so customers and employees may not always be able to park directly in front of or adjacent to every place of business.

11.2.1 The Commission may require the submission of a parking demand analysis as part of any application.

11.2.2 The Commission shall consider the nature of the development, its location or other unique features relative to the category of use, not relative to the individual occupant.

11.2.3 The Commission may approve parking lots with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a pervious surface, and where adequate stormwater management is provided as specified in these Regulations. The Commission may also approve parking lots with impervious parking spaces above the allowed maximum where the use of pervious spaces would not be environmentally sound and where a stormwater management plan is included with the application and implemented, employing, at a minimum, the stormwater management measures specified in these Regulations.

| <b>11.2.4 SCHEDULE OF PARKING REQUIREMENTS</b>   | <b>MINIMUM REQUIREMENT</b>                                | <b>MAXIMUM REQUIREMENT</b>                                |
|--|---|---|
| Requirements are based on Gross Floor Area (GFA) unless otherwise noted. Accessory areas, such as storerooms, common areas, and other areas which do not serve the public, are not to be deleted from the GFA used to calculate parking needs. | Per 1000 sq ft of Gross Floor Area unless otherwise noted | Per 1000 sq ft of Gross Floor Area unless otherwise noted |
| (1) Single Family Dwelling   | 2 per dwelling  | 3 per dwelling  |
| (2) Multi-Family Dwelling  | 1 space per dwelling unit                                 | 2.5 spaces per dwelling unit                              |
| (3) Government Office Buildings  | 4   | 7   |

|   |   |   |
|---|---|---|
| (4) Public and private schools, colleges, universities and other educational institutions.  | 10 + 1 per employee + 1 per 5 students in grades 11 & 12                                | 20 + 1 per employee + 1 per 3 students in grades 11 & 12                                |
| (5) Day Care Centers (adult and child), Group Home/Halfway House  | 1 space per 8 clients at maximum capacity   | 1 space per 3 clients at maximum capacity   |
| (6) Churches, Auditoriums and other Places of Assembly  | 1 space for 5 seats in portion of building used for assembly                            | 1 space for 3 seats in portion of building used for assembly                            |
| (7) Membership clubs and associations, social in nature   | 3   | 4   |
| (8) Nursing Home and similar facilities   | 1   | 4   |
| (9) Funeral Home  | 10  | 30  |
| (10) Bed and Breakfast, Hotels and Motels   | 1 space per guest room or suite   | 1.2 spaces per guest room or suite  |
| (11) Public or Private Outdoor Recreational Facilities, including marine  | As determined by the Commission based on a parking demand study                         | As determined by the Commission based on a parking demand study                         |
| (12) Indoor Recreational Facilities   | 5   | 10  |
| (13) Retail Business, personal services   | 2   | 5   |
| (14) Restaurants and Drinking Establishments  | 6   | 14  |
| (15) Offices for business, financial, computer and similar professional services  | 2   | 4   |
| <b><u>11.2.4 SCHEDULE OF PARKING REQUIREMENTS</u></b><br>Requirements are based on Gross Floor Area (GFA) unless otherwise noted. Accessory areas, such as storerooms, common areas, and other areas which do not serve the public, are not to be deleted from the GFA used to calculate parking needs. | <b>MINIMUM REQUIREMENT</b><br>Per 1000 sq ft of Gross Floor Area unless otherwise noted | <b>MAXIMUM REQUIREMENT</b><br>Per 1000 sq ft of Gross Floor Area unless otherwise noted |
| (16) Medical Office, Veterinary facilities  | 2   | 10  |
| (17) Real Estate Office   | 2   | 4   |
| (18) Light manufacturing, fabrication, processing, food processing, compounding, treatment, assembly or packaging of goods or products  | 2   | 8   |
| (19) Scientific, research and clinical laboratories   | 2   | 6   |

|   |   |   |
|---|---|---|
| (20) Gas station, motor vehicle dealerships and motor vehicle repair services. <i>Up to 50% of spaces may be stacked.</i> | 4   | 10  |
| (21) Customary Home Occupation  | .1 space + 1 per employee                                     | 2 spaces + 1 per employee                                     |
| (22) Warehouse, storage facility  | 0.5   | 1.0   |
| (23) Museum (public), Historic Home Museum  | 2   | 5   |
| (24) Community Center   | calculated proportionately for specific uses contained within | calculated proportionately for specific uses contained within |
| (25) Public Parking Lot, private or municipal   | Based on lot size   | Based on lot size   |
| (26) Library  | 5   | 10  |
| (27) Non-Academic Schools   | 1 per employee and 3 per 1000 SF                              | 1 per employee and 5 per 1000 SF                              |

Notes to table (see below)<sup>112</sup>

11.2.5 For uses not listed in this section, the minimum and maximum number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission.

11.2.6 Where two or more different principal or accessory uses are located on the same premises the parking requirements for each use shall be computed separately.

11.2.7 When computation of required parking spaces results in a fraction of a space, the required number of spaces shall be the next whole number.

### **11.3 GENERAL REQUIREMENTS.**

11.3.1 No parking area or portion thereof for multi-family or non-residential uses, including parking spaces, driveways and access aisles, shall be located within the required front yard, except for driveways directly from the street or driveways which serve as parking areas for one- and two-family dwellings.

11.3.2 No parking area or portion thereof for multi-family or non-residential uses, including parking spaces, driveways and access aisles, shall be located within 10 feet of any side or rear property line, except for Commission approved shared driveways and shared access aisles between adjoining properties.

<sup>112</sup> Effective March 1, 2011, Museum (public), Historic Home Museum and Public Parking Lot, private or municipal were added to 11.2.4. Effective July 19, 2012, Group Home/Halfway House, Community Center, Library and Non-Academic Schools were added to the 11.2.4.

- 11.3.3 No setback shall be required for shared adjacent (abutting) parking and loading areas in non-residential districts if they abut non-residential zoning districts, with physical and legal provisions for access between the parking and loading areas.
- 11.3.4 No parking area which serves a use in a commercial or industrial zone shall be permitted on land in a residential district; no access to such parking area shall be permitted across land in a residential district.
- 11.3.5 No parking shall be permitted on landscaped areas or driveways in non-residential zones except as approved for reserve parking areas and except for parking for an Historic Home Museum.<sup>113</sup>
- 11.3.6 The number, size, designation, location and markings of parking spaces for the handicapped shall be as required by Connecticut General Statutes.
- 11.3.7 Required off-street parking facilities shall be maintained as long as the use or structure exists for which the parking is designed to serve.
- 11.3.8 All off-street parking and loading areas shall be landscaped in accordance with these Regulations to protect adjacent businesses and residential areas.
- 11.3.9 No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six feet of any portion of a building other than for garage entrances, loading area aprons or drive-through service. Such six-foot clear area shall be used for walkways and planting or other landscaping.
- 11.3.10 No parking or loading space shall be designed so that a vehicle entering or leaving such space would block the entrance or exit to the parking lot. There shall be a sufficient stacking area in the driveway where cars may need to wait in line to exit onto the street or to enter the parking lot of twenty-five feet (25') to accommodate at least two vehicles. Stacking spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.
- 11.3.11 Where traffic lights, stop signs, intersections, pick-up areas or drive-thru windows may create conditions where vehicles will line up one behind another, adequate stacking space shall be provided.
- 11.3.12 Each non-residential entrance and exit shall be at least twenty feet (20') from any residential use or district and at least one hundred feet (100') from any street intersection. A distance of less than 100' may be permitted if proven to the satisfaction of the Commission that an unsafe condition would not exist.
- 11.3.13 Traffic calmers are to be used in parking lots for 100 or more vehicles.

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<sup>113</sup> Effective March 1, 2011, "and except for parking for an Historic Home Museum" was added to this sentence.



- 11.3.14 The number and location of access drives shall be compatible with proposed traffic circulation patterns both within the site and on the abutting street system.
- 11.3.15 Parking areas should be located at the side and rear of buildings where practical so that buildings maintain a relationship to public and interior-access roadways.
- 11.3.16 No parking space shall be designed to allow a vehicle to protrude or overhang a sidewalk or any landscaped area.
- 11.3.17 No area shall be credited as a parking space which has been allocated in any way as a loading space or travel way.
- 11.3.18 No required parking space shall be used for the sale, storage, or display of goods, or for any use other than parking.

**11.4 PARKING SPACE STANDARDS.** All parking and loading spaces shall be required to maintain the following minimum standards:

11.4.1 The minimum rectangle parking space shall be 9' x 18'; however, the Commission may approve a percentage (not to exceed 10%) of parking spaces for smaller compact cars.

11.4.2 Parking spaces shall be designed as follows:

| Dimension (feet)         | <b><u>Parking Angle</u></b> |                |                |                |
|--------------------------|-----------------------------|----------------|----------------|----------------|
|                          | <u>0°-35°</u>               | <u>36°-45°</u> | <u>46°-60°</u> | <u>61°-90°</u> |
| 1) Curb length per space | 23                          | 13             | 10             | 9              |
| 2) Parking space depth   | 9                           | 18             | 19             | 18             |
| 3) Access aisle width    |                             |                |                |                |
| One-way circulation      | 13                          | 15             | 18             | --             |
| Two-way circulation      | --                          | --             | --             | 24             |
| 4) Parking space width   | 9                           | 9              | 9              | 9              |

11.4.3 No parking area shall have a slope greater than 5%.

11.4.4 Parking spaces are to have a minimum vertical clearance of 7'6".

**11.5 ACCESS TO AND FROM THE SITE.** Provisions shall be made for safe and convenient vehicular and pedestrian access to every developed lot.

- 11.5.1 All parking and loading areas shall be designed so that any vehicle entering from or exiting the parking area onto a public street shall be traveling in a forward motion.
- 11.5.2 There shall be no more than one driveway connection from any lot to any street, except that separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion; 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.
- 11.5.3 Sight Line.<sup>114</sup> All access driveways and curb cuts shall be planned and located to provide as much sight distance as possible at intersections with the connecting public street. Visibility at such intersections shall be sufficient to allow a stopped vehicle at the intersection to see and be seen from a vehicle approaching from either direction along the intersected roads at a distance of not less than 200 feet, or greater distance based on design speed of the intersecting road. A sight line demonstration plan may be required as part of a site plan.
- 11.5.4 Entrances and Exits. The entrances and exits to all parking areas shall be clearly marked.
- 11.5.5 Driveway Width. Access drives shall have a minimum width of 14 feet at the property line where one-way traffic is anticipated and a minimum width of 24 feet at the property line where two-way traffic is anticipated. Driveways in commercial and industrial districts shall not be more than 30 feet wide at the property line and 55 feet wide at the curb line. Greater widths may be permitted where in the opinion of the Commission and/or the Department of Transportation such width is necessary to accommodate traffic volumes or traffic movements, public safety requirements, or larger vehicles.
- 11.5.6 Where a lot has frontage on two or more streets, the Commission may require that access to the lot be provided across the frontage to the street where there is lesser potential for traffic congestion and for hazards to vehicular and pedestrian traffic.
- 11.5.7 Shared Access and Connections. The Commission encourages shared access and the construction of internal links between the parking lots of adjacent properties to promote access management and lessen traffic congestion on the public street. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or

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<sup>114</sup> When Section 11.5 was added to the Regulations effective January 3, 2008, this subsection was renumbered to correct an omitted number.

potential uses when such driveway connections will facilitate fire protection services or when such driveways will enable the public to travel between two uses without the need to travel on a public street.

11.5.8 The street giving access to the site shall have a traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. Where the Commission determines that the condition of the existing public street is such that the approval of the site development plan could result in a potential safety hazard, the Commission may require that the applicant make improvements to the existing street to assure safety of traffic to and from the site.

(1) 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.

11.5.9 A permit from the Connecticut State Department of Transportation (CONNDOT) to connect to a state road shall not prohibit or preempt the Commission from imposing more restrictive requirements in accordance with this section.

11.5.10 Sidewalks. The Commission may require the installation of sidewalks along public streets and within the parking areas in places deemed proper by the Commission for public necessity and safety; or, the Commission may require that adequate space and grading be established for future sidewalks along public streets. When sidewalk construction is required as part of site plan approval, construction drawings for the sidewalks shall be provided, and sidewalks shall be designed and constructed to conform to specifications of the Town of Deep River.

## **11.6 MODIFICATION OF STANDARDS**

11.6.1 Reserve Parking Alternative. In certain situations, reserved parking may be acceptable. Such reserved spaces shall be of standard size, labeled as “reserved parking” and shown in dotted lines on the site plan, and shall be limited to natural or grassed areas without trees or buildings. It must be suitable for parking development, shall be maintained and kept free of obstructions, shall be accessible from the marked parking area and have reasonable direct access to building entrances, and shall also be available for overflow parking during peak periods. A parking demand study must accompany any proposal for reserve parking.

The Commission may require the future construction of said reserved parking, or a portion thereof, into paved parking within six (6) months of written notice to do so based upon a change in parking demand, a change of use, a change in the intensity of use, or a change in traffic safety circumstances as determined by the Commission. Such

notice shall take into account the time of the year suitable for pavement installation. Failure of the owner to comply with this requirement may be grounds for revocation of the certificate of zoning compliance and render the property in violation of zoning regulations.

- (1) Constructed off street parking may be less than the minimum required and up to 20% of the minimum required spaces may be provided as reserve parking for future needs if
  - a) An applicant demonstrates that the demand for off-street parking for the proposed use is less than the minimum required, or
  - b) The gross floor area on a site in an industrial district exceeds 20,000 square feet.

11.6.2 Joint Use of Off-Street Parking Spaces. Required parking spaces may be located in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided the number of required spaces in such joint facilities shall be not less than the total required for all such establishments; except that the Commission may authorize a reduction in the number of total required spaces when shared parking is approved, subject to the following requirements:

- (1) Where, in a mixed use development, there are two or more uses which have differences in their principal operating hours, thereby allowing the utilization of the same parking spaces.
- (2) Where uses in a mixed use development, although having similar operating hours, will in fact be provided for the same users, thus reducing the demand for parking spaces.
- (3) Where a use is located near another use such as a church or other place of assembly that is not in operation during the same hours or days as the first use, and where such church or place of assembly is willing to make its parking available to the first use through written agreement or testimony if so requested by the Commission.

11.6.3 Combined Parking Lots. The Commission may authorize abutting landowners to utilize one common parking area, provided that the common parking area shall contain the minimum number of spaces required by these regulations for each use collectively, and provided that each property owner shall sign cross-easements which will run with the land, binding present and future owners to permit common use of said parking area and requiring said owners to a portion of the costs of maintenance of said the common parking areas. A common parking area shall exhibit a consistency of design (buffer, other landscaping,

lighting, etc.) across the common property line. Combined parking lots are particularly encouraged in the Village Districts.<sup>115</sup>

11.6.4 Reduced Parking Requirements in presence of Drive-through. The total number of parking spaces required in the schedule of parking requirements may be reduced by up to 10% by the approval of a Special Permit application of a use with an accessory drive-through facility in accordance with these Special Standards.

- 1) Evidence must be provided by the applicant that at least 10% of its customers are expected to utilize the drive-through; this evidence may be statistics from other similar facilities.
- 2) The property owner must sign an affidavit acknowledging that the future use of the property may be restricted by insufficient parking if the drive-through facility is not used.
- 3) Such reduction shall be by Special Permit approval only to ensure a thorough review of the impact of reduced parking. Such Special Permit approval shall be separate from and prior to any decision on a Special Permit application otherwise required for the use, although the Public Hearings may be held simultaneously.

11.6.5 Off-Site Parking. Unless otherwise specified elsewhere in these Regulations, all required off-street parking shall be located on the lot for which a use is proposed, except that the Commission may approve an arrangement which allows the dedication of parking on another site to serve a proposed use.

- (1) All parking on the other site must be located on a lot not more than five hundred feet (500') from the lot of the building or use being serviced, measured in a straight line from lot boundary to lot boundary.
- (2) All parking which is not on the lot being served shall be dedicated by easement for that use, such easement to run with the land, or shall be in a municipal parking lot, provided that such municipal lot has been determined by the Commission to have the capacity to accommodate the new proposed use.
- (3) The owner of the property on which the off-site parking is located shall sign an affidavit attesting knowledge that the parking for off-site use could affect the parking available for uses on the lot itself.
- (4) The Zoning Enforcement Officer will maintain records to ensure that any lot used to provide parking for another site has the capacity to adequately serve that site as well as its own uses.

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<sup>115</sup> Effective July 19, 2012, this sentence was added to the Regulations.

## **11.7 OFF-STREET LOADING REQUIREMENTS**

- 11.7.1 For every new non-residential building or use or the expansion of an existing building or use which is served by regular truck traffic and with has a gross floor area of 10,000 square feet or more, space shall be provided for off-street loading spaces. The foregoing loading requirement is a minimum, and the Commission may require additional loading spaces where the nature of the development, its location, and any unique feature of development or the surrounding area requires additional loading space.
- 11.7.2 Loading spaces shall be located adjacent to the area or doors which shall be used for the loading and unloading of goods and supplies and shall be located so as to not interrupt the flow of vehicles on access drives or interior aisles. Loading spaces shall be located so as to minimize the visibility of trucks from any public right-of-way. Access to the loading spaces shall not interfere with the traffic circulation pattern to be used by patrons and tenants of the development.
- 11.7.3 Each off-street loading space shall be at least ten by twenty-five feet (10' x 25'), exclusive of driveways and aisles. The Commission may require a space of greater dimensions if necessary for the type of truck serving the use proposed.
- 11.7.4 Loading spaces are to have a minimum vertical clearance of 16'6".

**11.8 PARKING DESIGN AND LAYOUT WITHIN THE SITE.** All off-street parking areas shall be provided with parking spaces of suitable angle, width and length, and with access aisles of sufficient width and suitable alignment to such spaces to allow safe and convenient use of each required parking space. Provision shall also be made for safe and convenient access into, circulation within, and exit from parking areas as follows:

- 11.8.1 Circulation Driveways. Driveways shall be provided giving access to parking aisles and spaces. Wherever possible, traffic to and from parking areas and aisles shall be directed toward perimeter driveways, away from the primary flow of pedestrian traffic between parking spaces and building entrances.
- 11.8.2 Aisles. Parking areas shall include clear and visible travel ways between parking spaces. Parking spaces shall be located so as to not obstruct the view of vehicles turning into and out of aisles.
- 11.8.3 Designation of Employee Parking Areas. For retail and service establishments, and for other uses with a frequent exchange of customers or patrons, employee parking shall be designated in parking spaces remote from entrances so as to retain closer spaces for customers or clients.
- 11.8.4 Pedestrian Safety. Off-street parking shall be separated from the building served in such a way as to assure safe movement of pedestrian traffic to all major entrances of the building. A concrete walk or combination of walk and

landscaping shall be provided adjacent to the building and shall be protected from vehicles by wheel stops or other suitable devices. In parking lots containing 100 spaces or more, parking is prohibited adjacent to the front of the building unless a minimum 15 foot wide landscaped area is provided in addition to the concrete walk. All pedestrian walkways shall be constructed of concrete and shall be at least 5 feet wide.

(1) Where topographic and other conditions permit, provision shall be made for pedestrian walkways to adjoining lots with similar existing or potential uses.

11.8.5 Fire Lanes. No parking shall be permitted in areas designated as fire lanes on any site plans approved under these Regulations. The Commission may request the Fire Marshal to make recommendations for fire lane locations.

**11.9 LIGHTING**. Adequate lighting shall be provided for all parking areas of more than 20 spaces, except where the Commission may determine that such parking areas are unlikely to ever be used at night. Required lighting shall be arranged and installed to minimize glare on adjacent property and adjacent streets. Such lighting shall conform to all lighting standards established by these Zoning Regulations.

11.9.1 Commercial and industrial parking areas shall be illuminated to an average level of one-half (1/2) foot candle per square foot.

11.9.2 Lighting standards in parking lots shall not exceed fifteen feet (15') in height, except in parking lots containing more than 200 spaces, light poles are permitted to a height of thirty feet (30'). A Special Permit is required for light poles over fifteen feet (15') if the parking lot is in or abuts a residential district.

11.9.3 Luminaries shall have shielded light sources to prevent glare. Pedestrian ways shall be illuminated by light bollards or other low level lighting standard with shielded light sources. Lighting in reserve areas may be of a temporary or permanent design, but shall be illuminated only when reserve area is being used for parking. The design of all light standards shall be compatible with the character of the neighborhood and shall be acceptable to the Commission.

**11.10 LANDSCAPING**. Landscaping shall be provided in accordance with these Regulations.

**11.11 CONSTRUCTION OF PARKING AND LOADING AREAS**.

11.11.1 Marking. All required parking spaces and fire lanes, except those approved as part of a reserve parking area, shall be marked by painted lines maintained in good condition, or by curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall also be used as necessary to insure efficient traffic flow

within all parking lots and between any such lot and the public street serving the lot.

11.11.2 Driveway Grade and Construction. All driveways providing connection between any non-residential parking or loading area and any public street shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and site 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 by the State of Connecticut. Driveways shall be finished with bituminous concrete for a minimum distance of 25 feet from the edge of street pavement.

11.11.3 Surface of Parking Areas. Except for parking for single family residential dwellings and accessory uses thereto, Historic Home Museums,<sup>116</sup> or as otherwise noted in these Regulations, all off-street parking areas including areas for parking access, vehicle circulation and loading, shall be surfaced and maintained with durable and dustless all- weather material approved by the Commission. Any parking lot which serves more than 20 cars shall be surfaced with bituminous concrete unless due to the nature and intensity of the use, such paving requirements are modified by the Commission.

(1) Use of pervious surfaces: On sites where little traffic is anticipated, the Commission may approve the use of pervious surface materials for all or part of a parking area when such paving is part of an overall drainage design which minimizes concentration of storm water runoff. Permeable surfaces are particularly encouraged in the Village Mixed Use District off Main Street.<sup>117</sup>

11.11.4 Curbing. Appropriate provisions, such as curbs, wheel stops, etc., shall be utilized to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials.

**11.12 STORMWATER MANAGEMENT IN PARKING LOTS.** It is the intent of these regulations to encourage the use of Best Management Practices (BMPs) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from parking. In all districts, all developments shall be designed to the extent practicable with the goal of no-net run-off from the site. That is, the volume of runoff from the site after development shall not, to the extent practicable, exceed the volume of site run-off prior to the proposed development. In addition, the stormwater management system shall be designed, constructed, and maintained with BMPs to minimize run-off volumes, prevent flooding, reduce soil erosion, protect water quality,

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<sup>116</sup> Effective March 1, 2011, "Historic Home Museums" was added to this sentence.

<sup>117</sup> Effective July 19, 2012, this sentence was added to the Regulations.



maintain or improve wildlife habitat, and contribute to the aesthetic values of the project.

Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the Connecticut Stormwater Quality Manual (CTDEP), and in accordance with the erosion and sedimentation control requirements and to meet the following general standards:

- 11.12.1 Infiltration of stormwater shall be accommodated to the extent possible through limitation of land disturbance and grade changes, retention of existing natural drainage areas and wetlands and creation of vegetated islands, vegetated medians and vegetated perimeter buffer strips.
- 11.12.2 Parking lot drainage shall be designed so that whenever possible all surface run-off (both piped and overland flow) is conveyed through a vegetated swale, vegetated filter strip, created wetlands, rain gardens, or detention basins with bio-filtration prior to discharge into existing wetlands, streams, ponds or other waterbodies.
- 11.12.3 Stormwater run-off discharged to wetlands must be diffused to non-erosive velocities prior to reaching any natural wetland based on calculations submitted with the application package.
- 11.12.4 All stormwater detention and conveyance structures shall be constructed to control the post-development peak discharge rates from 10, 25 and 100-year storms to the corresponding pre-development peak discharge rates.
- 11.12.5 The applicant must demonstrate that any receiving wetlands or waterbodies have sufficient holding capacity, based on calculations submitted with the application.
- 11.12.6 Direct discharge of untreated stormwater to any natural wetland or waterbody is prohibited.
- 11.12.7 The use of native grasses and small-diameter wood-stemmed shrubs is encouraged as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens or detention basins with bio-filtration.
- 11.12.8 The Commission may send any or all information provided on anticipated stormwater flow patterns and volumes and proposed stormwater management system to the Town Engineer and/or other consulting professional or agency for review and advisory comment.
- 11.12.9 All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design and maintenance

guidelines to be followed shall be in accordance with the most recent version of The Connecticut Stormwater Quality Manual (CTDEP).

## SECTION 12 - LANDSCAPING , SCREENING AND BUFFER AREAS

12.1 **PURPOSE.** The landscaping provisions of these Regulations are intended to preserve and enhance the character, appearance and beauty of the community, to preserve property values, and to accomplish transition between areas of unlike character. Further, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; to control erosion of the soil and excessive run-off of storm water, and avoid depletion and pollution of water resources; and to assure that development will present an appearance which is compatible with the historic character of Deep River.

12.2 **MINIMUM LANDSCAPE AREA REQUIREMENTS (MLA).** For all non-residential uses, and for residential uses with more than three dwelling units per lot, the area of the lot devoted to pervious landscaping shall be not less than the following percentages in each District:

| DISTRICT    |  | MLA REQUIREMENT |
|-------------|--|-----------------|
| R-80 & R-60 | Very Low and Low Density Residential Districts | 50%             |
| R-30        | Moderate Density Residential District          | 40%             |
| HD          | Harbor District                                | 35%             |
| VR          | Village Residential                            | 40%             |
| VMU         | Village Mixed Use                              | 25%             |
| VC          | Village Commercial                             | 20%             |
| GCD         | General Commercial District                    | 20%             |
| VID         | Village Industrial District                    | 25%             |
| CIPD        | Commercial Industrial Park District            | 35%             |
| TID         | Turnpike Industrial District                   | 35%             |

For purposes of this Section, **pervious landscaping** shall consist of any of the following, or combination thereof: grass, ground cover, vines, shrubs, hedges and trees. With the approval of the Commission, existing natural vegetation and unique site features such as existing stone walls, large boulders or rock outcroppings may be included in the area used to satisfy this requirement. Detention basins and other storm water impoundment areas shall not be used to meet the minimum landscaped area requirement.

12.3 **GENERAL REQUIREMENTS.** The following requirements shall apply to all uses for which a site development plan is required:

<sup>118</sup> Effective May 17, 2012, R-20 was changed to R-30, R-40 was changed to R-60, HDD was changed to HD and VR, VMU and VC were added to the list.

- 12.3.1 **All disturbed areas must be landscaped.** Any portion of a developed lot which is not used for the location of buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas, shall be landscaped in accordance with a landscaping plan. Any area of the lot which will not be disturbed by filling, grading, excavation or other construction activity may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot in such a manner as to minimize storm water runoff, sedimentation and erosion.
- 12.3.2 **Condition of Landscape Materials.** Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- 12.3.3 **Maintenance of Screening.** Any screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use on the lot.
- 12.3.4 **Protection of Landscape Materials.** All landscaping, trees and planting material located adjacent to parking areas, loading areas, or driveways shall be properly protected from damage by vehicles by barriers, curbs, or other means.
- 12.3.5 **Retention of Existing Site Features.** To the maximum extent possible, existing trees, vegetation, and unique site features such as stone walls, large boulders or rock outcroppings shall be retained and protected. Existing healthy mature plant materials, especially trees, if properly located, shall be fully credited against the requirements of these regulations.
- 12.3.6 **Landscaping Mixture.** For all new landscaping, an ample variety and quantity of ornamental plants shall be provided, with a few dominant types chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity. The use of native plant species indigenous to the region is encouraged.
- 12.3.7 **Using natural topography.** Landscaping shall serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Commission will consider and may approve parking areas at different levels. Preservation of existing landscape materials and land forms is desirable.
- 12.3.8 **Compatible Landscape Design.** Landscape composition shall be complimentary to scale and style of existing and proposed buildings.
- 12.3.9 **Foundation Plantings:** For all principal non-residential buildings and structures, and for all multiple dwellings, all building foundations shall be landscaped with suitable trees, shrubs or other vegetative cover. Storage areas, trash receptacles and similar accessory structures shall be screened with appropriate plantings.

- 12.4 **FRONT LANDSCAPED AREAS.** Each lot shall be provided with a landscaped area extending the length of the street frontage along the interior side of the front lot line, except where driveway exits and entrances are located. The purpose of the landscaping is to enhance the appearance of the use of the lot, but not to screen the use from view. The area of the front landscaped buffer may be included in calculations for the minimum landscaped area required in Section 12.2.
- 12.4.1 The front landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one street shade tree having a caliper of at least 3 inches and a height of at least 6 feet at time of planting shall be planted for each 50 feet or fraction thereof of lot frontage.
- 12.4.2 In cases where the edge of the pavement within a public right-of-way does not coincide with the lot front lot line, the property owner shall landscape and maintain the area between the front lot line and the edge of the street pavement. A front sidewalk, where existing or where required, may be considered part of the landscaped area.
- 12.4.3 Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or other requirements of this section, the Commission may, at its discretion, allow the substitution of planters, plant boxes or pots containing trees, and/or flowers to comply with the intent of these regulations.
- (1) **Required front landscape area width:** A front landscaped area shall be required for all uses, and shall extend the full width of a lot along the interior side of the front lot line, except where driveway exits and entrances are located. The depth of the front landscaped area shall be no less than ten (10) feet, measured from the front property line, except as specified elsewhere in these Regulations. Reuse of an existing structure located less than ten (10) feet from the front lot line is exempt from this requirement. However, in such cases, the Commission may require new foundation plantings as part of a site plan approval, in accordance with Section 12.3.9<sup>119</sup>.

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<sup>119</sup> When incorporating the amendments effective October 15, 2007, “13.3.9” was updated to “12.3.9”.

| <b>Zoning District<sup>120</sup><br/>Area</b> |  | <b>Width of Front<br/>Landscaped</b> |
|---|--|--------------------------------------|
| R-80, R-60                                    | Very Low and Low Density Residential Districts | 10 feet                              |
| R-30  | Moderate Density Residential District          | 10 feet                              |
| HD  | Harbor District                                | 5 feet                               |
| VR  | Village Residential                            | 10 feet                              |
| VMU   | Village Mixed Use                              | 10 feet                              |
| VC  | Village Commercial                             | 5 feet                               |
| GCD   | General Commercial District                    | 10 feet                              |
| VID   | Village Industrial District                    | 10 feet                              |
| CIPD  | Commercial Industrial Park District            | 50 feet                              |
| TID   | Turnpike Industrial District                   | 15 feet                              |

(2) For lots fronting on Main Street between Essex Street and Kirtland Street, the front landscaped area shall be consistent with any comprehensive landscape design established by cooperative efforts of civic, business and governmental organizations and agencies, subject to approval of the Commission.

**12.5 PERIMETER BUFFERS.** A perimeter buffer shall be provided along all lot lines other than the front lot line, except where driveways or pedestrian walkways connect to abutting properties. A buffer is required in accordance with this section within each lot, notwithstanding any buffers on adjacent property. Except for single family residential uses, the perimeter buffer shall not be used for parking. The area of the perimeter buffer may be included in calculations for the minimum landscaped area required in Section 12.2.

**12.5.1 Perimeter buffers.** Perimeter buffer areas shall be free of any structures or parking areas, and shall be maintained in a natural state, except for such fencing as may be approved by the Commission.

**12.5.2 Required Landscaping for Buffers.** For single family residential uses, there is no specific requirement for landscaping the buffer area. For multi-family and non-residential uses, the buffer area shall be maintained with lawn, shrubs and trees, including evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Commission, will effectively screen a use from any neighboring residential uses, or which will enhance the appearance of the property in a manner which fulfills these landscaping requirements as set forth in Section 12.2<sup>121</sup>. At a minimum, the planting shall consist of evergreen trees 6 feet in height planted at intervals of 10 feet on center, unless otherwise approved by the Commission. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

**12.5.3 Perimeter Buffer Width.** The minimum width of perimeter buffers shall be as follows:

<sup>120</sup> Effective May 17, 2012, R-20 was replaced with R-30, R-40 was replaced with R-60, HDD was replaced with HD, and VR, VMU and VC districts were added to the list.

<sup>121</sup> When incorporating the amendments effective October 15, 2007, "12.1" was updated to "12.2".

- (1) For residential uses, the side and rear yard setback areas shall be considered to be perimeter buffers.
- (2) In residential districts, for any non-residential uses abutting property which is zoned for residential uses - 20 feet
- (3) For uses within Village Mixed Use, Village Commercial, General Commercial, and Harbor Districts - 10 feet<sup>122</sup>
- (4) For uses within industrial districts - 20 feet, except that a fifty (50) foot wide buffer is required along and within the boundaries of a lot abutting a town or state road or abutting any lot within a residential district.

12.5.4 In addition to the above requirements, the Commission may require a perimeter buffer of greater width or may require other screening in any location where it determines there is a potential conflict between adjacent uses which can be mitigated by installation of a buffer or other screening. Where screening is required by the Commission as part of a Site Plan, the landscaped perimeter area may be planted as a screen. Where natural site conditions are not adequate to meet the purposes of a buffer, the Commission may require a screening fence or wall, earthen berm, and/or evergreen and deciduous plants of such type, height, spacing and arrangement as will, in the judgment of the Commission, effectively screen the activity on the lot from the adjacent public road and/or residential area. The substituted berm, wall or fence shall not be used to meet the minimum required landscape area of Section 12.2.

12.5.5 Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Commission may modify the width requirements provided the perimeter buffer area meets the intent of these Regulations.

12.6 **INTERIOR PARKING LOT LANDSCAPE REQUIREMENTS.** In addition to front landscaped area and buffer area requirements, parking areas shall comply with the following minimum standards:

12.6.1 All uses required to provide 20 or more off-street parking spaces shall have at least 20 square feet of interior landscaping within the designated parking area for each parking space. Islands shall be provided, to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic, and to separate major access ways through the parking area from parking aisles. Each separate landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least 8 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 3 inch caliper, at least 6 feet in height. Interior landscaping shall be positioned so as to enhance the visual qualities of the site and to break up large expanses of parking. A standard of one island for every ten parking spaces should be used for design purposes,

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<sup>122</sup> Effective May 17, 2012, Village Mixed Use and Village Commercial were added to this sentence and Development was deleted after Harbor.

although actual placement of islands should be based on overall layout. No more than 15 spaces in a row, or four rows across shall be permitted without an intervening interior landscape area.

12.6.2 A landscaped area shall be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 3 inch caliper, at least 6 feet in height for every 50 feet along the perimeter of the parking area. Where appropriately located, the required front landscaped areas and perimeter buffers may be used to satisfy this requirement.

12.7 **VISUAL CLEARANCE.** No landscape materials shall be located so as to create a visual hazard for vehicular and pedestrian traffic either within a site or at the intersection of the site access with the public street.

12.8 **SUBMISSION OF A LANDSCAPE PLAN.** As part of or in conjunction with a required site plan, the following information shall be provided concerning site landscaping:

- (1) Location and description of existing vegetation on site and any proposals to protect and preserve existing vegetation during and after construction.
- (2) Location and description of existing natural features, including large boulders, rock outcroppings, and water features to be incorporated into proposed site design.
- (3) Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names.
- (4) A list of plant materials to be used, including size in diameter and height at installation and at maturity; a planting schedule for all plant materials.
- (5) Proposed treatment of ground surfaces
- (6) Methods of protecting landscaping from vehicles

12.9 **REQUIREMENT FOR SECURITY.** The Commission may require a separate bond or other security to guarantee completion of the requirements of Section 12.

## **SECTION 13. SIGNS**

**13.1 PURPOSE.** Through exercise of its zoning authority, the Town of Deep River seeks to improve the physical appearance of the town by regulating signs. Such regulation is necessary to preserve and enhance the substantial governmental interests of the Town in its natural, scenic, historic, cultural and aesthetic qualities. Furthermore, there is substantial governmental interest in enhancing all parts of the Town, including residential, commercial and industrial areas. Regulating signs will make these areas more attractive and thus enhance the economic climate of Deep River. The regulations set forth below will directly advance the public interest in aesthetics and other qualities of life by preserving and enhancing the appearance of residential,

commercial and industrial buildings and areas; preserving and enhancing the appearance of public streets, parks and other public properties, and minimizing obtrusiveness of sign structures. The public interest is served by the use of signs by businesses and services to identify their premises or products and services there available, or to display non-commercial messages.

These sign regulations are intended to encourage the effective use of signs as a means of communication by discouraging excessive visual competition in signage; to ensure that signs aid orientation and adequately identify uses and activities to the public; to maintain and enhance property values and preserve the small town character of Deep River; to maintain an orderly and attractive community experience; and to reduce distractions and obstructions from signs which would adversely affect traffic and pedestrian safety or otherwise endanger public health and safety.

Furthermore, the regulations are intended to balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs and to ensure the fair and consistent enforcement of sign regulations while providing for effective means of communication, consistent with constitutional guarantees. These Sign Regulations do not regulate nor are intended to regulate the message displayed on any sign, building design or any display not defined as a sign. It is not nor will it be the intent of the Town and its enforcement agent(s) to interpret, restrict or regulate the messages contained on signage in the Town.

## **13.2 DEFINITIONS**

13.2.1 Sign: A device for visual communication that is used to bring the subject to the attention of the public. Signs include every billboard, illustration, insignia, lettering, picture, logo, lights or other graphic representations, display banner, pennant, flag, inflated figure or device, or other device, however made, which is displayed, painted, supported or attached and intended for use as advertisement, identification, publicity or notice when visible from any public way or any lot other than on which the sign is located. A sign may be either located out of doors or located indoors and clearly visible from outside the building. The term "sign" shall also include any natural object or objects which are painted or arranged so as to represent or display any graphic representation, as well as any building feature which serves to identify the use or occupancy of any building or site through a recognized motif, logo or other symbol, including roof or other special illumination, special colors or effects, or building or roof lines.

13.2.2 Advertising: The use of pictures, words, colors, logos and other symbols to promote a business or product.

13.2.3 Arcade Sign: A directory-type sign for pedestrians which is orientated perpendicular to and attached to a store front, overhang, or walkway to identify the occupant of a store or business from a sidewalk or arcade.



13.2.4 Banner: Any sign intended to be hung between supports either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic or fabric of any kind.

13.2.5 Building-Mounted Sign: A sign which has as its support a building or structure, such structure having a use other than just as a sign support. Includes, but is not limited to, wall, fascia, canopy, awning, projecting, and window signs.

13.2.6 Canopy or Awning Sign: A sign that is part of or attached to an awning or canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

13.2.7 Directional Sign: Individual signs to direct vehicular traffic and pedestrian movement indicating entrances, exits, parking areas, or direction of traffic flow. Directional signs are to serve no promotional purpose and may not contain logo or trademark colors.

13.2.8 Directory Sign: A single sign structure used for multi-tenancy complexes which identifies the complex and lists individual tenants.

13.2.9 Flag Sign: A sign constructed of cloth or fabric material that has letters relating to the operation of a commercial business but not exceeding 20SF.

13.2.10 Freestanding Sign: A self-supporting sign not attached to a building or wall and in a fixed location. This does not include portable or trailer-type signs. Includes, but is not limited to, monument, pylon, pole, lollipop, suspended, arm-mounted, a-frame, banner, and flag signs.

13.2.11 Hanging Sign: A sign which is attached to a building or wall in a manner so that its leading edge extends more than six (6) inches beyond the surface to which it is affixed or the architectural feature, pole or frame from which it is suspended.

13.2.12 Illuminated Sign: A sign that is lit in any manner by an artificial light source.

13.2.13 Internally Lit Sign: A sign that is illuminated from sources inside the sign.

13.2.14 Monument Sign: A ground sign with a low overall height.

13.2.15 Off-Site Sign: A sign located on a lot other than that of the business or activity which it is advertising or identifying.

13.2.16 Pole, Pylon & Lollipop Signs: Signs mounted atop a visible support structure or with the support structure enclosed with a pole or pylon cover.

13.2.17 Political Sign: Any sign which promotes a political position on a candidate or issue or which otherwise advises the public of an upcoming election or vote.

13.2.18 Portable Sign: Also known as a Temporary Sign. A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, whether on its own trailer, wheels or otherwise. Such signs include signs attached to or painted on vehicles or boats parked and visible, as well as banners, pennants or sandwich board (A-frame) signs.

13.2.19 Post and Arm Sign: A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

13.2.20 Projecting Sign: A sign mounted to a building with the faces of the sign perpendicular to the building fascia.

13.2.21 Roofline: The intersection of the roof and perimeter wall of the structure.

13.2.22 Subdivision Sign: A sign which identifies an approved subdivision by name or design.

13.2.23 Suspended or Arm-Mounted Sign: A sign which hangs from above, whether directly from a structure or from a bracket. It may be building- or structure-mounted or free-standing.

13.2.24 Temporary Sign: Same as Portable Sign.

13.2.25 Wall Sign: A sign painted on or attached to and erected or mounted parallel to the face of, or erected and confined within the limits of, the outside wall of any structure and supported by such wall or building and which displays only one advertised surface.

13.2.26 Window Sign: A sign hung in a window and which is intended to be seen from outside or a sign painted on a window which is visible from outside.

### **13.3 SIGN TYPES**

#### **13.3.1 Permanent Sign Types**

- (1) Freestanding Signs, including, but not limited to monument, pylon, pole, lollipop, suspended, and arm-mounted signs.
- (2) Building-Mounted Signs, including, but not limited to, wall, projecting, awning, canopy, and window signs.
- (3) Any temporary or portable sign of any type which is displayed more than thirty (30) days a year, whether or not consecutive, will be deemed to be a “permanent” sign and will be regulated as such.

13.3.2 Portable / Temporary Sign Types and Uses. Except as specifically noted below, no temporary or portable sign shall pose a safety hazard to pedestrian or vehicular traffic. Signs shall be located as specified elsewhere in these regulations.

- (1) The following temporary sign types and uses require a permit: wire-frame signs, post-mounted signs, sandwich board signs, flag signs or similar signs, and construction signs of more than 6 SF in area.

### **13.4 SIZE AND NUMBER OF SIGNS**

13.4.1 Sign Area: The area of a sign shall be based on the measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which

perimeter shall be the polygon formed by connecting all the outermost edges or points of all words, pictures, symbols, logos, etc. when such words, pictures, symbols and logos are affixed to or painted directly on a structure, canopy, etc. When such words, pictures, symbols and logos are on a plaque, board or other flat material, the area of the sign shall be the square footage of that plaque, board or other flat material.

13.4.2 Any sign may be double faced, and only one (1) face shall be counted in determining sign area so long as the two faces are back-to-back with each other.

13.4.3 A permanent Subdivision Sign of no more than 8 SF in area is permitted only as approved in a subdivision application.

13.4.4 Temporary/Portable Signs shall be permitted as follows:

(1) Banner, permitted no greater than 30 SF, in a location designated by the ZEO for up to fourteen (14) days prior to and seven (7) days after the event. Permanent banners are prohibited. Approved banner signs are the only signs permitted in the town or state right-of way.

(2) Wire-frame, post-mounted, sandwich board or similar.

a. For non-residential uses and excluding shopping centers or multi-tenancy buildings, no more than one (1) two-sided sign not to exceed six square feet (6 SF) on each side may be displayed for a permitted use on a premises during business hours and for up to one half hour (1/2 hr.) each before and after business hours.

b. For residential uses and no more than 3 times a year, one (1) temporary sign advertising special events, of no more than six (6) square feet may be displayed during the hours the sale is open plus up to one half hour (1/2 hr.) before and after business hours.

(3) Window Signs. Temporary window signs greater than 2 SF each and greater than 10 SF in total per store are prohibited.

## **13.5 SIGN LOCATIONS**

13.5.1 A sign must meet required setback regulations for the district in which it is located, but in no case shall a free-standing sign structure be less than 5' (five feet) from the pavement or lot line, whichever is closer to the sign, for Downtown and Commercial zones, and no fewer than 10' (ten feet) from the pavement or lot line, whichever is closer to the sign, for all other zones.

13.5.2 Off-site signs are permitted only for directory and directional signs for a shared parking area.

<sup>125</sup> Effective January 1, 2017 the entire section 13 was amended.

| 13.6.1 PERMANENT SIGNS:<br>Single Occupancy Parcels                                   | All Residential Districts | Preservation & Recreation | Harbor          | Village Mixed Use off Main St. | Gen. Commercial, Village Comm., Village Mixed Use on Main St. | All Industrial Districts | Neighborhood Comm. |
|---|---------------------------|---------------------------|-----------------|--------------------------------|---|--------------------------|--------------------|
| a. Monument<br>1. Maximum height<br>2. Maximum Structure Area<br>3. Maximum Sign Area | prohibited                | prohibited                | prohibited      | prohibited                     | 4 feet<br>28 SF<br>16 SF                                      | 4 feet<br>28 SF<br>16 SF | prohibited         |
| b. Pole, Lollipop<br>1. Maximum Height<br>2. Max. area, each sign                     | prohibited                | prohibited                | 8 feet<br>8 SF  | prohibited                     | 8 feet<br>8 SF  | 8 feet<br>8 SF           | prohibited         |
| c. Suspended or post-&-arm<br>1. Maximum height<br>2. Max. area, each sign            | 6 feet<br>2 SF            | 6 feet<br>2 SF            | 8 feet<br>8 SF  | 6 feet<br>4 SF                 | 8 feet<br>12 SF   | 8 feet<br>12 SF          | 6 feet<br>8 SF     |
| d. Wall<br>1. Max. area, each sign (1)  | prohibited                | prohibited                | 8 SF            | 4 SF                           | 25 SF   | 16 SF                    | 8 SF               |
| e. Canopy, Awning, Window<br>1. Max. area, each sign (1)                              | prohibited                | prohibited                | 8 SF            | 4 SF                           | 8 SF  | 16 SF                    | 8 SF               |
| f. Projecting (2)<br>1. Maximum Height<br>2. Max. area, each sign                     | prohibited                | prohibited                | 12 feet<br>4 SF | 12 feet<br>4 SF                | 14 feet<br>4 SF   | 14 feet<br>4 SF          | 12 feet<br>4 SF    |
| g. Maximum Total Sign Area, all types except directional (3)                          | 2 SF                      | 2 SF                      | 8 SF            | 8 SF                           | 32 SF   | 16 SF                    | 8 SF               |
| h. Maximum Directional Sign Area, each sign (4)                                       | n/a                       | n/a                       | 2 SF            | 2 SF                           | 2 SF  | 2 SF                     | 2 SF               |
| i. Maximum number of sign structures, excluding directional signs                     | 1                         | 1                         | 1               | 1                              | 1   | 1                        | 1                  |

(1) Wall, Canopy, Awning, Window signs: Maximum sign area to be lesser of 1 SF of sign per each linear foot of building or size listed.

(2) Projecting Sign: Minimum Height over pedestrian way is 8 feet and over vehicular way is 10'.

(3) Maximum Sign Area for corner lots shall be 150% of the maximum sign area for "all signs" (g above).

(4) Directional signs to not count towards maximum sign areas.

| <b>PERMANENT SIGNS:</b><br><b>13.6.2 Multiple Tenancy Parcels</b>                     | All Residential Districts | Preservation & Recreation | Harbor          | Village Mixed Use off Main St. | Gen. Commercial, Village Comm., Village Mixed Use on Main St. | All Industrial Districts | Neighborhood Comm. |
|---|---------------------------|---------------------------|-----------------|--------------------------------|---|--------------------------|--------------------|
| a. Monument<br>1. Maximum height<br>2. Maximum Structure Area<br>3. Maximum Sign Area | prohibited                | prohibited                | prohibited      | prohibited                     | 4 feet<br>28 SF<br>16 SF                                      | 4 feet<br>28 SF<br>16 SF | prohibited         |
| b. Pole, Lollipop<br>1. Maximum Height<br>2. Max. area, each sign                     | prohibited                | prohibited                | 8 feet<br>8 SF  | prohibited                     | 8 feet<br>8 SF  | 8 feet<br>8 SF           | prohibited         |
| c. Suspended or post-&-arm<br>1. Maximum height<br>2. Max. area, each sign            | 6 feet<br>2 SF            | 6 feet<br>2 SF            | 8 feet<br>8 SF  | 8 feet<br>2 SF                 | 8 feet<br>12 SF   | 8 feet<br>8 SF           | 6 feet<br>8 SF     |
| d. Wall<br>1. Max. area, each sign (1)  | prohibited                | prohibited                | 4 SF            | 2 SF                           | 16 SF; 32 SF for anchor store                                 | 4 SF                     | 4 SF               |
| e. Canopy, Awning, Window<br>1. Max. area, each sign (1)                              | prohibited                | prohibited                | 8 SF            | 2 SF                           | 16 SF; 32 SF for anchor store                                 | 4 SF                     | 4 SF               |
| f. Projecting (2)<br>1. Maximum Height<br>2. Max. area, each sign                     | prohibited                | prohibited                | 12 feet<br>4 SF | 12 feet<br>2 SF                | 14 feet<br>4 SF   | 14 feet<br>4 SF          | 12 feet<br>4 SF    |
| g. Maximum Total Sign Area, all types except directional (3)                          | 2 SF                      | 2 SF                      | 20 SF           | 20 SF                          | See Note 5  | See Note 5               | 8 SF               |
| h. Maximum Directional Sign Area, each sign (4)                                       | n/a                       | n/a                       | 2 SF            | 2 SF                           | 2 SF  | 2 SF                     | 2 SF               |
| i. Maximum number of sign structures, excluding directional signs                     | 1                         | 1                         | 1               | 1                              | 1   | 1                        | 1                  |

(1) Wall, Canopy, Awning, Window signs: Maximum sign area to be lesser of 1 SF of sign per each linear foot of building or size listed.

(2) Projecting Sign: Minimum Height over pedestrian way is 8 feet and over vehicular way is 10'.

(3) Maximum Sign Area for corner lots shall be 150% of the maximum sign area for "all signs" (g above).

(4) Directional signs to not count towards maximum sign areas.

(5) Total Sign Area is dependent upon number of tenants.

### **13.7 ILLUMINATION**

13.7.1 No sign shall use or be illuminated by lighting of flashing, intermittent or varying intensity, including, but not limited to flashing, beacon, strobe, rotating, chasing or zip lights.

13.7.2 Externally lit signs shall be illuminated with only steady, stationary, shielded light sources directed solely onto the sign without causing glare.

13.7.3 No sign shall be illuminated by exposed tubes, bulbs or similar exposed light surfaces, also known as tube lighting, or by exterior spot lighting or other illumination that would cause glare observable to a residential district or property or hazards to vehicular traffic. Any exterior spot lighting or flood lights are to be appropriately shielded.

13.7.4 The only internally lit signs permitted are building-mounted wall signs in the Village Commercial and Village Mixed Use Districts.

13.7.5 No awning or canopy sign shall be back (interior) lit.

13.7.6 No temporary sign may have illumination.

**13.8 PERMITTING PROCESS:** No sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered, illuminated or otherwise altered until a sign permit has been approved.

#### **13.8.1 Contents of Permit Application**

- (1) An accurate schematic plan showing the proposed location of the sign on the subject property in relation to property lines, existing signs and all structures and other site improvements, if any.
- (2) A photograph of the lot showing where the sign will be located. For wall mounted and canopy signs, the photograph shall show the entire façade.
- (3) An accurate to scale elevation drawing of the proposed sign and the supporting structure or building façade intended to receive the sign, showing the sign dimensions, area, and height above finished grade, and proposed location of the sign relative to the building façade and roof line. For projected signs, the clearance distance from pedestrian and/or vehicular areas shall be provided.
- (4) Electrical details for any sign with internal or external illumination, including but not limited to type of lighting, wattage, light spread, and hours of illumination.
- (5) The type of construction, sign supports and any mechanical details.
- (6) An inventory list with photographs of all existing signs on the lot, itemizing square

footage, location and purpose of each and every sign.

- (7) The property address, the name and address of the property owner, and, if the applicant is not the property owner, the written consent of the property owner or his authorized agent to the placement and maintenance of the proposed sign.
- (8) The name and address of the applicant, including the business which is to be identified by the sign, and the phone number of the applicant.
- (9) The name, address, phone number and license number of the sign contractor, if any.
- (10) For temporary signs, the length of time the sign is proposed to be displayed and the name, address and phone number of the person responsible for removal of the sign.

13.8.2 Referral to Commission: Proposed signs in all zones except Residential and Preservation shall be referred to and require Planning & Zoning Commission approval when the area of an individual sign or the area of all signs on the parcel exceeds 75% of the maximum sign area permitted. All other sign applications are subject to approval by the Zoning Enforcement Officer.

### **13.9 GENERAL PROVISIONS**

13.9.1 Conformance. All signs shall conform to the provisions specified in these regulations and to any additional conditions or limitations that may be imposed by the Planning & Zoning Commission in connection with the approval of a Site Plan and/or Special Permit.

13.9.2 Maintenance of Signs: All signs shall be maintained in a secure and safe condition. The Zoning Enforcement Officer or his/her authorized agent shall inspect and shall have the authority to order by Certified Letter the painting, repair or alteration of a sign which she/he considers a hazard to health, safety or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. If the defect in the sign is not corrected within ninety (90) days of Certified Notice of the defect, the Planning & Zoning Commission may revoke the sign permit and order the immediate removal of said sign at the owner's expense. When a sign permit is revoked, a new application for the sign must be submitted to the Commission for review and consideration within thirty (30) days.

13.9.3 Forfeited Signs: Any unauthorized sign installed or placed on municipal property without a permit shall be forfeited and will be subject to removal and disposal by the Zoning Enforcement Officer or his/her authorized agent. In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

13.9.4 Existing Signs: Nothing in this Section shall prohibit or modify the right of property owners to continue to use, maintain and exhibit signs which have been legally established and are existing on the effective date of this Section.

13.9.6 Replacement of Existing Signs: No permit is required to replace an existing sign with one of the same or lesser dimensions, same shape, same construction and same location, however the Zoning Enforcement Officer must be advised of the replacement.

**13.10 EXEMPTIONS**: The following signs are not regulated by this section.

13.10.1 Legal Obligations: Any sign required by a valid and applicable federal, state or local law, regulation, ordinance or judicial order.

13.10.2 Holiday decorations: Holiday lights and decorations.

13.10.3 Historical Signs: Memorial plaques or monuments, building markers, or historical plaques of no more than 4 SF.

13.10.4 Business hour signs of 2 SF or less in area.

**13.11 OTHER PROHIBITIONS**: All signs and all sign sizes, types, and locations not specifically permitted are prohibited. Prohibitions include, but are not limited to:

13.11.1 Roof Signs. No sign shall be located on any roof, whether flat, hip, mansard, gambrel, or gabled, or extend above the roofline of any structure.

13.11.2 Moving Parts. No sign shall include any visible moving parts. No revolving, waving or moveable parts are permitted on any sign in any district.

13.11.3 Simulated Emergency Lights. No sign shall simulate emergency lights on emergency vehicles or traffic control signals or devices.

13.11.4 Obstruction and Visibility. No sign shall obstruct road, highway, or driveway visibility, interfere with the safe and orderly movement of traffic and pedestrians, or otherwise pose a hazard to traffic. No sign shall hide from view any traffic control device, signal or sign.

13.11.5 Off-Site Signs are prohibited except as may be specifically noted above.

13.11.6 Inflated Air or Ground Object(s), flying, hung or standing outside of the use advertised are prohibited.

13.11.7 Scrolling electronic messaging, reader board and marquee type signs are prohibited.



## **SECTION 14 - STANDARDS FOR ENVIRONMENTAL PROTECTION**

14.1 **PURPOSE:** The purpose of the following sections is to insure that applications for development are consistent with environmental standards as established by the Town of Deep River and as set forth in State and Federal law.

14.2 **COASTAL SITE PLAN REQUIREMENTS.** The purpose of this section is to insure consistency of applications for development with the standards of the Connecticut Coastal Management Act. The following standards shall apply to applications which must be reviewed pursuant to Sections 22a-90 through 22a-112 of the Connecticut General Statutes, The Connecticut Coastal Management Act:

14.2.1 **Applicability.** All buildings uses and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes, and as delineated on the Coastal Boundary Map for the Town of Deep River, shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes. Pursuant to Section 22a-109(b) of the Connecticut General Statutes the following activities are exempt from coastal site plan review requirements:

- (1) Gardening, Grazing and Harvesting of Crops.
- (2) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds. Minor additions mean an addition not exceeding twenty percent (20%) of the first floor area or one thousand (1,000) square feet, whichever is less and which addition does not require more than a ten percent (10%) addition to the existing off-street parking area to meet the requirements of Section 11.3.
- (3) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings.
- (4) Construction of new or modification of existing on premises fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas and telephone, cable, water and sewer services lines, signs and even other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes.
- (5) Construction of a new single family dwelling or construction of a major addition to (larger than a minor addition) or major modifications of an existing single family dwelling, but only when such dwelling is not located in or within one hundred (100) feet of the following coastal resources as defined in Section 22a-93(7) of the Connecticut General Statutes; tidal wetlands, coastal bluffs and escarpments and beaches and dunes.
- (6) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal and water resources.

- (7) Interior modifications to buildings.
- (8) Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters or the change from a water dependent to a non-water dependent use.

14.2.2 In accordance with the provisions of Section 22a-109(b) of the Connecticut General Statutes, the foregoing exemptions from coastal site plan review requirements are applicable to buildings, uses and structures meeting the exception criteria and authorized under any of the following procedures:

- (1) Site Plans submitted to the Deep River Planning and Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes.
- (2) Applications for a Special Permit submitted to the Deep River Planning and Zoning Commission in accordance with Section 10 of these regulations and Section 8-2 of the Connecticut General Statutes.
- (3) Applications for a variance submitted to the Deep River Zoning Board of Appeals in accordance with the Connecticut General Statutes and Section 16 of these Regulations.
- (4) A referral of a proposed municipal project to the Deep River Planning and Zoning Commission in accordance with Section 8-24 of the Connecticut General Statutes.
- (5) Approval of an application for a Certificate of Zoning Compliance when required by these regulations when a Site Plan or Special Permit approval is not otherwise required.

14.3 **SPECIAL FLOOD HAZARD AREA REGULATIONS.**<sup>126</sup> The purpose of this section is to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions. The provisions of this Section are intended to accomplish the following objectives:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood water;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

<sup>126</sup> Effective August 28, 2008 Section 14.3 was amended.

14.3.1 **Definitions Specific to Flood Hazard Area Regulations.** In addition to definitions set forth in Section 2, “Definitions” of these Zoning Regulations, certain terms used in Section 14.3 are defined in 14.3.1 for purposes of flood plain management under Section 14.3. Where there is a difference between a definition in Section 2 and Section 14.3.1, the definition in 14.3.1 shall apply to flood hazard area requirements only.

- (1) **Accessory Structure.** An appurtenant, unfinished structure of less than four hundred one (401) square feet, the use of which shall be incidental or subordinate to the principal use of the parcel or the principal structure on the parcel.
- (2) **Addition** (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is a new or separate structure.
- (3) **Base Flood.** A flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (4) **Base Flood Elevation.** 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.
- (5) **Basement.** That portion of a building having its floor sub-grade (below ground level) on at least three sides.
- (6) **Building.** A walled or roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank. This definition is applicable only to Section 14.3.
- (7) **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.
- (8) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

- (9) Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).
- (10) 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 has other furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by flood waters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) may not have finished living space and needs to be designed for exposure to flood forces. This space may be used only for parking, building access or limited storage.
- (11) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land from (1) the overflow of inland or tidal water, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- (12) Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones. FIRMs published after January 1990 may also show the boundaries of the floodway.
- (13) Flood Insurance Study. The official report by the Federal Emergency Management Agency, containing flood profiles, water surface elevation of the base flood, and other flood data.
- (14) 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 (1) foot.
- (15) Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.
- (16) Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
- (17) Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (18) Lowest Floor. The lowest floor of the lowest enclosed area (including basement).
- (19) Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for thirty (30) consecutive days or longer shall be considered manufactured homes for the purpose of these

regulations. Manufactured homes under this definition are expressly prohibited within special flood hazard areas.

- (20) Market Value. Market value of the structure shall be calculated using the property's tax assessment, minus land value.
- (21) Mean Sea Level (MSL). The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.
- (22) New Construction. Structures for which the "start of construction" commenced on or after January 16, 1981, and includes any subsequent improvements to such structures.
- (23) Recreational Vehicle. A vehicle which is (1) built on a single chassis, (2) four hundred (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.
- (24) Special Flood Hazard Area (SFHA). The area within Deep River subject to one percent (1%) or greater chance of flooding in any given year, as identified on the town's Flood Insurance Rate Map.
- (25) Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within one hundred eighty (180) days of the permit date. Should the permittee fail to commence work within this time frame, a new permit shall be required. The actual start means the first placement of permanent construction of a structure 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 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (26) Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (27) Structure. See Building.

- (28) Substantial Improvement. Any combination of repairs, reconstruction, alteration or improvements to a structure taking place over a ten (10) year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure as determined at the beginning of the ten year time period. This term includes structures that have occurred “substantial damage”, regardless of the actual repair work performed. For 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. However, the term does not include either:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions; or
  - (2) Any alteration of a “historic” structure, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.
- (29) Variance. A grant of relief by a community from the terms of the floodplain management regulations that would allow construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- (30) Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### 14.3.2 General Provisions.

- (1) Regulated Area. The standards contained in Section 14.3 shall apply to all special flood hazard areas within the jurisdiction of the Town of Deep River.
- (2) Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the Town of Deep River dated August 28, 2008, with accompanying Flood Insurance rate maps dated August 28, 2008 and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendment is obtained.”
- (3) Permit Requirement. A Zoning Compliance Permit shall be required in conformance with the provisions of Section 14.3 prior to the commencement of any development activities within a special flood hazard area.
- (4) Subdivision Proposals – Require the following:
  - (a) Base flood elevation data for all new subdivision proposals and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser;
  - (b) Review subdivision proposals to assure that:
    - (i) Such proposals minimize flood damage;
    - (ii) All public utilities and facilities are located and constructed to minimize or

- eliminate flood damage; and
- (iii) Adequate drainage is provided.

#### 14.3.3 **Administration.**

- (1) **Duties and responsibilities of the local administrator.** In the administration of Section 14.3, the Planning and Zoning Commission, or the Zoning Enforcement Officer if so designated, shall perform the duties listed in Section 8 Administration and Enforcement of the Deep River Zoning Regulations.
- (2) **As-Built Certification Requirement.** Upon completion of the applicable portion of construction the applicant shall provide the Zoning Enforcement Officer with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement), or, in the case of flood-proofed buildings, the elevation to which the flood-proofing is effective.
- (3) **Severability.** If any section, subsection, paragraph, sentence clause, or phrase of section 14.3 should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this section, which shall remain in full force and effect; and to this end the provisions of this section are hereby declared to be severable.
- (4) **Disclaimer of Liability.** The degree of flood protection required by Section 14.3 is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Deep River or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Deep River, its officer and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Deep River.
- (5) **Abrogation and Greater Restriction.** This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 14.3.4 **General Standards.** In all Special Flood Hazard Areas, the following provisions apply:

- (1) **Anchoring.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse of lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- (2) Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage.
- (3) New Construction or Substantial Improvements. 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 of flood 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 they permit the automatic entry and exit of floodwaters.
- (4) Utilities shall conform to the following:
  - (a) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
  - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
  - (c) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) 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 may be provided off-site if approved by the municipality.
- (6) 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.

- (7) Aboveground Fuel 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.
- (8) 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 flood zone will require the entire structure to meet the standards of the zone.
- (9) 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.
- (10) 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) Enforcement of Regulations and Violation/Penalty Sections. Enforcement of the regulations and administration of penalties shall be as described in Section 8 Administration and Enforcement of these regulations.

- 14.3.5 Streams Without Established base flood elevations and/or Floodways. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and/or other floodway data available from a Federal, State or other source (including data developed by the applicant for all proposals in Zone A, as required by the Subdivision Regulations of the Town of Deep River), as criteria for requiring that new construction, substantial improvement, or other development in Zone A on Deep River's FIRM meet the standards in Section 14.3.

- (1) Cumulative Effect. In A Zones 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.
- (2) Floodways. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source, the town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
- (3) Specific Standards. In all Special Flood Hazard Areas A1-30 and AE, where base flood elevation data has been provided, the following provisions shall apply in addition to all the general standards contained in Section 14.3.
  - (a) Floor Elevation. New construction and substantial improvement of buildings and other structures shall conform to the following:
    - (i) Any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
    - (ii) Any commercial or non-residential structure either shall have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with the attendant utility and sanitary facilities, conform to the following:
      - (1) Be flood-proofed to one foot above base flood elevation so that below the base flood elevation 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 the effects of buoyancy; and
      - (3) Be certified by an architect or professional engineer registered in the State of Connecticut that the above standards are satisfied, which certification shall be provided to the Zoning Enforcement Officer.
- (4) Lowest Floor Elevation, Exemptions. In Zones A, A-1-A-30, the requirement that any non-residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation, shall not apply to (1) a one-story attached garage, provided said garage is not an integral part of a residential structure, (2) an accessory building which is less than four hundred one square feet (401 SF) in floor area and accessory to a residential structure, or (3) a one (1) story row garage located on a lot in a residential district containing multiple dwelling units, provided such structures conform to the following:
  - (a) Shall not be used for human habitation;
  - (b) Shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;

- (c) Shall be firmly anchored to prevent flotation which may result in damage to other structures;
  - (d) Service facilities, such as electrical and heating equipment, shall be flood-proofed or elevated above base flood elevation;
  - (e) There shall be no basement or excavated area below any accessory building or garage;
  - (f) Shall have at least one (1) side at or above grade and shall be designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect, or meet the following minimum criteria:
    - (i) provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - (ii) the bottom of all openings shall be no higher than one (1) foot above grade; and
    - (iii) openings may be equipped with screens, louvers, valves or their coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (5) Floodway Encroachment. Floodways as designated on the Flood Boundary and Floodway Maps are extremely hazardous areas due to the velocity of flood waters which cause erosion and carry debris and potential projectiles. There shall be no encroachments, including fill, new construction, substantial improvements, and other development unless certification by a professional engineer registered in the State of Connecticut is provided demonstrating that proposed encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. If this requirement is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this Section.
- (6) Variances in Special Flood Hazard Areas. The Zoning Board of Appeals may issue variances in special flood hazard areas, subject to the following consideration and conditions:
- (a) General Considerations. In passing upon any application for a variance from the requirements of these Regulations pertaining to special flood hazard areas, the Zoning Board of Appeals shall consider (1), the technical evaluation and studies that are the basis for these Regulations, (2), the standards specified in other Sections of these Regulations, and (3), the following:
    - (i) The danger that materials may be swept in or onto other lands to the injury of others;
    - (ii) The danger to life and property due to flood and erosion damage;
    - (iii) The susceptibility of the proposed facility and its contents to flood damage and the affect of such damage on the individual owner;

- (iv) The importance of the services provided by the proposed facility to the community;
  - (v) The necessity to the facility of a waterfront location, where applicable;
  - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) The compatibility of the proposed use with existing and anticipated development;
  - (viii) The relationship of the proposed use to the comprehensive plan and any flood plain management program of that area;
  - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer lines, gas, electrical and water systems, streets and bridges.
- (b) Conditions for Variance. The following are applicable to the issuance of variances by the Zoning Board of Appeals:
- (i) No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.
  - (ii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (iii) Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in areas when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevations provided that the following criteria are met:
    - (1) A showing of good and sufficient cause;
    - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; *and*
    - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to the public, or conflict with other existing Town laws, ordinances and regulations.
- (c) Other Conditions. When issuing a variance, the Board may attach such other conditions that it deems necessary to further the purpose and intent of these Regulations.
- (d) Exemptions. Variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places may be issued without regard to the consideration and conditions of this Section, provided the proposed

reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation. No renovations or alterations may be made to a *listed* historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.

- (e) Effective Date and Filing. A variance issued under this section shall become effective at such time as is fixed by the Zoning Board of Appeals, provided a copy thereof shall be filed in the office of the Town Clerk and in the land records of the Town of Deep River.
- (f) Notification. The Zoning Enforcement Officer shall make written notification to applicants for a variance under the provisions of this section that (a) the issuance of such a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance and (b) such construction below the base flood elevation increases risks to life and property. The Zoning Enforcement Officer shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance and shall report such variances issued in an annual report to the Federal Insurance Administration.

#### **14.4 GATEWAY CONSERVATION ZONE REGULATIONS**<sup>127</sup> The purpose of this section is to preserve the unique scenic, ecological, scientific and historic value of the Lower Connecticut River and to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations of Connecticut citizens.

- 14.4.1 Setback from the Connecticut River. Within the Conservation Zone no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within 100 feet of the Connecticut River or any of its tributaries or associated wetlands, except that a marine facility or any building or structure which is accessory to a permitted principal use and not intended for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered within such area upon the issuance of a Special Permit therefore by the Deep River Planning and Zoning Commission, in accordance with the Sections 9 and 10.
- 14.4.2 Site Plan Review. Applications for multi-family projects or permitted non-residential uses in any district within the Conservation Zone shall require the issuance of a Site Plan and/or Special Permit prior to obtaining a building permit. A site plan shall be required and shall be in accordance with Section 9 and 10 of these Regulations.

<sup>127</sup> Effective July 19, 2012, Section 10.3 was deleted and relocated to Section 14.4. As a result, the entire Section 14.4 was amended.

14.4.3 **Special Permit For Residential Structures in 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 2, 9 and 10 of the Deep River Zoning Regulations.

14.4.3.1 **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.

14.4.3.2 **Exception.** A Special Permit shall not be required for residential structures over 4000 square feet in total 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 35 feet above ground elevation of the proposed structure.

14.4.3.3 **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.

14.4.3.4 **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 is 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.

#### 14.4.3.5 **Findings.**

- (1) Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- (2) Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- (3) 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.
- (4) The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.

14.4.4 **Dumping and Storage of Refuse.** No dumping or storage of refuse shall be permitted other than temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition, nor shall any new public solid waste disposal facility be established or an existing facility be expanded within the Conservation Zone.

14.4.5 **Commercial Cutting of Timber.** Within the Conservation Zone no commercial cutting of timber shall occur without permit issued by the Zoning Enforcement Officer. Upon submission of a commercial cutting plan, a permit shall be granted only if upon review the plan is found to be consistent with the minimum standards for the cutting of timber as set forth in Appendix B of these Regulations.

14.4.6 **Removal of Soil and Earth Materials.** No removal of soil and earth material shall be permitted from a lot lying within the Conservation Zone except for the following reasons:

- (1) The activity constitutes a valid use of the premises prior to May 14, 1974.
- (2) The activity is the result of foundation, trench and related site excavation or grading work being performed after the issuance of a bona fide building permit.
- (3) The activity is the result of a landscaping or grading project for which a building permit is not required, provided no more than three hundred (300) cubic yards of material are removed from the lot.

14.4.7 **Building Height Within the Gateway Conservation Zone.** 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 (35) feet. However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten (10) percent of the building footprint and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, or moved or structurally altered to a reasonable and necessary height upon the granting of a special permit by the town authority having jurisdiction, provided that the architectural features will not have a significant visual impact on the river scene.

14.4.8 **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.

- (1) 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 under 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.
- (2) 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 officer by a public or consulting forester.

- (3) In no event shall an opening be cleared for development, including but not limited to surface regarding, stormwater drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.
- (4) 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.
- (5) 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.
- (6) 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.

14.4.9 **Developed Area, Gateway Conservation Zone, for purposes of determining the requirement for a riparian buffer:** An area adjacent to the Connecticut River or its tributaries and associated wetlands within the 50 foot riparian area immediately landward of the high tide line, as defined in Section 22a-359(c) CGS, which has been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50 foot riparian area may also be considered as “developed” if clearing and or construction activities such as paving have occurred in such a manner so as to make the retention or replacement of vegetation within said 50 foot riparian area impractical, infeasible or undesirable. Every portion of the riparian buffer area shall be considered on its own merits, even within the confines of a single lot or parcel. If only a part of the buffer area has been developed, the riparian buffer shall be required for the remaining undeveloped part. For purposes of this definition, an existing lawn shall not be considered as a developed area.

14.5 **EARTH FILLING AND REMOVAL REGULATIONS.** The Planning and Zoning Commission shall regulate the filling with and/or removal of any earth, loam, topsoil, sand, gravel, clay, stone or other similar earth products in

accordance with the requirements, procedures, conditions, and safeguards hereinafter specified.

14.5.1 **Earth Filling and Removal Requirements.** No removal of or filling with any earth products in excess of one hundred (100) cubic yards shall be permitted from any lot or property in any zoning district, and no filling with any earth products or any other material for any purpose whatsoever in any quantity shall be permitted on any lot, or portion thereof, located in, or within a distance of twenty five (25) feet of any officially designated waterbody, watercourse, or wetlands (named or unnamed, natural or man-made), unless the Commission has approved a Site Plan and authorized the issuance of a Special Permit in accordance with Sections 9 and 10, herein, except in the following instances:

- (1) Necessary filling with or removal of earth products in direct connection with street or utility improvements within a public right-of-way for which the Town or State has granted a street opening permit.
- (2) Excavation, removal or deposit of materials reasonably necessary in connection with the bona fide construction or alteration of a building or other structure for which a zoning and building permit has been issued.
- (3) The construction of improvements and the changing of contours in accordance with subdivision construction plans and grading plans approved by the Commission under the provisions of the Land Subdivision Regulations.
- (4) The normal maintenance and repair of roads and driveways.
- (5) The normal excavation and filling of silage, manure, and similar farm materials when part of a farm agricultural operation.
- (6) A sanitary land-fill operation of the Town of Deep River that has been approved by the Connecticut Department of Environmental Protection.
- (7) Stockpiling of street maintenance material required by the Town of Deep River.

14.5.2 **Application Requirements.** Applications for a Special Permit shall include a Site Plan, in accordance with Section 9 of these Regulations, showing the following additional information, where appropriate:

- (1) A written statement from the owner stating where he intends to obtain suitable fill material and/or to deposit excess earth products.
- (2) The amount, area limits and type of proposed fill and other structure elevating techniques, levees, channel modifications, seawalls, and other methods designed to overcome flood and/or erosion related hazards.
- (3) The amount, area limits and nature of dredging, proposed grading, excavating, or removing or earth products.
- (4) Grading plans indicating the elevations, dimensions, location, extent, and slope of all proposed grading, filling, dredging, excavation or removal as shown by existing and proposed contour lines at intervals of two (2) feet or less, based on actual field or aerial surveys and referenced to U.S.G.S. datum, or by other appropriate means.

- (5) Storm drainage plans showing the drainage area and estimated runoff of the area to be served by an existing drainage facility, together with detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with, or as part of, the proposed use.
- (6) Landscaping plans showing the type, location and extent of all proposed planting or vegetation to be retained on, or otherwise provided for, the site in order to prevent erosion and related hazards.
- (7) Proposed vehicular access to the site and proposed work roadways within the site.
- (8) The estimated number and types of trucks and other machinery proposed to be used on the site.
- (9) The estimated starting and completion dates and the estimated hours and days of the week proposed for operation on the site.
- (10) Detailed plans for any proposed blasting and/or storage of explosives on the site.
- (11) The Commission may, when deemed necessary to protect the public health, safety and general welfare, require an engineering-geological investigation, based on the most recent grading plan. The engineering-geological report shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
- (12) The Commission may, when deemed necessary to protect the public health, safety and general welfare, require a soils-engineering investigation, based on the most recent grading plan. Such reports shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures.

14.5.3 **Standards and Conditions for Approval.** The filling with or removal of earth products on a lot may be permitted by the Commission, provided:

- (1) The filling or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the area limits shown thereon.
- (2) The filling or removal shall not result in excessively steep slopes, pits or depressions, or soil erosion, drainage or sewage problems or conditions which would impair the reasonable reuse and development of the lot.
- (3) Proper drainage shall be provided at all stages of the work to avoid stagnant water, soil erosion, excessive runoff, silting of streams and damage to public or private property, streets or drainage facilities.
- (4) There is a substantial fence at least five (5) feet in height with suitable gates enclosing the fill or excavation area and located at least 25 feet from the edge or toe of the excavation of fill area; **UNLESS** the Commission specifically finds such fencing to be unnecessary in the particular circumstances.
- (5) Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood.
- (6) No grading, excavation or removal shall be carried to a depth below the mean high water level of any waterbody or watercourse, or seasonal high water table on

the lot; **UNLESS** the Commission specifically authorized, as an integral part of the Special Permit and Site Plan Approval, a proposed man-made area, provisions to refill and compact the area with suitable material, or similar provision to otherwise protect the area from flood and erosion related hazards.

- (7) No grading, excavation or removal shall extend below the elevation of any abutting street or lot line; **UNLESS**:
  - (a) Either grading, excavation or removal is set back at least fifty (50) feet from said street or lot line, **OR**,
  - (b) The Commission finds, after a study of the proposed Site Plan, that the public health, safety and general welfare would not be impaired by a lesser setback distance.
- (8) Adequate slope and/or drainage easements on the lot are provided to allow the necessary coordination of any grading, filling, excavating, or removal operations that might be permitted on any abutting lot or street, as specified by the Commission.
- (9) No processing machinery shall be permitted **UNLESS** the number, type, size and nature of such machinery is specifically authorized by the Commission as an integral part of the Special Permit and Site Plan Approval. Any permitted processing machinery that is erected or maintained on the lot shall be set back from any street or lot line a minimum prescribed distance as deemed necessary by the Commission to protect the health, safety and general welfare of the public, but in no case shall such setback be less than fifty (50) feet. Any such permitted machinery shall be removed from the lot upon termination of the Special Permit.
- (10) No materials shall be stockpiled, no equipment shall be operated, and no structures shall be located beyond the area limits of the specific area approved for filling or removal;
- (11) The work, operation and/or processing shall be limited to the hours and days of the week that may be specified by the Commission;
- (12) The graded, filled, removed or otherwise disturbed area shall be prepared or restored by the applicant upon completion of the work or operation authorized, as follows:
  - (a) Any such natural surface to be filled with earth products shall be suitably prepared to receive the fill material. If mud, peat or silt is not removed before placement of fill, the Commission may require additional fill to protect against settlement. Fill used for building sites shall consist of sand, gravel, or other sand foundation materials which will retain its structural bearing capacity under saturated conditions. No silts, very fine sands, clays, peat and other high organic soils subject to compaction or erosion shall be permitted in fills, and no boulders or similar large irreducible material shall be buried or placed in fills, unless such material is specifically authorized as an integral part of the Special Permit and Site Plan Approval. All fills shall be adequately compacted to an acceptable density, as determined by the Commission or its

authorized agent, in order to safely support any buildings, structures, or uses and to aid in preventing the saturation, slipping or erosion of the fill. Where wind or water erosion is a factor, fill shall be adequately protected by bulkheads, rip-rap, planting suitable grass or other vegetation, or other protective measures;

- (b) Such area shall be suitably graded to slopes not to exceed one (1) foot vertical to two (2) feet horizontal distance or to such lesser slope necessary for soil stability safety and reasonable reuse and development of the lot, as determined by the Commission;
  - (c) Suitable drainways of gradual slope shall be provided to assure adequate drainage;
  - (d) All loose debris shall be incorporated into the improvement of the lot or shall be removed from the lot;
  - (e) Sufficient topsoil or loam shall be retained on, or otherwise provided for the lot, and shall be spread over the entire area to a depth of at least six (6) inches and the area shall then be suitably seeded, planted, landscaped and maintained until the ground shall be completely stabilized with a dense cover of vegetation and there exists no danger of erosion; except that this provision shall not apply to areas of water nor to exposed areas of ledge either existing prior to the work or specifically authorized as an integral part of the Special Permit and Site Plan Approval issued by the Commission.
- (13) Periodic reports, prepared and certified by a Professional Engineer licensed in the State of Connecticut shall be submitted showing the status and progress of the work or operation, as specified by the Commission.

**14.6 SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT.** The purpose of this section is to insure compliance with erosion and sedimentation standards so as to reduce the impacts of development on surrounding properties and the environment.

- 14.6.1 Erosion and Sediment Control Provisions.** Development shall meet the following erosion and sedimentation control criteria:
- (1) The development plan should be fitted to the topography and soils so as to create the least erosion potential;
  - (2) Wherever feasible, natural vegetation should be retained and protected;
  - (3) Only the smallest practical area of land should be exposed at any one time during development;
  - (4) When land is exposed during development, the exposure shall be kept to the shortest practical period of time;
  - (5) Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development;

- (6) Sediment basins (debris basins, de-silting basins or silt traps) should be installed and maintained to remove sediment from run-off waters and from land undergoing development.
- (7) Provisions should be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development;
- (8) The permanent final vegetation and structures should be installed as soon as practical in the development.

14.6.2 **Definitions.**<sup>128</sup> The following definitions and standards shall apply to Soil Erosion and Sediment Control Plans as required pursuant to these regulations for land Development:

- (1) "*Certification*" means a signed, written approval by the Deep River Planning and Zoning Commission (its designated agent or the Middlesex County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- (2) "*Commission*" means the Deep River Planning and Zoning Commission of the Town of Deep River.
- (3) "*County Soil and Water Conservation District*" means the Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the Connecticut General Statutes.
- (4) "*Development*" means any construction or grading activities to improved or unimproved real estate.
- (5) "*Disturbed area*" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- (6) "*Erosion*" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- (7) "*Grading*" means 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.
- (8) "*Inspection*" means the periodic review of sediment and erosion control measures shown on the certified plan.
- (9) "*Sediment*" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- (10) "*Soil*" means any unconsolidated mineral or organic material of any origin.
- (11) "*Soil Erosion and Sediment Control Plan*" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

<sup>128</sup> When incorporating the amendments effective October 15, 2007, this section was renumbered.

- 14.6.3 **Activities Requiring a Certified Erosion and Sediment Control Plan.** A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.
- 14.6.4 **Exemptions.** A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.
- 14.6.5 **Erosion and Sediment Control Plans.**<sup>129</sup> The following standards shall apply to Erosion and Sediment Control Plans submitted in accordance with Section 16.6 of these Regulations:
- (1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper 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 are 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.
  - (2) Said plan shall contain, but not limited to:
    - (a) A narrative describing:
      - (i) The development;
      - (ii) The schedule for grading and construction activities including:
        - (1) start and completion dates;
        - (2) sequence of grading and construction activities;
        - (3) sequence for installation and/or application of soil erosion and sediment control measures;
        - (4) sequence for final stabilization of the project site.
      - (iii) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
      - (iv) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
      - (v) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
      - (vi) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
    - (b) A site plan map at a sufficient scale to show:
      - (i) The location of the proposed development and adjacent properties;
      - (ii) The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
      - (iii) The existing structures on the project site, if any;
      - (iv) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

<sup>129</sup> When incorporating the amendments effective October 15, 2007, this section was renumbered.

- (v) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- (vi) The sequence of grading and construction activities;
- (vii) The sequence for installation and/or application of soil erosion and sediment control measures;
- (viii) The sequence for final stabilization of the development site.
- (c) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

14.6.6 **Minimum Acceptable Standards.** The following are minimum acceptable standards for Soil Erosion and Sediment Control Plans submitted pursuant to Section 14.6:

- (1) 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 sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- (2) The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

14.6.7 **Issuance or Denial of Certification.** The following standards shall apply to the Issuance or Denial of Soil Erosion and Sediment Control Certification:

- (1) The Deep River Planning and Zoning Commission (or the Middlesex County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- (2) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- (3) Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.
- (4) The Commission may forward a copy of the development proposal to the Conservation and Inland Wetlands Commission or other review agency or consultant for review and comment.



14.6.8 **Conditions Relating To Soil Erosion and Sediment Control.** The following conditions shall apply to Soil Erosion and Sediment Control Plans submitted pursuant to Section 14.6:

- (1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 1 et seq. of the Subdivision Regulations of the Town of Deep River.
  - (a) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with Sections 9, 10, and 14 of these Regulations.
- (2) Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- (3) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- (4) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

14.6.9 **Inspections.** The following standards shall apply to field inspections of development projects approved pursuant to Section 15.6 of these Regulations:

- (1) 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 performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

14.6.10 **Flood Hazards.** That the development of the site will minimize:

- (1) Danger to human life and health;
- (2) Expenditure of public money for flood control projects;
- (3) The need for rescue and relief efforts associated with flooding;
- (4) Prolonged business interruptions;
- (5) Damage to public facilities and utilities.

## SECTION 15 - NON-CONFORMANCE<sup>130</sup>

- 15.1 **PURPOSE.** Within the districts established by these Regulations there may be lots, structures and uses which lawfully existed before these Regulations were adopted or amended, but which have become prohibited, regulated or restricted as a result of such adoption or amendment. It is the intent of these Regulations to permit such non-conformities to continue until they are voluntarily removed, but not to encourage the expansion or increase any such pre-existing non-conformities as a matter of public policy.
- 15.2 **NONCONFORMING USES.** Any use of a lot, building or other structure lawfully existing at the time of the adoption of these Regulations, or any amendment thereto, which does not conform to the requirements of these Regulations, in whole or in part, may be continued and any pre-existing structure which was designed, arranged, intended for or devoted to any such nonconforming use may be altered and the nonconforming use therein changed, provided the alteration or change results in a situation which becomes more conforming to the requirements of the zoning district within which the use is located.
- 15.3 **NONCONFORMING LOTS.** Any lot or parcel of land lawfully existing as a lot of record under separate and distinct ownership from any other adjacent lot of record and incapable of becoming a conforming lot by addition of adjacent land thereto through purchase, gift, devise or other means, may be used for any purpose permitted in the zoning district within which the lot is located, provided such use meets all other requirements of these Regulations and all other applicable codes and ordinances of the Town of Deep River and the State of Connecticut.
- 15.4 **NONCONFORMING BUILDINGS AND OTHER STRUCTURES.** Any building or other structure lawfully existing or for which a bona fide building permit has been issued at the time of the adoption of these Regulations, or any amendment thereto, which does not conform to the requirements of these Regulations, in whole or in part, may be constructed, reconstructed, or enlarged to the extent that such construction, reconstruction, alteration or enlargement does not increase the existing nonconformity in any manner regarding the building or other structure's usage, setbacks, coverage, height or any other applicable standard or requirement of the zoning district within which the building or other structure is located.
- 15.5 **ABANDONMENT OF A NONCONFORMING USE.** No nonconforming use of land, buildings or other structures which shall have been discontinued shall thereafter be resumed. In determining whether a nonconforming use has been discontinued, any one of the following items shall constitute prima facie evidence of discontinuance:

<sup>130</sup> Effective October 15, 2007, the definitions of Nonconforming Building and Nonconforming Use were moved from Section 15 to the alphabetical listing of definitions in Section 2 and Section 15 was renumbered.

15.5.1 Any positive act indicating intent to discontinue.

15.5.2 Any conscious failure to take all necessary steps to resume the nonconforming use with reasonable dispatch in the circumstances;

15.5.3 In the case of a structure and land in combination, cessation of the nonconforming use for twelve (12) consecutive months, or a total of eighteen (18) months during any three (3) year period;

15.5.4 In the case of a lot only, cessation of the nonconforming use for ninety (90) consecutive days, or for a total of six (6) months during any one (1) year period;

15.5.5 Substitution of a conforming use.

15.6 **NONCONFORMING RESIDENTIAL USES IN GENERAL COMMERCIAL DISTRICT**. Any residential use in the General Commercial District which became nonconforming as a result of any expansion of the General Commercial District after August 1, 2002 shall be permitted to expand its residential use so long as such expansion complies with the use, lot, and building requirements for the Moderate Density Residential District (R-30)<sup>131</sup> in effect at the time of the application for the expansion of the residential use.

<sup>131</sup> Effective May 17, 2012, R-20 was replaced with R-30.

## **SECTION 16 - APPEALS**

- 16.1 **GENERAL.** A Zoning Board of Appeals has been duly established by Town Ordinance in accordance with the provisions of Chapter 124 of the Connecticut General Statutes. The Zoning Board of Appeals shall act in accordance with the applicable provisions of the Connecticut General Statutes, as amended.
- 16.2 **POWERS AND DUTIES.** The Zoning Board of Appeals shall have the following powers and duties:
- 16.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations.
- 16.2.2 To determine and vary the application of provisions of these Regulations, in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not generally affecting the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.
- 16.2.3 To hear and decide other such matters as may be required under provisions of the Connecticut General Statutes, as amended.
- 16.3 **APPEALS.** As provided by a rule established by the Zoning Board of Appeals, any party aggrieved by a ruling of the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations, shall file such appeal in accordance with the procedures established herein, within thirty (30) days after the date on which such ruling was officially given. Such appeal shall be filed in accordance with the provisions of Section 8-7 of the State Statutes using a form provided by the Board, which specifies the grounds for such appeal and includes such other information as may be required. Appeal may also be made to the Superior Court, as outlined in Section 8-8 of the Connecticut General Statutes., as amended.
- 16.4 **USE VARIANCES PROHIBITED.** Pursuant to Section 8-6 of the Connecticut General Statutes, no variance shall be issued by the Zoning Board of Appeals in any zone so as to permit the establishment, continuation, or expansion in any fashion of a use (as distinguished from a variance of gross or net lot area, lot width or depth, setback requirements, etc.) of any lot or structure, which use is not permitted by these Regulations in the zone in which the lot or structure is located unless the issuing of a use variance is necessary in order to protect the public health and safety.
- 16.5 **CRITERIA FOR DECISIONS.**<sup>132</sup> In addition to other requirements established within these Regulations, the Zoning Board of Appeals, prior to making its decision regarding any application for a variance or any other matter requiring

Board action in accordance with the provisions of these Regulations, shall consider, at a minimum, the following factors:

- 16.5.1 The size and intensity of the proposal under consideration and its potential impact on the surrounding neighborhood including consideration of past ownership patterns involving the property in question and adjacent properties and changes in the Zoning Regulations which have occurred since the lot in question was created.
- 16.5.2 The existence of conditions of the same kind and/or character on other properties within the surrounding neighborhood.
- 16.5.3 The impact the proposed request will have on the capacity of adjacent streets to handle peak traffic loads without causing congestion and without creating any traffic hazards.
- 16.5.4 The possible obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities which might be caused by the proposal under consideration and the impact such conditions might have on adjacent properties.
- 16.5.5 The resultant effect the proposal under consideration would have on the value and utilization of other properties within the surrounding neighborhood.
- 16.5.6 The existence of unusual topography on the property in question and the nature, location and height of all existing and proposed buildings, walls, fences, and landscaping on the subject site.
- 16.5.7 The extent, nature and arrangement of all existing and proposed parking facilities, driveways and roadways on the site in question.
- 16.5.8 Any problems which might be created with regard to providing fire and/or police protection to the site in question or to adjacent properties.
- 16.5.9 The preservation of the character of the neighborhood.
- 16.5.10 The location of existing water and sewerage systems serving the subject site and the adequacy of such systems to support any additional construction on the property.
- 16.5.11 The impact the proposed request will have on coastal resources and existing and future water-dependent development opportunities on or adjacent to the subject site.
- 16.5.12 All other standards prescribed by these Regulations.

<sup>132</sup>When incorporating amendments effective October 15, 2007 into other parts of these Regulations, this section was renumbered.

16.6 **TERMS AND CONDITIONS.**<sup>133</sup> In granting any variance under these Regulations, the Board may attach such additional terms, conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to, the following:

16.6.1 Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting or other devices.

16.6.2 Modification of the exterior features or appearance of any structure, where necessary to preserve property values.

16.6.3 Limitation of size, number of occupants, method or time of operation or extent of facilities.

16.6.4 Regulation of number, design, and location of access drives or other traffic features.

16.7 **FAILURE TO COMPLY.** Failure to comply with any such condition or safeguard shall constitute a violation of these Regulations.

<sup>132</sup> When incorporating amendments effective October 15, 2007 into other parts of these Regulations, this section was renumbered.

## **SECTION 17- AMENDMENTS**

- 17.1 **COMMISSION-INITIATED CHANGES.** The Planning and Zoning Commission may, after public notice and hearing, change, amend or repeal these Regulations, or any part thereof, in accordance with the provisions of Section 8-3 of the Connecticut General Statutes, 1958 Revision, as amended.
- 17.2 **PETITIONS.** The owner or owners of any real property affected by these Regulations may petition the Planning and Zoning Commission, requesting a change, or changes, in the Regulations and/or in the boundaries of a zoning district or districts. Such petition shall be addressed to the Chairman of the Commission, in writing, signed by the property owner or owners or their authorized agents requesting the change or changes, delivered to the Secretary of the Commission at least fourteen (14) calendar days before the next regularly scheduled meeting of the Commission and be accompanied by the following exhibits, as applicable:
- 17.2.1 A full text of any proposed changes to these Regulations, clearly indicating existing provisions to be repealed and new provisions to be enacted;
  - 17.2.2 A map indicating any proposed change in zoning district boundaries, drawn at a scale of one (1) inch to one hundred (100) feet and clearly showing for such areas the existing and proposed zoning district boundary lines and existing property lines and names of the current property owners from the records of the Tax Assessor;
  - 17.2.3 A complete and comprehensive statement of the reasons for any proposed change, including any special interest the petitioner may have in such change;
  - 17.2.4 A filing fee, as established by the Commission.
  - 17.2.5 Such other information as the Commission may deem necessary to reach a decision on the petition.
  - 17.2.6 **Required Public Notice.** If a petition is made for a change of zone (amendment of zone boundaries), at least fifteen (15) days prior to the date of the public hearing and continuously thereafter until the public hearing closes, the petitioner shall post a notice of the hearing on the subject property, in a location and at a site clearly visible from the public highway. Corner lots shall post two signs, one on each frontage. The sign shall be no smaller than 18" x 24"; lettering shall be at least 1.25" high, and text shall be as follows:

APPLICATION PENDING  
on this property  
before the Planning & Zoning Commission.

Hearing Date \_\_\_\_\_ Time \_\_\_\_\_

Place: Deep River Town Hall, For information, call 526-6030

## **SECTION 18 – FEES**

- 18.1 **PURPOSE.** Land use applicants shall pay municipal expenses as projected by the Commission or its agent for review, evaluation and processing land use applications which are directly attributable to their land use application in accordance with the Deep River Planning and Zoning Fee Ordinance.
- 18.2 **TIMING.** Projected fees received by a commission or board as part of a formal land use application submission shall be paid at the time of application submission and are nonrefundable. Any balance would be due prior to issuance of any permit.
- 18.3 **OTHER FEES.** The payment of a fee established in accordance with the provision of this Section shall not relieve the applicant, owner or their agent from the payment of other fees that may be prescribed for a different type of land use application, or by another ordinance of the Town of Deep River.
- 18.4 **METHOD OF PAYMENT.** All fees shall be paid by cash, check or money order made payable to the Town of Deep River.
- 18.5 **FAILURE TO COMPLY.** Failure to comply with this Section shall be grounds for denial of any application without prejudice, or revocation of any permit previously issued.



## **Appendix A Amendments**

11. September 1979
12. February 1980
13. September 1980
14. December 1980
15. October 1982
16. May 1983
17. July 1983
18. April 1984
19. June 1986
20. April 1987
21. June 1989
22. November 1989
23. March 1990
24. June 1990
25. November 1990
26. August 1991
27. February 1992: Revised Individual Lot Standards (Section 5.10.6); added Planned Conservation Development;
28. June 1992
19. November 1992: Golf Courses added as Special Permitted use in R-80, R-40, R-20 zones subject to additional standards (Sections 11.1.2O, 3.1.28, 3.2.3.5);
20. April 1993: Revised floodplain requirements, coastal management and Gateway Conservation District standards, special flood hazard area regulations, and related definitions (Sections 7A.2, 7A.5.2(2)b.2(d), 5.9, 7C.6.3, 5.7.6, 5.7.5.1);
21. November 1994: Added Animal Hospitals as a use (Section 3.6.2.8, 3.7.2.10, 3.5.2.9, 3.4.2.10);
22. November 1996: HDD (to permit light manufacturing etc) (Section 3.3.2.12);
23. January 1997: "Building Rectangle" added to lot requirements (Sections 4.2 - 4.4);
24. February 1997: Revisions to Planned Conservation Development (PCD) (Sections 5.10.5, 5.10.6, 5.10.7, 5.10.1(a));
25. *December 1997*: Numerous technical changes;

These Zoning Regulations were adopted on December 5, 1997, to become effective on January 7, 1998.

These Regulations were subsequently amended by action of the Commission as a result of the following amendments:

26. May 21, 1998: Use Variances prohibited (Section 16.4);
27. July 1998: Regulations for Communication Towers added (Section 7.14);
28. September 1999: Added standards for dedication of open space in Planned Conservation Developments (Section 6.2.7(1));
29. January/February 2000: Preservation and Recreation District (PRD) defined and added (4.3);

30. March 2000: Section 7.14
31. October 2001: In response to the proposed expansion to the sewer line, Multiple Family Dwellings were removed as Special Permitted Uses in the Moderate Density Residential District (R-20), the maximum permitted lot coverage by all structures was decreased to 10%, and the maximum impervious surface per lot decreased to 15% of gross lot area in the R-40, R-80, and PRD Districts, and in the R-20 Zoning District, the maximum permitted lot coverage by all structures decreased to 15% and the maximum impervious surface per lot decreased to 20% of gross lot area. (4.2.1.2(2) & 7.12, Schedules 4A and 4B);
32. July 2002: Landscape Business was added as a Special Permitted Use in Commercial Industrial Park District (5.4.1.2(8));
33. October/November 2003: Placement of tables and chairs on the sidewalk added as accessory use, and dwelling units limited to one per lot in the General Commercial District (5.2.1.3(7), 5.2.1.2(8)(b));
34. February/March 15, 2004: Added description of zoning application fees (4.2 and 18);
35. August/September 2004: Mixed Use Buildings were removed as a Special Permitted use in Harbor Development and General Commercial Districts (5.2.1.2(8) & 5.1.1.2(11). Multiple Family Dwelling was redefined as a group of two or more dwelling units in one or more buildings on a single lot (2.1.19). Regulations on the expansion of non- conforming residential uses in the General Commercial District were added (15.7). A Casualty definition was added (2.1.14). The relationship between future development and sewer expansion was addressed (4.1, 4.2, 5.1-5.5).
36. August/September 2004: The new Gateway Conservation District standards were adopted with new definitions for building height and total floor area (2.1.9, 2.1.58), criteria for a Special Permit, (10.3), increased setback from the Connecticut River (14.4.1), new requirement for a Special Permit for certain development in excess of 4,000 square feet in total floor area (14.4.3), amended building height (14.4.7), and vegetated buffer requirements (14.4.8);
37. September/October 2004: Adult Day Care Facilities added as Special Permitted Use in R-40 and General Commercial zoning districts subject to additional standards (4.1.1.2(10), 5.2.1.2(10), 7.16);
38. January 2005: Drive-through for eating and drinking establishments was removed as Special Permitted use in General Commercial Zoning District (5.2.1.2(3)). Added requirement for an Administrative Zoning Permit for change in lot lines (8.1.3 and 8.1.3.1). Number of copies of applications to be submitted to the Planning & Zoning Commission increased from 3 to 10 (9.5.2 and 10.2.1);
39. February 2005: Defined Accessory Apartments (2.2) and added them as a Special Permitted Use in all residential districts (7.12);
40. September 2005: Restricted appeals which can be taken to the Zoning Board of Appeals to exclude those of decisions of the Commission (16.3); Amended/created definitions for camps, membership clubs, restaurants, and temporary structures (Section 2 - addition of Sections 2.1.14, 2.1.40, 2.1.49, 2.1.61 and existing sections renumbered); and created one year term for

- administrative zoning permit (8.1.3.4 - renumber Section 8.1.3.4 to 8.1.3.5, new 8.1.3.4.); Section 9.4.3.1, 10.2.3.1, 17.2.6.
41. October 1, 2005: Reformatted Sections 4 and 5 into table format, amended various permitting requirements, and moved notes from Sections 4 and 5 to Section 7, Additional Standards (Section 7.17 through 7.23);
  42. December 1, 2005: Expansion of pre-existing non-conformity specifically prohibited (7.1); changed authority from Zoning Board of Appeals to Planning & Zoning for gasoline stations, other automotive uses, and similar businesses, in accordance with amended State Statute, Sec. 8.6 (7.9 - Sections 7.9 (1) and 7.9 (7));
  43. February 11, 2006: Section 9.4.3.1; Section 10.2.3.1; Section 17.2.6; Section 3.1; addition of Section 6.3
  44. March 15, 2006: Provided for off-site parking (11.2.3); allowed for off-street parking exemption area (11.1.2); reduced parking requirements in presence of drive-through (11.2.1 and 7.17); required posting of two notice signs for corner lots (9.4.3(1), 10.23.1 and 17.2.6); designated an overlay Downtown District;
  45. May 15, 2006: Amended definition of footprint in General Commercial District (Schedules 5A and 5B, Note 3, and Section 6.3); amended definition of structure to allow fences up to 6' tall (Section 2.1.57); created and defined Neighborhood Commercial District and outlined permitting and special standards for it (Sections 4 and 7); added sign standards and front landscaped area for Downtown overlay district (6.3.2 and 12.4.3(3)); updated Gateway Conservation Zone regulations (14.4.9); amended Section 4.2, Performance Standards, in its entirety;
  46. March 2007: Complete rewrite of sign regulations (Section 13);
  47. June 1, 2007: Added Section 7.29 (Age Restricted Development) - Section renumbered from proposed 7.24 to 7.29 to better fit into Section 7.
  48. October 15, 2007: Renumbering throughout Regulations; add definitions of Drinking Establishment and Primary Business and amend definition of Restaurant; restore sections omitted in error in October 2005 reformatting; divide and retitle Section 7 to clarify standards specific for uses and those specific for districts; minor changes in language to 7B.4, 7B.4.3, 7B.4.4 for clarification.
  49. January 3, 2008: Major revisions to Section 11 Off-Street Parking and Loading Requirements; move 7B.24 Reduced Parking Requirements to Section 11; add Pedestrian Design Standards (7A.5.5) and Off-Street Parking (7A.5.6) to 7A.5 Special Standards, Downtown District; delete 7B.18 as partial duplication of 7B.10.
  50. August 8, 2008: (1) Revised Section 14.3 Special Flood Hazard Area Regulations ; (2) Amended Section 9.2.(3), Requirements for a Site Plan; and (3) Deleted Section 4.10.47 (Conversion of existing structures to residential or commercial condominium use, in its entirety from the Schedule of Uses.
  51. April 15, 2009: Added special standards and a regulation for animal day care facilities in the Turnpike Industrial District and the Commercial Industrial District (Sections 4.10.54 and 7B.27); Added special standards and a regulation for restaurants and drinking establishments and preparation of food in the Harbor Development District (Sections 4.10.30, 4.10.31, 4.10.32, 7A.7.4, 7A.7.5, and 7A.7.6).

52. August 1, 2009: Added new uses (inns, public parking lot, museum/historic home, community center and private library), clarified several existing uses, and amended sign regulations to permit larger wall signs and smaller canopy signs.
53. November 19, 2009: Amended Section 4.10.26 by adding veterinary hospitals as uses permitted by Special Permit in the Commercial Industrial Park District and in the Turnpike Industrial District, amended Section 7B.19 by applying minimum lot area and principal building setbacks to only veterinary hospitals in the CIPD and TID.
54. November 1, 2010: Amended Sections 5.6.12, 5.7.12 and 7A.5.2 by adding an amendment related to impervious surface.
55. March 1, 2011: Amended Section 4.10 and Section 7B regarding public utility equipment facilities, non-academic schools, inns, public parking lot, group home/halfway house, museum, historic home museum, community center, library, accessory apartments and deleted hotels and motels. In Schedule 5.6, reduced maximum impervious surface in Downtown from 70% to 60%. Amended Section 11 regarding parking requirements for museums, historic home museums and public parking lots.
56. November 1, 2011: Added Section 7.8 Village Districts, Section 7B.31 Mixed Uses, amended Section 4.10 Schedule of Uses to identify uses in the Village Commercial, Village Mixed Use, and Village Residential Districts, and amended Schedules 5.5 and 5.6 to include lot and building requirements for the Village Commercial, Village Mixed Use, and Village Residential Districts.
57. May 17, 2012: Corrected references throughout the Regulations and amended Section 2 - Definitions, Section 3 - Zoning Districts, Section 4 - Districts and Schedule of Uses, Section 7A - Additional Standards Specific for Districts and Zones, Section 9 - Site Plans, Section 12 - Landscaping, Screening and Buffer Areas, Section 13 - Signs; and Schedules 5.5 and 5.6.
58. July 19, 2012: Section 4 - additions to Schedule of Uses and amendments to Section 7B, Additional Standards Specific for Uses, Section 11 - Parking, Section 14.4 - Gateway Conservation Zone Regulations, and Section 7B.11 - Accessory Apartments
59. June 15, 2013: Amended Section 4.10 regarding Drive Thru Facilities, Multi-Family or Non-Residential Development, Rear Lots, Communications Towers, and Accessory Buildings; Sections 7A.1 and 7B.1 – added 2<sup>nd</sup> paragraphs to each section; and Section 13 regarding Subdivision Signs.
60. June 15, 2015: Amended Section 7B.8 Gasoline Stations, Motor Vehicle Dealerships and Motor Vehicle Repair Services.
61. January 1, 2017: Amended Sections 2 Definitions, 4 Schedule of Uses, 7B Additional and Special Standards, and 13 Signs.
62. August 1, 2017: Amended Sections 7B.3 & 7B.4, added 7B.33 Assisted Living Community.
63. April 1, 2018: Amended Sections 9.5 Contents of a Site Plan, Amended Section 4.10.35 & 7B20 Landscape Nursery Services, added Section 4.10.34 & 7B34 Contractor's Business and Storage Yards.

## **APPENDIX B. Urban Use of Soils**

The following excerpts from "Soil Potential Ratings – Septic Tank Absorption Field for Single Family Residences", published by the Middlesex County Soil and Water Conservation District as an addendum to the Soil Survey of Middlesex County (1979) are to be used in evaluating soil characteristics for on-site disposal systems associated with various land uses in Deep River.

The U.S. Soil Conservation Service survey map of Middlesex County is resumed to show the classification of land in Deep River as to Soil Characteristics. The applicant or a subdivision may arrange for a survey by a qualified soil scientist to provide more detailed soil data for the land involved.

The Soil Potential Ratings in the U.S.D.A.-S.C.S. and Connecticut Department of Health addendum are based on the requirements of a typical single family residence. For uses other than a single family residence, the Commission may require a professional study of the feasibility of on-site septic disposal and/or design of the septic disposal system by a professional engineer.

When it is proposed to include land of greater than 25% slope in meeting the net buildable area requirement for a lot without public sewer service, a study of the feasibility of on-site septic disposal and design of the lot's septic system by a professional engineer and approval by the state and local health departments will be required.

When it is proposed to include land with the restrictive soil types on which it can be demonstrated by a professional engineer and approved by the state and local health departments that a subsurface sewage disposal system is feasible, the Commission may grant a waiver of Note A in Section 2.1.36 at its discretion, upon such terms and conditions as it may deem fit. Further where the Soil Conservation Service survey provides no soil potential rating or where the applicant believes the survey classification is not appropriate, the Commission may accept classification of the parcels involved as to potential for septic systems based on the applicant's current field test data prepared by a professional engineer and reviewed by the Commission's engineer.

For additional information concerning soil uses, properties and descriptions refer to the Soil Survey of Middlesex County published in 1979.

## INTRODUCTION

The Soil Survey of Middlesex County, Connecticut, was published in 1979. The soil survey provides information on the location and characteristics of various kinds of soils within the county. Areas of similar soils are delineated on aerial photographs. The soils and their associated landscapes are described in the text.

The survey report also contains interpretations or ratings of the soils for various land uses. The interpretations are based on the soil properties that affect the intended use. The interpretations are dynamic. They must be periodically revised to reflect improved soils data, new technology, and the needs of the soil survey report users.

## PURPOSE

The purpose of this document is to update and expand the interpretations for septic tank absorption fields in the Middlesex County soil survey report. These updated interpretations are in the form of soil potentials. Soil potentials are interpretive ratings that stress the suitability of use rather than the avoidance of problems for a septic purpose.

The interpretations in this report deal only with a soils potential for septic tank absorption fields and does not address the use of soils for other purposes.

The information presented here will be useful to groups or individuals involved with urban development such as local officials, builders, engineers, realtors, home buyers, and other decision makers. The soil potential ratings may be used to predict the kinds and seriousness of problems that may be encountered when installing a septic tank absorption field as well as possible ways these problems can be overcome.

These soil potential ratings were developed for planning purposes and are not intended as recommendations for soil use. They help the users determine the relative suitability of soils for the septic tank absorption fields. The special requirements identified to overcome soil problems are a guide to planning and are not to be applied at a specific location without on-site investigation for design and installation.

## SOIL POTENTIAL RATINGS

Soil potential ratings are classed that indicate the relative quality of a soil for a particular use compared to other soils in a given area. Because comparisons are made only among soils in Middlesex County, ratings of a given soil in another county may differ.

The rating criteria were developed by a committee of local sanitarians, engineers and installers. The soils information was provided by Soil Conservation Service soil scientists.

The soil potential ratings and associated cost factors are defined as follows:

Very high potential. These soils have the best combination of characteristics for septic tank absorption fields. An engineer's design is not required. The cost factor is 1x.

High potential. The soils have limitations which can be easily overcome using standard installation practices. An engineer's design is required in most cases. The cost factor ranges from 1.5x to 2.0x.

Medium potential. These soils have significant limitations that are generally overcome using commonly applied designs. The cost factors range from 2.0x to 2.5x.

Low potential. These soils have limitations which require extensive design and site preparation to overcome. These soils are commonly used for septic tank absorption fields in this area. The cost factor ranges from 2.5x to 3.5x.

Very low potential. These soils have severe limitations which require extensive design and site preparation to overcome. These soils are rarely used for septic tank absorption fields in this area. The cost factor ranges from 4.25x to 6.0x.

Extremely low potential. These soils have severe limitations which are extremely difficult to overcome. A permit for absorption field installation cannot be issued unless the naturally occurring soils meet the minimal requirements outlined in the state health code. It is unlikely that these soils can be improved sufficiently to meet state health code regulations.

Not rated. Areas labeled "NOT RATED" have characteristics that show extreme variability from one location to another. The work needed to overcome adverse soil properties cannot be estimated without on-site investigation.

#### SOIL POTENTIAL RATINGS BY MAP UNIT

The Soil Survey Report of Middlesex County, Connecticut, identifies and displays the dominant soils in the county. This data is on maps having a photographic background. The symbols on the maps identify map units. Each map unit symbol represents a unique combination of soils. Areas with the same symbol have the same composition.

The soil survey report does not replace on-site investigation. The report identifies the probability of finding a particular soil or combination of soils.

The maps in the soil survey report are at a scale of 1:15,840. At this scale, areas of contrasting soils smaller than 2.5 acres in size are generally not delineated.



Maps enlarged from the soil survey report do not provide more detailed soils information. More detailed information can only be obtained through on-site investigations. These investigations may significantly refine the data shown in the published soil survey.

Table I assigns a potential rating to each map unit. The list of map units are in alphabetical order. The potential rating is based on the ease of installing a septic tank absorption field in the dominant soil(s) of the map unit.

The majority of the map units are composed of one dominant soil or of several soils with similar characteristics. A single potential rating is listed for these map units. Other map

units are composed of two kinds of contracting soils. In these cases, an overall potential rating is listed for the map unit, followed by ratings for the individual soil components that make up that map unit. The Soil Survey of Middlesex County, Connecticut, should be consulted for additional information concerning map unit composition.

The limiting soil characteristics for each map unit are identified in the column labeled CONCERNS. The special design or construction practices that may be required on a site are listed in the column labeled CORRECTIVE MEASURES. The term corrective measures is defined on Page A-5.

ADDITIONAL CONSIDERATIONS are practices and site specific land evaluations that may be needed before selecting a leach field site. These additional considerations do not alleviate soil problems. Instead, they may be needed to identify and determine the extent of limiting soil or landscape features, allow for the installation of a system, or determine the most practical solution for a soil problem.

Table I also identifies the state regulations which may be applicable if particular soil features are present on the site. This information is located in the column labeled STATE REGULATIONS. The numbers in this column reference the footnotes.



**TABLE 1**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL        | MAP UNIT NAME   | POTENTIAL RATING | CONCERNS                             | CORRECTIVE MEASURES   | ADDITIONAL CONSIDERATIONS                                     | STATE REGS.        |
|-------------------|---|------------------|--------------------------------------|---|---|--------------------|
| Aa                | Adrian Muck   | Extremely Low    | Organic soils, depth to water table  |   | Drainage needed. Access to drainage outlet unlikely           | 2, 3, 4            |
| A/A<br>A/B        | Agawam fine sandy loam, 0 - 3% slopes.<br>Agawam fine sandy loam, 3 - 8% slopes   | High             | Fast perc rate                       | Double separating distance between wells and absorption field |   | 1                  |
| Ba                | Beaches - Uddipsummants complex   | Not Rated        |                                      |   |   |                    |
| BcA               | Berlin silt loam, 0 - 5% slopes   | Extremely Low    | Slow perc rate, depth to water table |   |   | 2, 5               |
| BoA<br>BoB<br>BoC | Branford silt loam, 0 - 3% slopes<br>Branford silt loam, 3 - 8% slopes<br>Branford silt loam, 8 - 15% slopes                            | High             | Fast perc rate                       | Double separating distance between wells and absorption field |   | 1                  |
| CbB<br>CcB        | Canton and Charlton fine sandy loams, 3 - 8% slopes<br>Canton and Charlton very stony fine sandy loams, 3 - 8% slopes                   | Very High        | None                                 |   |   |                    |
| CcC<br>CdC        | Canton and Charlton very stony fine sandy loams, 8 - 15% slopes<br>Canton and Charlton extremely stony fine sandy loams, 3 - 15% slopes | Very High        | None                                 |   |   |                    |
| CdD               | Canton and Charlton extremely stony fine sandy loams, 15 - 35% slopes   | High*            | Slope                                | Design and installation to accommodate for slope              | Increase area of investigation to utilize the flattest slopes | 1 for slopes > 25% |
| Ce                | Carlisle muck   | Extremely Low    | Organic soils, depth to water table  |   | Drainage needed. Access to drainage outlet unlikely           | 2, 3, 4            |

\*This rating applies to slopes up to 25%. On slopes greater than 25%, the potential rating may be significantly lower.

- 1 Identified as an area of special concern by state regulations - engineer's design required.
- 2 Identified as unsuitable in its natural condition by state regulations - an engineer's evaluation is needed to determine whether an absorption field can be built.
- 3 Identified as inland wetlands or tidal wetlands by state regulations. Local, state and/or federal wetland permits may be required.
- 4 A permit to install an absorption field cannot be issued if the site cannot be drained. A permit cannot be issued if the groundwater level is less than 18 inches below the soil surface for one month or longer.
- 5 A permit to install an absorption field cannot be issued if the perc rate is greater than 60 min/inch within 18 inches of the natural soil surface.

**TABLE 1 (cont'd)**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL        | MAP UNIT NAME  | POTENTIAL RATING                     | CONCERNS                             | CORRECTIVE MEASURES   | ADDITIONAL CONSIDERATIONS  | STATE REGS. |
|-------------------|--|--------------------------------------|--------------------------------------|---|--|-------------|
| CrC               | Charlton-Hollis, very stony fine sandy loams, 3 – 15% slopes<br>Charlton part<br>Hollis part                             | MEDIUM<br>Very High<br>Extremely Low | None<br>Depth to Bedrock             |   | Feasibility study. Increase area of investigation to utilize the deepest soils. Verify depth to bedrock. | 5           |
| CsB<br>CsC        | Cheshire silt loam, 3 – 8% slopes<br>Cheshire silt loam, 8 – 15% slopes  | Very High                            | None                                 |   |  |             |
| CyC               | Cheshire-Holyoke, very stony silt loams, 3 – 15% slopes<br>Cheshire part<br>Holyoke part                                 | MEDIUM<br>Very High<br>Extremely Low | None<br>Depth to Bedrock             |   | Feasibility study. Increase area of investigation to utilize the deepest soils. Verify depth to bedrock. | 5           |
| E/A               | Ellington fine sandy loam, 0 – 5% slope  | Low                                  | Fast perc rate, Depth to water table | Fill. Double separating distance between wells and absorption field   |  | 1           |
| H/A<br>H/B<br>H/C | Hartford sandy loam, 0 – 3% slopes<br>Hartford sandy loam, 3 – 8% slopes<br>Hinckley gravelly sandy loam, 3 – 15% slopes | High                                 | Fast perc rate                       | Double separating distance between wells and absorption field   |  | 1           |
| HME               | Hinckley and Manchester soils, 15 – 45% slopes   | Medium*                              | Fast perc rate, Slope                | Double separating distance between wells and absorption field. Design and installation to accommodate for slope | Increase area of investigation to utilize flattest slopes  | 1           |
| HpE               | Hollis-Charlton extremely stony fine sandy loams, 15 – 40% slopes<br>Hollis part<br>Charlton part                        | VERY LOW<br>Extremely Low<br>High*   | Slope, depth to bedrock<br>Slope     | Design and installation to accommodate for slope  |  |             |
| HrC               | Hollis-Rock outcrop complex, 3 – 15% slopes  | Extremely Low                        | Depth to Bedrock                     |   |  | 5           |

\*This rating applies to slopes up to 25%. On slopes greater than 25%, the potential rating may be significantly lower.

1 Identified as an area of special concern by state regulations – engineer's design required.

5 A permit to install an absorption field cannot be issued if the perc rate is greater than 60 min/inch within 18 inches of the natural soil surface.

**TABLE 1 (cont'd)**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL | MAP UNIT NAME  | POTENTIAL RATING                            | CONCERNS                                  | CORRECTIVE MEASURES   | ADDITIONAL CONSIDERATIONS  | STATE REGS.   |
|------------|--|---|---|---|--|---|
| HsE        | Holts-Rock outcrop complex, 15 - 40% slopes  | Extremely Low                               | Slope, Depth to Bedrock                   |   |  | 5   |
| HuD        | Holyoke-Cheshire very stony silt loams, 15 - 35% slopes<br>.....<br>Holyoke part<br>.....<br>Cheshire part | VERY LOW<br>Extremely Low<br>.....<br>High* | Slope, Depth to Bedrock<br>.....<br>Slope | .....<br>Design and installation to accommodate for slope   | Feasibility study. Increase area of investigation to utilize the deepest soils and flattest slopes. Verify depth to bedrock. | 5<br>.....<br>1 for slopes > 25%                      |
| HyC        | Holyoke-Rock outcrop complex, 3 - 15% slopes   | Extremely Low                               | Depth to Bedrock                          |   |  | 5   |
| HZE        | Holyoke-Rock outcrop complex, 15 - 40% slopes  | Extremely Low                               | Slope, Depth to Bedrock                   |   |  | 5   |
| LG         | Leicester, Ridgebury, and Whitman extremely stony fine sandy loams   | Very Low**                                  | Depth to Water Table                      | Curtain drain and fill  | Access to drainage outlet  | 2, 3, 4   |
| LpA        | Ludlow silt loam, 0 - 3% slopes  | Low   | Slow perc rate, Depth to Water Table      | Fill, curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area | Access to drainage outlet  | 1, possibly 2 depending on perc rate measured on-site |
| LpB        | Ludlow silt loam, 3 - 8% slopes  |   |   |   |  |   |
| LuB        | Ludlow very stony silt loam, 3 - 8% slopes   |   |   |   |  |   |
| LvC        | Ludlow extremely stony silt loam, 3 - 15% slopes   |   |   |   |  |   |
| MgA        | Manchester gravely sandy loam, 0 - 3% slopes   | High  | Fast perc rate                            | Double separating distance between wells and absorption field   |  | 1   |
| MgC        | Manchester gravely sandy loam, 3 - 15% slopes  |   |   |   |  |   |
| MyA        | Merrimac sandy loam, 0 - 3% slopes   |   |   |   |  |   |
| MyB        | Merrimac sandy loam, 3 - 10% slopes  |   |   |   |  |   |
| MnA        | Mininget fine sandy loam, 0 - 5% slopes  | Low   | Fast perc rate, depth to water table      | Fill. Double separating distance between wells and absorption fields                                      |  | 1   |

\* This rating applies to slopes up to 25%. On slopes greater than 25%, the potential rating may be significantly lower.  
\*\* The rating assumes that the water table in the naturally occurring soil can be drained to a depth of 18 inches or more.

- 1 Identified as an area of special concern by state regulations - engineer's design required.
- 2 Identified as unsuitable in its natural condition by state regulations - an engineer's evaluation is needed to determine whether an absorption field can be built.
- 3 Identified as inland wetlands or tidal wetlands by state regulations. Local, state and/or federal wetland permits may be required.
- 4 A permit to install an absorption field cannot be issued if the site cannot be drained. A permit cannot be issued if the groundwater level is less than 18 inches below the soil surface for one month or longer.
- 5 A permit to install an absorption field cannot be issued if the depth to bedrock, of the naturally occurring soil is less than 24 inches.



**TABLE 1 (cont'd)**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL | MAP UNIT NAME   | POTENTIAL RATING | CONCERNS                                       | CORRECTIVE MEASURES  | ADDITIONAL CONSIDERATIONS  | STATE REGS.   |
|------------|---|------------------|--|--|--|---|
| PbB        | Paxton and Montauk fine sandy loams, 3 – 8% slopes                  | Medium           | Slow perc rate, Depth to water table*          | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area  | Access to drainage outlet  | 1, possibly 2 depending on perc rate measured on-site |
| PbC        | Paxton and Montauk fine sandy loams, 8 – 15% slopes                 |                  |  |  |  |   |
| PbD        | Paxton and Montauk fine sandy loams, 15 – 25% slopes                | Medium           | Slow perc rate, slope, depth to water table*   | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area. Installation to accommodate for slope | Access to drainage outlet  | 1, possibly 2 depending on perc rate measured on-site |
| PdB        | Paxton and Montauk very stony fine sandy loams, 3 – 8% slopes       | Medium           | Slow perc rate, slope, depth to water table*   | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area  | Access to drainage outlet  | 1, possibly 2 depending on perc rate measured on-site |
| PdC        | Paxton and Montauk very stony fine sandy loams, 8 – 15% slopes      |                  |  |  |  |   |
| PeC        | Paxton and Montauk extremely stony fine sandy loams, 3 – 15% slopes |                  |  |  |  |   |
| PeD        | Paxton and Montauk extremely stony fine loams, 15 – 35% slopes      | Medium*          | Slow perc rate, slope, depth to water table*   | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area. Installation to accommodate for slope | Access to drainage outlet. Increase area of investigation to utilize the flattest slopes | 1, possibly 2 depending on perc rate measured on-site |
| PnA        | Penwood loamy sand, 0 – 3% slopes                                   | High             | Fast perc rate                                 | Double separating distance between wells and absorption fields   |  | 1   |
| PnB        | Penwood loamy sand, 3 – 8% slopes                                   |                  |  |  |  |   |
| Pr         | Pits, gravel  | Not Rated        |  |  |  |   |
| Ps         | Podunk fine sandy loam  | Very Low         | Fast perc rate, depth to water table, flooding | Fill. Solution to flooding problem is site specific  |  | 1, 3  |

\* This rating applies to slopes up to 25%. On slopes greater than 25%, the potential rating may be significantly lower.  
 • The water table in these soils is present only for a brief period of time.

1 Identified as an area of special concern by state regulations – engineer's design required.

2 Identified as unsuitable in its natural condition by state regulations – an engineer's evaluation is needed to determine whether an absorption field can be built.

3 Identified as inland wetlands or tidal wetlands by state regulations. Local, state and/or federal wetland permits may be required.

**TABLE . (cont'd)**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL    | MAP UNIT NAME  | POTENTIAL RATING | CONCERNS                                       | CORRECTIVE MEASURES  | ADDITIONAL CONSIDERATIONS                            | STATE REGS. |
|---------------|--|------------------|--|--|--|-------------|
| Rb            | Raypot silt loam                                       | Very Low**       | Fast perc rate, Depth to water table           | Curtain drain and fill, Double separating distance between wells and absorption field                        | Access to drainage outlet                            | 2, 3, 4     |
| Rp            | Rock outcrop-Hollis complex                            | Extremely Low    | Depth to Bedrock, Slope                        |  |  | 5           |
| Ru            | Rumney fine sandy loam                                 | Extremely Low    | Fast perc rate, depth to water table, flooding |  | Drainage needed, Access to drainage outlet unlikely. | 2, 3, 4     |
| Rv            | Rumney variant silt loam                               | Extremely Low    | Depth to water table, flooding                 |  | Drainage needed, Access to drainage outlet unlikely. | 2, 3, 4     |
| Sb            | Saco silt loam   | Extremely Low    | Fast perc rate, depth to water table, flooding |  | Drainage needed, Access to drainage outlet unlikely. | 2, 3, 4     |
| Sc            | Scarboro mucky loamy fine sand                         | Extremely Low    | Fast perc rate, depth to water table, flooding |  | Drainage needed, Access to drainage outlet unlikely. | 2, 3, 4     |
| SgA           | Sudbury sandy loam, 0 - 5% slopes                      | Low              | Fast perc rate, depth to water table           | Fill, Double separating distance between wells and absorption field.   |  | 1           |
| St            | Suncook loamy sand                                     | Medium           | Fast perc rate, flooding                       | Double separating distance between wells and absorption field. Solution to flooding problem is site specific |  | 1, 3        |
| Ud<br>Ur<br>W | Udorthents - urban land complex<br>Urban land<br>Water | Not Rated        |  |  |  |             |
| Wd            | Walpole sandy loam                                     | Very Low**       | Fast perc rate, depth to water table           | Curtain drain and fill, Double separating distance between wells and absorption field                        | Access to drainage outlet                            | 2, 3, 4     |

\* This rating applies to slopes up to 25%. On slopes greater than 25%, the potential rating may be significantly lower.

\*\* The water table in these soils is present only for a brief period of time.

- 1 Identified as an area of special concern by state regulations - engineer's design required.
- 2 Identified as unsuitable in its natural condition by state regulations - an engineer's evaluation is needed to determine whether an absorption field can be built.
- 3 Identified as inland wetlands or tidal wetlands by state regulations. Local, state and/or federal wetland permits may be required.
- 4 A permit to install an absorption field cannot be issued if the site cannot be drained. A permit cannot be issued if the groundwater level is less than 18 inches below the soil surface for one month or longer.
- 5 A permit to install an absorption field cannot be issued if the depth to bedrock, of the naturally occurring soil is less than 24 inches.

**TABLE 1 (cont'd)**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL        | MAP UNIT NAME   | POTENTIAL RATING | CONCERNS   | CORRECTIVE MEASURES  | ADDITIONAL CONSIDERATIONS  | STATE REGS.   |
|-------------------|---|------------------|--|--|--|---|
| We<br>Wh          | Westbrook mucky peat<br>Westbrook mucky peat, low salt  | Extremely Low    | Organic soils,<br>Depth to water table, flooding (tidal) |  | Tidal flooding. No drainage outlet   | 2, 3, 4   |
| WkB<br>WkC        | Wethersfield loam, 3 – 8% slopes<br>Wethersfield loam, 8 – 15% slopes   | Medium           | Slow perc rate, depth to water table*                    | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area  | Access to drainage outlet  | 1, possibly 2 depending upon perc rate measured on-site |
| WkD               | Wethersfield loam, 15 – 35% slopes  | Medium*          | Slow perc rate, Slopes, depth to water table*            | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area. Installation to accommodate for slope | Access to drainage outlet. Increase area of investigation to utilize the flattest slopes | 1, possibly 2 depending upon perc rate measured on-site |
| WmB<br>WmC<br>WnC | Wethersfield very stony loam, 3 – 8% slopes<br>Wethersfield very stony loam 8 – 15% slopes<br>Wethersfield extremely stony loam | Medium           | Slow perc rate, depth to water table*                    | Fill and/or curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area.                                       | Access to drainage outlet  | 1, possibly 2 depending upon perc rate measured on-site |
| Wr<br>Wt          | Wilbraham silt loam<br>Wilbraham extremely stony silt loam  | Very Low**       | Depth to water table                                     | Curtain drain and fill   | Access to drainage outlet  | 2, 3, 4   |
| WvA<br>WvB        | Windsor loamy sand, 0 – 3% slopes<br>Windsor loamy sand, 3 – 8% slopes  | High             | Fast perc rate   | Double separating distance between wells and absorption field.   |  | 1   |

\* This rating applies to slopes up to 25%. On slopes greater than 25%, the potential rating may be significantly lower.

\*\* This rating assumes that the water table is the naturally occurring soil can be drained to a depth of 18 inches or more.

The water table in these soils is present only for a brief period of time.

1 Identified as an area of special concern by state regulations – engineer's design required.

2 Identified as unsuitable in its natural condition by state regulations – an engineer's evaluation is needed to determine whether an absorption field can be built.

3 Identified as inland wetlands or tidal wetlands by state regulations. Local, state and/or federal wetland permits may be required.

4 A permit to install an absorption field cannot be issued if the site cannot be drained. A permit cannot be issued if the groundwater level is less than 18 inches below the soil surface for one month or longer.



**TABLE (cont'd)**  
Soil Potential Ratings For Septic Tank Absorption Fields By Map Unit, Middlesex County, Connecticut

| MAP SYMBOL | MAP UNIT NAME  | POTENTIAL RATING | CONCERNS                              | CORRECTIVE MEASURES  | ADDITIONAL CONSIDERATIONS | STATE REGS.   |
|------------|--|------------------|---------------------------------------|--|---------------------------|---|
| WxA        | Woodbridge fine sandy loam, 0 - 3% slopes                  | Low              | Slow perc rate, depth to water table* | Fill, curtain drain and drainage swale. Design absorption field to distribute effluent over a larger area. | Access to drainage outlet | 1, possibly 2 depending upon perc rate measured on-site |
| WxB        | Woodbridge fine sandy loam, 3 - 8% slopes                  |                  |                                       |  |                           |   |
| WyA        | Woodbridge very stony fine sandy loam, 0 - 3% slopes       |                  |                                       |  |                           |   |
| WyB        | Woodbridge very stony fine sandy loam, 3 - 8% slopes       |                  |                                       |  |                           |   |
| WzA        | Woodbridge extremely stony fine sandy loam, 0 - 3% slopes  |                  |                                       |  |                           |   |
| WzC        | Woodbridge extremely stony fine sandy loam, 3 - 15% slopes |                  |                                       |  |                           |   |
| YaB        | Yalesville fine sandy loam, 3 - 8% slopes                  | Low              | Depth to Bedrock                      | Fill   |                           | 2. 5 may also apply                                     |
| YaC        | Yalesville fine sandy loam, 8 - 15% slopes                 |                  |                                       |  |                           |   |

\* The water table in these soils is present only for a brief period of time.

- 1 Identified as an area of special concern by state regulations - engineer's design required.
- 2 Identified as unsuitable in its natural condition by state regulations - an engineer's evaluation is needed to determine whether an absorption field can be built.
- 5 A permit to install an absorption field cannot be issued if the depth to bedrock, of the naturally occurring soil is less than 24 inches.

**TABLE 2**  
**EVALUATION FACTORS**

| <b>Evaluation Criteria</b>   | <b>Slight Limitation</b> | <b>Moderate Limitation</b> | <b>Severe Limitation</b>                    |
|--|--------------------------|----------------------------|---|
| Percent Slope  | 0 - 15                   | 15 - 25                    | > 25  |
| Perc Rate (minutes/inch)<br>slowest or fastest within<br>40 inches | 1 - 30                   | < 1, 30 - 60               | > 60  |
| Flooding<br>(Frequency)  | None                     | -                          | Frequent<br>(at least one<br>every 2 years) |
| Depth to Bedrock<br>(inches)*                                      | > 72                     | 40 - 72                    | < 40  |

- Soils 20 inches deep and 20 inches to 40 inches deep to bedrock are identified in the Soil Survey for Middlesex County, Connecticut. For the purpose of this report, the soils identified as not having bedrock within 40 inches are assumed to be 72 inches or more deep.

The slight, moderate and severe limitation classes on this table were developed by the local interdisciplinary committee.



## Minimum Standards For The Cutting of Timber<sup>1</sup>

### Preamble

Harvesting of forest tree species is an integral part of forest management by which wood for human use is obtained and by which forests are established and tended. It is recognized that during harvesting operation, there will be temporary change in the forest environment. It is the purpose of these guidelines to establishing harvesting standards which will maintain the productivity of land for continuous forest crops, improve wildlife habitat, and minimize negative environmental impact.

### Standards

#### I. STREAM PROTECTION

1. All possible care will be taken to protect continuously flowing streams and other water bodies from siltation and other damage during harvesting operations. Partial cuttings, designed to create uneven-aged stands, will normally be used within one hundred (100) feet of these watercourses. No more than fifty (50) percent of the merchantable volume will be removed, taking care in the selection of leave trees to minimize water temperature increases and visual impact.
2. Care should be taken not to fell trees into or across streams. Logging debris accidentally dropped into streams and ponds shall be promptly removed.
3. Harvesting equipment will not ordinarily be allowed in a stream and the channel should not be altered. All stream crossings will be as close to a right angle as possible.
4. After the completion of a harvest operation, banks at stream crossings will be graded and restored to approximate their original condition. Re-seeding with an approximate grass mixture may be required.
5. Any and all temporary structures in or across streams will be removed upon completion of operations.

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<sup>1</sup>From "Report of the Connecticut River Gateway Committee to Town Boards and Commissions, October 24, 1973 (as amended January 22, 1976)", pp. 30 - 34.

<sup>2</sup>Streams are defined as perennial streams indicated on U.S.G.S. Topographic maps, scale 1:24,000.

## II. LOGGING ROADS AND TRAILS

Careful consideration should be given to the planning and location of main haul or skid roads. All road locations, including alternate routes where advisable, will be planned prior to harvesting operations.

Outstanding considerations are:

1. Location so as to minimize construction or use impact on the land.
2. Grades in excess of ten percent (10%), or zero percent (0%) gradients will be avoided except for short distances.
3. For each road, landing or skid trail, drainage control systems or stabilization shall be provided and maintained to control water flow.
4. Unless otherwise stipulated, all roads, main skid trails, landings and sawmill sites will be stabilized. Temporary culverts will be removed, water bars installed where necessary, ruts filled or graded out and gutters cleaned.
5. Where required for erosion control or where desirable from a wildlife standpoint, major skid roads, landings and/or sawmill sites will be limed, fertilized and seeded with an appropriate mixture of grass and legumes.

## III. AESTHETIC CONSIDERATIONS

### 1. Border Strips:

- (a) Within approximately one hundred (100) feet of and automobile road, recreation trail or other recreation area, or boundary line in proximity to any dwelling, harvesting of trees will be partial cuttings. Not more than fifty percent (50%) of the merchantable volume should be removed except in salvage operations, to open up scenic vistas, or in forestry demonstration areas. In high-visibility areas, it will be desirable to create uneven-age stands to provide change and variety in scenery.
- (b) Special attention will be given to leaving unique tree specimens, flowering shrubs and trees, or those species that have value as food producers or den sites for birds and wildlife.
- (c) Brush Control: Undesirable sprout growth or brush should be controlled using appropriate herbicide treatments. Chemicals used in performing this practice must carry a Federal registration and be applied strictly in accordance with authorized uses, label directions, and Federal and State regulations.

(d) Special consideration shall be given to those border strips in the following situations:

- (1) Screen clear-cuts, shelterwood cuttings or other heavy cuts that would be deleterious to the landscape aesthetics.
- (2) Screen yarding and loading areas. Debris removal or control is especially important in these locations.

2. Slash:

- (a) No slash will be left within twenty five (25) feet of any automobile road, established recreation trail, pond, lake or stream.
- (b) Within the remaining width of a border strip, all slash will be chipped or lopped and scattered so that it does not exceed four (4) feet in height.
- (c) On all other harvest areas, slash, severely bent, or broken trees shall be dropped and/or lopped to a height not to exceed six (6) feet.

IV. HARVEST METHODS

Because of the wide variation in forest types, stand size classes, stocking levels and timber volumes which exist in Connecticut woodlands, there are a variety of methods that can be used either singly or in combination in harvesting and reforestation to meet the stated purpose. These methods include clear-cutting with natural reproduction; direct seeding or planting; seed tree cutting; selection culling, including diameter limit harvesting, shelterwood cutting, and such other methods as shall be consistent with good forestry practice.

Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method. Therefore, clear-cutting will have the following restrictions:

1. Maximum of five (5) acres in size.
2. Irregular in shape – avoid linear cutting bounds.
3. Soften edges by partial cutting within 50 – 100 feet of clear-cut boundaries.
4. Screen clear-cut areas with border strips along roads, trails or other areas of heavy public use.
5. Leave ridge tops uncut – these areas are the most visible.

6. In most cases, even-aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

V. WILDLIFE CONSIDERATIONS

Virtually any cutting in forested areas will provide wildlife benefits. Emphasis will be placed on creating the maximum edge effect, and maintaining as much browse and cover as possible, consistent with over-all management goals.

VI. REGENERATION

Harvest procedures, properly applied and executed, should provide for adequate tree reproduction. However, there will be instances where regeneration may be deficient or undesirable tree species. In these cases, steps should be taken to provide the desired stocking.

VII. FIRE CONTROL CONSIDERATIONS

Access roads and fire lanes will be left clear of slash when a cutting job is complete. Designated roads will be graded so as to be passable by fire suppression equipment.

Where access road construction is included in a harvest operation, considerations should be given to construction of loading docks and fire water-holes at strategic locations.