

TOWN OF COLEBROOK

ZONING REGULATIONS

Effective Date: March 15, 2015

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ZONING MAP Effective date March 15, 2015 (with color delineation of wetlands and slopes in excess of 25%)

APPENDICES

Appendix A- ORDINANCE Establishing Fees for the Application and Processing of Various Land Use Permits (November 20, 2013)

Appendix B- Driveway Ordinance Adopted (June 1, 2011)

ZONING REGULATIONS TOWN OF COLEBROOK, CT

The Town of Colebrook, at the duly warned annual meeting held on October 3, 1955, adopted Chapter 43 (now Chapter 124) of the Connecticut General Statutes, Revision of 1949, as amended, providing for Zoning in the Town and for the exercise through a Zoning Commission of the powers granted by said Chapter 43, as amended.

At a duly warned town meeting held on November 21, 1955, the Town of Colebrook appointed a Zoning Commission to establish, adopt, and promulgate zoning districts and regulations and enforce the same within and for the Town of Colebrook. Thereafter, the Zoning Commission, in order to provide for the health, safety and general welfare of the residents of the Town did establish, adopt, and promulgate these zoning districts and regulations, effective August 2, 1956.

At a duly warned town meeting held on October 5, 1964, the Town of Colebrook amended its ordinance to establish the Planning and Zoning Commission.

In order to provide for the highest and best use of land in the Town of Colebrook, the Planning and Zoning Commission of Colebrook, acting upon its own initiative under statutory powers conferred, and believing it to be for the best interests of the Town, have, from time to time, revised the Zoning Regulations.

The current Zoning Regulations were amended effective March 15, 2015.

**ARTICLE I
GENERAL REQUIREMENTS AND DEFINITIONS**

1.1 Statement of Purpose

The purpose of the Colebrook Zoning Regulations (hereinafter “these Regulations”) as provided for in the Connecticut General Statutes, Chapter 124 and as adopted by the Colebrook Planning and Zoning Commission (hereinafter "the Commission") are as follows:

- A. To promote and conserve the health, safety and welfare of the citizens of the Town of Colebrook (hereinafter "the town").
- B. To facilitate adequate provision for transportation, drainage, schools, parks, open space and other public requirements.
- C. To conserve and maintain the value of land and buildings, and to promote the most appropriate uses of land and buildings especially as recommended in the *Town Plan of Conservation and Development* as amended and adopted by the Commission.
- D. To preserve and protect farmland and support The Right to Farm as described in Connecticut General Statutes Section 19a-341, that is, no agricultural or farming operation shall be deemed to constitute a nuisance provided such operation follows generally accepted agricultural practices.
- E. To conserve natural features and resources including private and public water supply and to preserve historic sites.
- F. To encourage housing opportunities for all citizens.
- G. To provide adequate light and air, prevent overcrowding of land, undue concentration of population and congestion in the streets, and to lessen the danger of flood and fire.

1.2 Basic Requirements

Except in conformity with these regulations:

- A. No land, building or other structure shall be used, designed for use, and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered.
- B. No lot or land shall be divided or diminished.

- C. No required setback, open space, off-street parking or loading space shall be established or altered.

1.3 Interpretation of Regulations

These regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety and welfare. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions or covenants, the most restrictive shall apply.

1.4 General Requirements

The following definitions and rules shall be used in the interpretation of the requirements of these regulations. Words not defined in this article shall have the meaning commonly applied to them.

When there is a question on the meaning of a word, the Commission may, by resolution, determine the meaning of a word using the definition set forth in the latest edition of Webster's unabridged dictionary and giving due consideration to the express intent of these regulations.

1.5 Rules

- A. Words used in the singular shall include the plural and the plural the singular, and words used in the present tense shall include the future tense.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot" and "parcel".
- E. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- F. The phrase "these regulations" shall refer to the entire Zoning Regulations and amendments.
- G. Uses of land, building or structures not clearly permitted in the various zones are prohibited.

1.6 Definitions

Accessory Use or Structure

A use or structure which is subordinate to and is used for purposes customarily incidental to those of the principal use or structure on a lot.

Agriculture

See Farm and Farming

Application

A completed form, as provided by the Commission, together with all maps, plans, narrative statements, and attachments as required by these regulations, which is submitted to the Commission or its authorized agent for approval.

Bed and Breakfast

A single family residence occupied by an owner/occupant providing temporary accommodation for compensation with no more than five guest rooms and a total occupant load of not more than 16 persons including the owner and family. Breakfast is the only meal served and only to overnight guests.

Board

The Zoning Board of Appeals of Colebrook, Connecticut.

Buffer Strip

An area of land unoccupied by buildings, structures, or pavements and maintained as a grass area and/or planted with trees or shrubs.

Buildable Land

Buildable land is herein defined as the area of a parcel of land excluding any area:

- A. Determined to be inland wetlands soil types as defined in the Colebrook Inland Wetlands and Watercourse Regulations.
- B. Determined to be a watercourse as defined in the Colebrook Inland Wetlands and Watercourse regulations.
- C. Designated as 100-year floodplain in the Flood Insurance Study as amended.
- D. Having a pre-development contiguous area of exposed rock or ledge in excess of 200 square feet.
- E. With pre-existing conservation easements.

Building

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

Building Coverage

The total percent of a lot or parcel that is covered by the footprints of all buildings and structures, including all principle and accessory buildings.

Building, Height of

The vertical distance from grade plane to the average height of the highest roof surface (definition from the Building Code).

Building Line

The rear limits of the minimum front yard; the line between which and the street no structure may be erected.

Cabin

A building having a floor area of no less than 200 square feet and no more than 400 square feet, facilities and/or character suitable for seasonal or temporary living purposes, and which is occupied for not more than 120 days during any one calendar year. Such building shall be located in the rear half of the lot and have a setback no less than 75 feet from any property line.

Certificate of Occupancy

A written approval given by the Town Building Official which certifies that a building is in compliance with the State Building Code and is suitable for either occupancy or its intended use.

Certificate of Zoning Compliance

A written approval given by the Commission or its authorized agent who certifies that a use, structure and/or lot is in compliance with the requirements of the Zoning Regulations.

Club

An association of persons which is the owner or occupant of an establishment operated solely for a recreational, social, fraternal, religious or political purpose and not operated for profit or gain.

Commercial Horse Stable, Riding or Training School

A business activity involving a building, structure or premises where at any time:

- A. Five or more horses are boarded for compensation.
- B. Five or more horses are available for rent or hire.
- C. Riding instruction or training for compensation is conducted more than once a week on a regular basis.

A stable, riding and/or training program conducted by a bona fide non-profit organization shall not be defined or regulated as a "commercial" horse stable, riding or training school.

Commission

The Planning and Zoning Commission of the Town of Colebrook.

Convalescent Home

A dwelling in which more than two persons, other than members of the family of the person owning or renting said dwelling, suffering from or afflicted with and convalescing from any infirmity, disease or ailment, are provided with lodging and furnished with meals and nursing care for hire.

Development, Conventional

A lot configuration resulting from a subdivision where the lots conform to the lot size requirement for the zoning district and where the provision of dedicated open space may be a secondary consideration.

Development, Open Space

A lot configuration resulting from a subdivision where the lot sizes are smaller than those required for a conventional development in the zoning district in return for the provision of open space dedicated for conservation, recreational and/or agricultural purposes.

Dwelling

A building designed or used as the living quarters for one or more persons.

Dwelling, Multi-Family

A dwelling or group of dwellings on one lot, containing separate living units for two or more families, but which may have separate or joint entrances, services or facilities.

Dwelling Unit

A dwelling or part of a dwelling occupied or intended to be occupied by one family.

Efficiency Unit

A dwelling unit of not more than one room in addition to a kitchen and bath that is designed and intended for occupancy by not more than two people.

Estate Lot

A lot in the R-2 and Village Districts with no frontage on a state or Town road, serviced by a common drive. The lot shall be a minimum of double the minimum lot size and shall have a minimum of 200 feet of frontage along a common driveway.

Family

One or more persons occupying a single dwelling unit, provided that no such family shall contain more than five persons unrelated by blood, marriage, legal adoption or foster arrangements.

Farm

Any tract of land used for farming activities, including buildings and other structures used for raising, or incidentally for selling, agricultural commodities.

Farming

Farming shall include raising of agricultural products--livestock, poultry and dairy products, forestry products, activities incidental to ordinary farming, such as maintenance of buildings and equipment, handling, processing or delivering to market or direct sale of commodities, but excluding the slaughtering of animals not raised on the premises, and as further defined by Connecticut General Statutes Section 1-1(q).

Floor Area, Residential

The sum of the horizontal area of the floor/s of a dwelling unit measured from the outside, excluding cellar floor area, basement rooms, garages, porches and open attics or unfinished rooms, and for which a certificate of occupancy has been issued as habitable living quarters. In split level houses, the first two levels may be counted as one floor, provided the difference in floor levels is less than five feet.

Garage or Carport, Private

A roofed space for storage of one or more vehicles, provided no business or service is conducted for profit therein.

Gross Floor Area, Non-Residential

Unless otherwise noted in any other section of these regulations, the gross floor area of a building shall comprise the aggregate horizontal area at floor level of all stories of a building, measured from the exterior faces of all outside walls, except that basement and attic area, not designed for human occupancy, shall not be included in the calculation.

In determining the gross floor area of an individual store within a building where one or more of its walls are not exterior, the inside face of the interior wall/s shall be used in the calculation.

Hazardous Materials

Substances or combinations of substances (including waste products) which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface water including but not limited to:

- A. Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious; substances listed in the *Title III List of Lists: Consolidated List of Chemicals Subject to Reporting* under Title III of the Superfund Amendments

and Re-authorization Act (SARA) of 1986, as amended (Office of Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. 20460) and which are used for other than normal household purposes if in quantities exceeding those identified in SARA.

- B. Acids and alkaloids outside the pH rating of 2 to 10.
- C. Synthetic organic solvents.
- D. Any solid material, which if exposed to water will leach or dissolve to form a hazardous material as defined above.

Health Official

The individual or organization officially recognized by the Town as responsible for administration and enforcement of the State Health Code and/or any local health-related requirement (e.g. Farmington Valley Health District or other local or state official).

Hotel

A building designed to be used as the temporary abiding place of nine or more persons, or providing six or more sleeping rooms, in which lodging is provided for compensation with or without meals.

Impervious Surface Coverage

The total percent of a lot or parcel that is covered by footprints of all buildings and structures and all other impervious surfaces.

Livable Floor Area

The sum of the gross horizontal area on each of the several floors of a dwelling which have a structural head room of six feet, six inches or more, are provided with heat and are suitable for year-round occupancy.

Lot

A lot is defined as a parcel of land which is either owned separately from any contiguous parcel as evidenced by the conveyance recorded in the Land Records of the Town, or is a building lot shown on a subdivision map approved by the Commission and filed in the Office of the Town Clerk. A group of public, institutional, commercial or industrial buildings under the same ownership may be considered as occupying the same lot.

Lot, Building

A parcel of land occupied, or intended to be occupied, by a building or group of buildings.

Lot, Corner

A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

Lot, Through

A lot having both front and rear yards abutting a street.

Lot, Width

The horizontal distance between side lot lines measured at the minimum required front yard setback line, at the front lot line and at all points along the side lot lines between the front yard setback line and the front lot line.

Lot Line, Front

The lot line separating the lot from a street.

Mobile Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program.

Motel

Any structure or group or structures having sleeping rooms, with a separate outside entrance for each room or suite of rooms, in which lodging is provided for transient guests for compensation.

Nonconforming Use

A legally existing use of a building or of land that did not, at the time of the adoption of these regulations or relevant amendments, conform to these regulations.

Open Space

Open space is land that remains in its natural state or is used for farming or forestry, or a body of water or watercourse that remains in its natural state. It is not developed for residential, commercial or government use. The land typically provides non-facility based passive recreational, scientific, educational, cultural or aesthetic uses and amenities.

Package Liquor Store

Any store for the retail sale of alcoholic beverages in packages, bottles, or other containers for consumption off the premises.

Parking Area

An area other than a street used for the temporary parking of five or more automobiles.

Parking Space

An off-street parking space having dimensions not less than nine feet by eighteen feet plus adequate additional space to permit ingress and egress with respect to said space and having direct access to a street. Truck loading space, passageways and driveways shall not be included when computing area available for parking spaces.

Professional Office

An office for recognized professions such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, and teachers.

Recreational Camping Vehicle

A mobile, vehicular structure mounted on wheels and designed as a temporary dwelling for travel, recreation, or vacation, including but not limited to self-propelled motor homes, travel trailers not exceeding 32 feet in length, collapsible tent trailers and truck-mounted units.

Restaurant, High Turnover

An establishment or use, excluding drive-in window or curbside service operations, where most customers order and are served their food at a counter in packages prepared to leave the premises or to be taken to a counter or table to be consumed. The customers are served food or beverages primarily in paper, plastic or other disposable containers.

Restaurant, Low Turnover--including taverns and other places licensed to sell alcoholic beverages

An establishment or use where the customers are served food or beverages when seated at tables or counters primarily in non-disposable containers. Take-out service is clearly incidental to the primary permitted use of serving customers seated at tables or counters.

Setback

The minimum distance that a structure may be situated from a boundary line, this distance forming a buffer zone inside the lot perimeter.

Street

A public or private thoroughfare including road, highway, drive, lane, avenue, place, boulevard or any other way that affords the principle means of access to abutting property.

Street Line

The dividing line between the street and the lot. Where such line has not been established, it is deemed for purposes of these regulations to be a line parallel to and 25 feet distance from the centerline of the traveled surface.

Structure

Anything constructed or erected which requires a location on the ground or attachment to something having a location on the ground. This includes swimming pools, satellite dishes and tennis courts, ground mounted solar panels and fences over 6' in height.

Use

The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied and maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Yard

An unoccupied space on the same lot with a building, which unoccupied open space lies between the building and the nearest lot line.

Yard, Front Minimum

The open unoccupied space required across the full width of a lot from the street line to the nearest edge of the principal building or any covered porch which projects from the principal building.

Yard, Rear Minimum

The open unoccupied space required across the full width of a lot between the rearmost structure and the rear lot line.

Yard, Side Minimum

The open unoccupied space required between the side lines of a lot and any building, and extending from the minimum front yard to the minimum rear yard. The minimum side yard includes both a minimum for each side and a minimum for the two sides combined.

**ARTICLE II
ZONES AND ZONING MAP**

2.1 Zones

For the purpose of these Regulations, the Town is divided into the following zones:

- A. R-2; Residential
- B. GB; General Business
- C. FH; Flood Hazard Area Overlay Zone
- D. AP; Aquifer Protection Overlay Zone
- E. VD; Village District

2.2 Zoning Map

The boundaries of the zones are shown on the map entitled *Zoning Map, Town of Colebrook*, effective date May 28, 2008, amended **March 15, 2015** and on file in the office of the Town Clerk. The above map and any amendments thereto are hereby made a part of these Regulations. Any facsimile maps are not official and are for convenience only.

When in accordance with these Regulations, an amendment is made that changes a zone boundary, such change shall be made on the Zoning Map immediately after the amendment has been approved by the Commission, together with the entry on the Zoning Map as follows: "Amended to (date)"; such date to be the effective date of said amendment.

2.3 Boundaries of Zones

Where there is uncertainty as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

- A. Zone boundary lines are intended to follow lot lines or center lines of streets, rights-of-way and watercourses.
- B. Where the boundary lines are shown approximately on the location of property lines and the exact location of the boundary is not indicated by a dimension, then the property or lot line shall be the zone boundary.
- C. Where the boundary is shown parallel to a street, such boundary shall be interpreted as running parallel to the nearest street line and at such distance there-from as indicated on the Zoning Map.

- D. Where a lot of record falls into two or more zones, any use allowed in either zone shall be permitted on the lot, but residential regulations shall prevail. But in no case shall uses allowed in one zone but prohibited in the other, be extended more than 100 feet into the zone prohibiting such use.

2.4 Aquifer Protection Overlay District

Boundaries -- to be determined.

2.5 Flood Hazard Area Overlay District

Boundaries -- The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled *The Flood Insurance Study for the Town of Colebrook, Connecticut*, effective June 3, 1986, with accompanying maps which is on file at the office of the Town Clerk, Town of Colebrook.

Within the areas of the Flood Hazard Area Overlay Zone, the requirements of the overlay zones shall apply in addition to the requirements of the underlying zone. In the event of a conflict of land use requirements, the more restrictive shall apply.

2.6 Village District

Boundaries -- The area of the District shall comprise a strip of land extending 350 feet on each side from the road center line including sections of Rte. 183, Smith Hill Rd., Schoolhouse Rd., and Center Brook Rd.

The District limits are;

- Beginning at the centerline intersections of Rte. 183, Smith Hill Rd., and Rte. 182A, southerly 2,270 feet along Rte. 183.
- Beginning at the same intersection point southerly on Smith Hill Rd. for 1,400 feet.
- Beginning at the same intersection point northerly along Rte. 183 for 1,840 feet.
- At the centerline intersection of Rte. 183 and Schoolhouse Rd., District continues easterly along Schoolhouse Rd. for 1,160 feet.
- Also included is the entire length of Center Brook Rd.

**ARTICLE III
PERMITTED USES AND SPECIAL EXCEPTION USES FOR ALL ZONES**

This Article lists the uses which are permitted by right and by special exception in each zone. All uses are subject to the minimum lot and dimensional requirements of Article IV, unless otherwise specified. Uses requiring a site plan are subject to the requirements of Article VI. Special Exception uses require a public hearing, submission of a site plan and are subject to the general and specific requirements of Article VIII. For certain uses, the supplemental requirements of Article V will also apply.

3.1 Uses Permitted in Any Zone

The following uses are permitted in any zone:

Farms, provided that no building or structure used for housing livestock or poultry or storage of fertilizer or manure shall be within 100 feet of any street line or 100 feet of any property line.

The keeping and raising of livestock, fowl, horses and other animals for private, non-commercial purposes as an accessory use, subject to the following conditions

- A. The keeping and raising of such animal(s) shall not create offensive odors, noise or unsightly appearance noticeable off the premise.
- B. The minimum area dedicated to the keeping of one (1) large animal including but not limited to a horse, cow, beef animal, goat, llama, sheep or pig shall be one and one half (1 ½) acre. The minimum lot area shall be increased by an additional (1/2) one-half acre for each additional farm animal.

3.2 Uses Not Permitted in Any Zone

Uses of land or structures not clearly permitted in the various zones are prohibited. This shall include, but not be limited to, the use, storage and disposal of nuclear weapons or products associated with nuclear weapons and nuclear energy, experimental or commercial (except medical applications of nuclear material) or radioactive wastes or nuclear components of any kind.

3.3 Special Exception Uses Permitted in the R-2 and Village District

The following special exception uses shall be subject to a public hearing, submission of a site plan as specified in Article VI and the general and specific requirements for special exceptions as provided in Article VIII:

- A. Town buildings

- B. Firehouses and libraries
- C. Cemeteries and churches
- D. Town parks and playgrounds
- E. Educational, religious, philanthropic uses (but excluding correctional institutions operated by a non profit corporation or a government entity)
- F. Municipally operated dwellings used to house indigent welfare clients
- G. Hospitals, nursing homes or assisted living facilities
- H. Room and board or bed and breakfast establishments
- I. Shop and storage use by a contracting or building tradesman
- J. Home occupations
- K. Town or non-profit sponsored Affordable Multi-Family Housing
- L. Detached Accessory Apartments

3.4 Village District

Authority:

This regulation is adopted pursuant to Public Act 98-116, amended in an *Act Concerning Village Districts*, and is authorized by Section 8-2j of the Connecticut General Statutes which provides that the zoning commission of each municipality may establish village districts as part of the zoning regulations adopted under Section 8-2 or under any special act. Such districts shall be located in areas of distinctive character, landscape or historic value that are specifically identified in the plan of conservation and development of the municipality.

Intent:

To preserve and enhance the distinctive character, landscape and historic structures within said district and to encourage development consistent with the village aspects of Colebrook as reflected in the *Colebrook Town Plan of Conservation and Development*, adopted in 2015.

General Applicability:

These regulations shall pertain to all new construction and, as determined by the Commission, substantial reconstruction or modification of structures within said district,

and within view of public roadways, including but not limited to the design and placement of buildings.

Where not otherwise differentiated, regulations for the district shall conform in all respects to the standards established for the R-2 residential zone, as embodied in the Planning and Zoning regulations.

Definitions:

- A. New construction; is the erection of an entirely new structure, whether on a new or existing foundation and includes additions to existing buildings.
- B. Substantial reconstruction; is building or construction which is considerable in importance, value, degree, amount or extent relating to the replacement of preexisting structures or parts thereof of such scope that a building permit is required.
- C. Rehabilitation; is the act of bringing property back into a state of sound structural and useful condition and work of such scope that a building permit is required.
- D. Routine maintenance; is that work required on a recurring basis in order to keep property in proper condition. Routine maintenance includes but is not limited to painting, shingling and siding.

Criteria and General Standards:

New construction or substantial reconstruction or modification of existing structures and accessways within view of public roadways shall relate harmoniously to the surroundings, the terrain and to the general scale and architecture of existing historic structures. The term "historic structure" shall refer, generally, to residential and agricultural buildings erected prior to 1850.

The color, scale, height, location, roof treatments and building materials shall be generally compatible with that of existing historic structures.

The removal or disruption of historic structures shall be minimized.

The arrangement and orientation of any proposed building or site improvement shall be compatible with that in the immediate neighborhood.

Where existing topographic patterns, vegetation and walls, etc. contribute to the beauty of the site, they shall be preserved.

Application and Commission Determination:

All new applications for new construction and substantial reconstruction within the district and within view of public roadways shall be subject to a public hearing, submission of a site plan as specified in Article VI and the general and specific requirement for Special Exceptions as provided in Article VIII.

The applicant is encouraged (but not required) prior to the submission of a permit request, to schedule an informal discussion with the Commission to present a plan of proposed development. Such meetings shall not constitute a decision by the Commission nor be a part of the formal application process.

In addition, the applicant shall provide to the Commission fully dimensioned exterior elevations; in the case of an enlargement or modification of a structure, the existing building as well as the proposed addition should be shown and a sample of exterior building materials including color samples.

All new applications for new construction and substantial reconstruction within the district and in view of public roadways may be subject to an advisory board designated by the Commission. Alternatively, the Commission may seek recommendations of any outside specialists, including but not limited to the Colebrook Historic Commission and the Connecticut Trust for Historic Preservation.

Any expenses arising therefrom shall be paid by the applicant. Any report therefrom arising shall be entered into the record of the public hearing.

3.5 R-2 Residential Zone

Natural limitations for development vary widely within the R-2 zone. Generally, the land in this zone consists of hilly, upland areas with a good road network, open spaces and agricultural land.

Uses permitted in the R-2 Zone:

- A. Single-family dwellings together with such other structures or uses which are accessory thereto. (See also pre-existing non-conforming uses).
- B. Signs and parking areas subject to the requirements of Section IX.
- C. Cabin, as defined in Article I.
- D. On an otherwise undeveloped lot, a single non-habitable structure such as a shed, barn, or garage, not to exceed 800 square feet of total floor area, provided that no additional structures shall be permitted until a conforming principal use has been established. (Amended and added May 3, 2015)

Special Exception Uses Permitted in the R-2 Zone:

The following special exception uses are permitted in the R-2 zone, subject to a public hearing, submission of a site plan as specified in Article VI and the requirements for special exceptions as provided in Article VIII:

- A. Any special exception use listed in Section 3.3.
- B. Roadside produce and garden stands, greenhouses and nurseries including those for the sale of plants, whether grown on the premises or not, and related supplies and services and the sale of farm produce and related products which are primarily grown by the owner.
- C. Antique shops.
- D. Riding stables.

3.6 GB General Business Zone

Uses permitted in the GB zone:

Farmers' markets subject to compliance with the standards set forth in Article V, Section 11 of the zoning regulations.

The following uses are permitted in the GB zones and shall be subject to submission of a site plan as specified in Article VI:

- A. Retail stores and trades.
- B. Personal service establishments.
- C. Business, professional and financial offices.
- D. Signs and parking areas, subject to the requirements of Article IX.

Special Exception Uses Permitted in the GB Zone:

The following uses shall be subject to a public hearing, the submission of a site plan as specified in Article VI and the requirements for a special exception as provided in Article VIII:

- A. Any special exception uses listed in Article 3.3
- B. Hotels, motels and restaurants
- C. Apartment use in a business building.

3.7 AP Aquifer Protection Overlay Zone

Land uses which pose a potential threat to groundwater supply should not be permitted within this zone in order to protect these supplies for drinking water use.

Uses permitted in Aquifer Protection Overlay Zone:

- A. Any use permitted in the underlying zone shall be permitted except those principal or accessory uses which could pose a threat to the quality of groundwater in aquifers or discharge areas identified by the U.S. Geological Survey and as shown on the Aquifer Protection Overlay Zone Map.
- B. Road salt storage and loading facilities are prohibited except in weathertight buildings.
- C. Disposal of waste in sanitary landfills and dumps is prohibited.
- D. Disposal of septage in lagoons is prohibited.
- E. New underground fuel storage is prohibited.
- F. No part of a subsurface sewage disposal system shall be located closer than 100 feet from any surface watercourse, or the minimum distance required by the State health code, whichever is greater.
- G. All areas designated for the loading, handling or storage of toxic wastes, including areas where motor vehicles may be repaired or serviced, shall have a ground or floor surface designed to collect and contain accidental spills of toxic materials.

3.8 FH Flood Hazard Area Overlay Zone

The purpose of this zone is to avoid an increase in flood hazard due to any change or alteration of a land use or structure in the Town of Colebrook, and to assure that the Town will maintain its eligibility under the National Flood Insurance Program as administered by the Federal Emergency Management Agency. (FEMA).

Uses permitted in the FH Flood Hazard Area Overlay Zone:

Any use permitted in the underlying zone shall be permitted use in the Flood Hazard Area Overlay Zone. All uses permitted in the FH zone shall be subject to the Flood Insurance Program Regulations of the Town of Colebrook and the submission of an application for a permit in accordance with the provisions of Article XI.

3.9 Table of Uses Permitted by Zones

This table provides a concise overview of the uses allowed in the various zone. In the case of any conflicts between this table and text of the regulations, the text governs.

KEY > P = Permitted Uses- Zoning Permit Required SE -Special Exception

X = No Zoning Permit Required Blank Space = Not Allowed

Residential	R2	GB	VD	Article, Section, Page
Single family dwelling	P		SE	
Conventional subdivision	P			Approval by commission
Open Space development	P			Approval by commission
Interior lot/single family	SE		SE	
Multi-family dwelling	SE	SE		
Non-profit house/elderly	SE	SE	SE	
Age restricted housing	SE	SE	SE	
Non- habitable structure on an undeveloped lot	P			Section 3.5
Residential Accessory Uses	R2	GB	VD	Article, Section, Page
Accessory Buildings	P	P	SE	
Home office of convenience	X	X	X	
Home occupation	SE	SE	SE	
Contractor shop and storage	SE	P	SE	
Accessory apartment (attached)	P	P	SE	Section 8.14
Accessory apartment (detached)	SE	P	SE	Section 8.14
Bed and breakfast	SE	SE	SE	
Cabin	P		SE	
Conversion of Residences and/or Structures to Apartments		P		Section 8.9
Apartment Use in a Business Building		P		Section 8.10
Agricultural and Related Uses	R2	GB	VD	Article, Section, Page
Farms*	P		SE	
Keeping livestock/horses as accessory use; non-commercial	P		P	
Veterinary hospital	SE	SE	SE	
Commercial horse stable/riding/training school	SE		SE	
Farm stand	P	P	P	
<i>*Except the commercial slaughtering of animals excluding those raised on the premises is prohibited.</i>				

**Zoning Regulations
Town of Colebrook**

March 15, 2015

<u>Educational, Cultural, Religious, Child Care, Philanthropic & Social</u>	<u>R2</u>	<u>GB</u>	<u>VD</u>	<u>Article, Section, Page</u>
Public school	P			
Public library	P		P	
Educational, instructional, philanthropic, charitable institutions	SE		SE	
Churches and/or places of worship	SE		SE	
Family day care (C.G.S. 17-31q)	P		P	Statute
Group day care (C.G.S. 17-31a)	P		P	Statute
Nursery school	SE	SE	SE	
Hospital/elderly health care facilities	SE	SE	SE	
Community residence	P		P	CGS 8-3e
<u>Public services, municipal and utility</u>	<u>R2</u>	<u>GB</u>	<u>VD</u>	<u>Article, Section, Page</u>
Federal, state and local municipal buildings	SE	SE	SE	
Public utility facilities and buildings; not incl power generation				Per C.G.S. 2273-283
Antennas/tower/wireless communication facilities				CT Siting Council
Cemeteries	SE	SE	SE	
<u>Offices and Financial</u>	<u>R2</u>	<u>GB</u>	<u>VD</u>	<u>Article, Section, Page</u>
Business or professional office		P		
Financial institution		P		
Bank w/drive-in windows		SE		
<u>Retail, sales and services</u>	<u>R2</u>	<u>GB</u>	<u>VD</u>	<u>Article, Section, Page</u>
Retail/stores, less than or equal to 52,000 sq.ft. of gross floor area		P		
Retail/stores, greater than 52,000 sq.ft. of gross floor area		SE		
Package liquor stores		SE		
Automobile and boat sales		SE		
Funeral homes		P		
Printing and photographic establishments		P		
Personal services		P		
<u>Recreational and entertainment</u>	<u>R2</u>	<u>GB</u>	<u>VD</u>	<u>Article, Section, Page</u>
Public parks and playgrounds	P	SE	P	
Outdoor recreational uses, including country clubs	SE	SE	SE	
Theaters, bowling alleys and similar public assembly		P		

<u>Personal Services</u>	R2	GB	VD	<u>Article, Section, Page</u>
Shops/stores		P		
Restaurant - high turnover		SE		
Restaurant - low turnover incl taverns/other places licensed to sell alcoholic beverages		SE		
Hotels		SE		
Motels		SE		
Lodging Inns		SE		
<u>Industrial and Research</u>	R2	GB	VD	<u>Article, Section, Page</u>
Warehouses and self storage facilities		P		
Manufacture/Processing & assembly of goods		SE		
Research laboratories		SE		
Other temporary uses	P	P	P	
Accessory buildings and structures		P		
Temporary sawmills	SE	SE	SE	

**ARTICLE IV
MINIMUM LOT AND DIMENSION REQUIREMENTS
FOR ALL ZONES (IN FEET)**

4.1 Lot

Each residential lot shall contain an area of at least two acres and 65,000 contiguous square feet of buildable land. Each commercial lot shall contain an area of at least one acre and an engineered site plan will be required to determine the lot will support the necessary requirements set forth in Article VI. (Setbacks, well, septic). Also buildable land is herein defined as the area of a parcel of land excluding any area:

- A. Determined to be inland/wetlands soil types as defined in the Colebrook Inland Wetlands and Watercourse Regulations.
- B. Determined to be a watercourse as defined in the Colebrook Inland Wetlands and Watercourse Regulations.
- C. Designated as 100-year floodplain in the Flood Insurance Study as amended.
- D. Having a pre-development contiguous area of exposed rock or ledge in excess of 200 square feet.
- E. With pre-existing conservation easements.

4.2 Structures and Septic Systems

All structures and septic systems shall be located within such area of buildable land except accessory structures with a footprint under 250 square feet and wells which may be located outside of the buildable area and as allowed by Sections 4.3, 4.4 and 4.6.

4.3 Existing Lots

For lots which legally existed prior to the adoption of Sections 4.1 and 4.2 above, (May 28, 2008) as evidenced by deed recorded in the office of the Town Clerk, the buildable requirements of Sections 4.1 and 4.2 shall not apply.

4.4 New Lots/New Structures/Expansion of Existing Structures

For lots which legally existed prior to the adoption of Sections 4.1 and 4.2 above, as evidenced by deed recorded in the office of the Town Clerk, new structures or the expansion of existing structures that cannot be placed within the buildable area may be constructed, provided a special exception is obtained from the Commission. In deciding on the special exception, the Commission may impose such conditions that most closely conform to the buildable area requirements.

4.5 Minimum Lot Areas

Each lot shall conform to the minimum lot areas and dimension requirements shown in the table below. Where a lot crosses a Town boundary, all the requirements of Article IV must be met on the portion of the lot with the Town.

Conditions	Zone		Zone
	Residential		Commercial
	VD	R-2	GB
Minimum Lot Size - Acres	2 acres	2 acres	1 acre
Minimum buildable area - square feet	65,000	65,000	n/a
Maximum Density: <i>maximum # of lots in a subdivision, per acre of buildable land</i>	0.5	0.5	n/a
Minimum lot width - feet	200	200	150
Minimum front setback from property line- feet	50	50	25
Minimum side setback - feet	30	30	15
Minimum rear setback - feet	50	50	30
Maximum building height - feet	40	40	35
Maximum Building coverage*	10%	10%	25%

*The maximum number of building lots permitted in a subdivision is determined by multiplying the amount of buildable land of the parcel, in acres, by the density factor for that zone, where any fractional remainder is rounded down to the next lower whole number. No parcel of land or lot shall have the density factor reapplied once the

maximum lot yield has been reached for the parcel of land that existed as of MAY 28, 2008.

Example: A parcel of land in the R-2 zone with 20 acres of land (total) and 17 acres of buildable land =

17 acres of buildable land x .5 density factor = 8 lots maximum

4.6 Structures, Septic Outside Buildable Area

The Commission may allow, by special exception, structures and septic systems outside of the buildable area if the placement will result in less grading and other disturbances to the natural environment or preserve a scenic view or significant natural feature.

4.7 Corner Lot

On a corner lot, no planting, structure, fence, walls or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which point is 25 feet distant from the point of the intersection.

4.8 Height Restriction Exceptions

The provisions of these regulations limiting the maximum height of buildings shall not apply to restrict the height of a church spire, tower or belfry, or a flagpole, radio tower, radio or television antenna, chimney, water tank or wind turbine.

4.9 Yard Requirements -- Wall, Fence

The yard requirements of these regulations shall not be deemed to prohibit any necessary retaining wall or any fence, wall or other required barrier to contain noise or provide screening, provided that in a residential zone, no wall or fence shall exceed six feet in height measured above the natural grade.

A fence in excess of six feet in height may be located in a yard in a residential zone as a special exception where it is demonstrated to the satisfaction of the Commission that the proposed fence location, design and construction materials are compatible with the residential character of the lot and neighborhood and such fence will not adversely affect neighboring property values.

All walls and fences shall be subject to the requirements in Article IV, paragraph 7.

**ARTICLE V
SUPPLEMENTARY REGULATIONS**

5.1 Definition

These are regulations that apply to more than one zone or to a specific use or class of uses, regardless of their location in the town.

5.2 Minimum Livable Floor Area (see definition in Article I.)

The following minimum square footages shall be required:

- A. Single family dwelling - 800 square feet.
- B. Accessory apartment - 350 square feet, But shall never be more than 800 square feet. See Section 8.14
- C. Apartment unit, condominium or cooperative - 450 square feet; 175 feet more for each additional bedroom.
- D. Cabins and other temporary dwellings - 250 square feet and not to exceed 400 square feet
- E. Municipally operated dwellings used to house indigent welfare clients - 350 square feet.

5.3 One Use Per Lot

Except as otherwise provided in this Article, only one principal building or use is permitted on one lot.

5.4 Mixed Uses

The Commission may allow more than one permitted non-residential use to be conducted on a single lot in a GB zone, provided all such activities are conducted within a single structure or attached structures, as in a shopping center or office building; the lot and the buildings thereon remain in single ownership, and all other requirements for the zone are complied with.

5.5 Junk

Commercial junkyards are prohibited. The outdoor accumulations or storage of trash, rubbish, debris, building materials, inoperable motor vehicles, and parts of motor vehicles or construction equipment in such a manner as to be generally visible from the street or adjoining property is prohibited in all zoning districts. Not more than one unregistered

vehicle per residence is allowed. Excluded from this provision is farming equipment located on an operating farm.

5.6 Mobile Homes

Mobile home dwelling unit:

A mobile home as a dwelling unit shall be considered as a single family dwelling unit and shall be a permitted use in all residential and commercial districts when it is attached to a permanent foundation. It shall be subject to the minimum lot size, floor area and other dimensional requirements applicable to a single family dwelling.

Temporary use of a mobile home or trailer:

A single mobile home or trailer may be placed temporarily on a lot during the construction of a permanent dwelling on the same lot provided:

- A. There is a valid permit for the dwelling.
- B. The Health Official has approved provisions for both water supply and sanitary sewage disposal on the lot.
- C. The mobile home is occupied by the lot owners or their immediate family.
- D. A one-year time limit is observed; the Commission may extend this limit by 90 days if construction is being duly prosecuted.

A mobile home or trailer may be used temporarily as an on-site office or shop for any non-residential construction for which a permit has been obtained. The time limit shall be one year or until construction is completed, whichever occurs earlier.

For a mobile home permitted on a temporary basis as outlined above, the Commission shall require the applicant to post a cash bond payable to the Town of Colebrook of \$1,000 to ensure that the mobile home is removed from the lot when the house or other building is completed. The bond shall be forfeited if the mobile home is not removed from the premises within 90 days after a Certificate of Occupancy has been issued for the complete dwelling, unless the Commission grants an extension for cause.

5.7 Yard Sales

Yard sales, garage sales, tag sales and the like are permitted by right, without a written permit, in any zone, provided there are no more than two on the same lot in any calendar year, and provided each sale lasts no more than three consecutive days.

5.8 Tennis Courts and Swimming Pools

Tennis courts and like recreational facilities, swimming pools and their appurtenances, including but not limited to, decks, pumps or bath houses, shall be subject to all the required setbacks of Article IV and require zoning permits.

5.9 Temporary Permits for Fairs, etc.

A non-profit organization or registered political party may, by right without a written zoning permit, hold a fair, sporting event, or any similar affair, on its own premises for a period not exceeding seven days, provided the profits are for civic, religious or philanthropic purposes.

The Commission may issue a permit to any of the above organizations located within the Town of Colebrook to hold an event, as described and limited above, upon premises other than their own.

5.10 Farmers' Markets

Seasonal outdoor farmers' markets shall be permitted on a temporary basis subject to a zoning permit (valid for one year), on property located in the GB zone or on town owned property, provided:

- A. Items on display and offered for sale shall be limited to agricultural produce and goods.
- B. It shall be open only between May 1st and November 15th, between the hours of 7:00 a.m. and 7:00 p.m., on Saturdays, Sundays and State recognized holidays.
- C. No permanent structure is constructed for the temporary farmers' market and there is no external evidence of the market when it is not in use except for advertising signs as permitted by these regulations.
- D. A minimum of one off-street parking space shall be provided for every 100 square feet of vendor display area. The Commission may approve the joint use of an existing parking lot provided the applicant can document that there is adequate capacity available in the parking lot to safely support both the principal use and the farmer's market.
- E. A simple sketch plan shall be submitted showing the location of vendor display areas and parking.
- F. A vendor display area shall be defined as a temporary shelter or display fixture (tents, tables, etc.) set up for the sale of agricultural products and/or goods. Each vendor display area shall be less than 200 square feet in area.

**ARTICLE VI
SITE PLAN REQUIREMENTS**

6.1 Statement of Purpose

The site plan is intended to provide the Commission with information which will aid in determining the conformity of a proposed building, use or structure with specific provision of these regulations including the "Criteria for Approval" set forth in Section 9 hereof.

6.2 Applicability

A site plan, as prescribed in this section, shall accompany the application for any permitted use or special exception, or for any expansion thereof, except for single family homes, permitted accessory buildings and such other uses that are specifically exempted from submission of a site plan as stated in the regulations unless otherwise specified. Applicants are encouraged to submit a draft proposed site plan for review by the staff prior to formal submission of the site plan application.

Where a site plan is required, it must be approved by the Commission or its authorized agent, prior to the issuance of a zoning permit or special exception.

6.3 Submission to the Inland Wetlands Commission

If a site plan application involves an activity regulated pursuant to the requirements of the Inland Wetlands regulations, the applicant shall demonstrate that an application to the Inland Wetlands Agency was submitted not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on the site plan application until the Inland Wetlands Agency has submitted a report with its final decision.

In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands Agency.

6.4 Decision Time Limit

A decision by the Commission on a site plan, submitted as part of a zoning permit application or an application for a special exception, shall be rendered within 65 days after receipt of such site plan. The applicant may withdraw such plan or may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further 65-day periods.

6.5 Performance Guarantee

The Commission may require a performance guarantee in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measure, parking and access features, walkways, recreations facilities, buffer strips and any other site improvements, other than buildings. The applicant shall provide an estimate of improvements to be guaranteed, together with a description of the basis of the estimate.

Where a guarantee is required, no zoning permit shall be issued until the guarantee is received. The guarantee shall be held until the Commission votes its release. The Commission shall not release the guarantee until it has certified that all of the requirements of the special exception and/or the approved site plan have been satisfied.

6.6 Expiration of Site Plan Approval

All work in connection with a site plan shall be completed within five years after the date of approval of the site plan, unless otherwise provided for in the Connecticut General Statutes. The site plan shall include an approval block, which shall state the date on which such five-year period expires. Failure to complete all work with such required time for completion shall result in automatic expiration of the approval of such site plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.

6.7 Site Plan General Requirements

The site plan shall be accurately drawn to a scale not to exceed one inch = 100 feet on sheets not to exceed 24" X 36". Site plans shall be certified correct to A-2 Survey standards by a Connecticut Registered Land Surveyor (R.L.S.). Where it determines that A-2 level of accuracy is not necessary to determine compliance with these regulations, the Commission may upon request of the applicant, allow a lesser degree of accuracy for the location of certain improvements or certain property lines.

The design, layout and computations relating to the construction of facilities for storm drainage or improvements, such as a new accessway, parking area, etc., shall be prepared by a Connecticut registered engineer or where qualified to do so, by a Connecticut registered landscape architect. Where the regulations require a landscape plan or such is required as a condition of approval of a special exception, the landscape plan shall be prepared by a professional landscape architect. The applicant may request the Commission to authorize that the landscape plan be prepared by a qualified landscape designer. The Commission may approve such a request where it determines that the size and complexity of the project do not require a landscape architect prepared plan.

A site plan shall contain the following information as applicable, as determined by the Commission or its authorized agent:

- A. Name of applicant and owner of property.
- B. Scale and North arrow.
- C. Property boundary, dimensions, angles, area, zoning setback requirements, zoning district and the proposed use and the corresponding reference category as set forth in Article III-Use Regulations.
- D. Names of record owners of abutting properties.
- E. Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, storage areas and drainage features, Location of fences and walls, natural and artificial water features, wetlands and exposed ledge rock.
- F. In a table form, show the existing requirements for the zone as set forth in Article IV, Section 5 "Minimum Lot Areas" and compare this to the dimensions as proposed on the site plan. Also show the number of off-street parking space as required under Article IX, Section 13, "Off-Street Parking" and the number of off-street parking spaces proposed.
- G. Adjacent properties in relation to the proposed development and the neighborhood within 500 feet in all directions.
- H. Proposed signs showing locations, dimension and means of illumination and all other exterior lighting fixtures.
- I. Locations and methods of water supply and sewage disposal facilities.
- J. Illustrations, elevations and renderings of the proposed building and project area sufficient to clearly show the proposal, as required by the Commission. A landscaping plan shall be submitted which shows existing and proposed landscaping, buffering and plantings, including a table of sizes, types and amount of proposed materials.
- K. Certification, on the plan or separately, by the Health District, concerning satisfactory conditions for sewage disposal, consistent with the State Health Code.
- L. Where grading is required, existing and proposed contours at two-foot intervals, based upon field survey. Show Erosion and Sedimentation Control devices in accordance with Article VII Sections 7.2 and 7.4.
- M. Existing and post construction surface drainage patterns and proposed stormwater treatment and/or detention facilities proposed in accordance with Section 6.12 Stormwater Management Standards.

For an application involving a special exception, the site plan shall also include:

- A. Identify any abutting church, school, library, public playground or similar facility or use.
- B. List the similar existing special exceptions uses in the vicinity of the proposed site.

6.8 Modifications to Site Plan Requirements

The Planning and Zoning Commission may modify the above-stated submission requirements for any particular site plan application, where in the opinion of the Commission, the scope and circumstances of such a proposed development application are such that certain information is not necessary to determine compliance with the regulations or complete its review of the proposed project.

6.9 Criteria for Site Plan Approval

Applications for site plan approval shall be considered and evaluated by the Commission under the following criteria:

- A. The location of any points of ingress and egress and arrangement of off-street parking facilities.
- B. Accessibility of emergency vehicles and equipment.
- C. The availability and adequacy of public utilities such as electricity, telephone, gas, water, sanitary sewers and cable television.
- D. Provision for solid waste pick up.
- E. Ease of entrance to and exit from the development, with a minimum of disturbance to outside traffic flow.
- F. Entrances and exits shall be located either at an existing intersection or a minimum of 50 feet from an intersection.
- G. No exit or entrance shall exceed a grade of 3% within twenty-five feet of any street line nor 8% of any other point.
- H. The adequacy of design of the interior vehicular circulations system, to provide safe and convenient access to all structures, uses, parking spaces and loading spaces.

- I. That the basic design of the proposed use/s or buildings, relationship between the building and the land and overall physical appearance of the proposed use/s or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residence on other property.
- J. Adequacy of the Stormwater Management Plan.

6.10 Landscape Requirements

Statement of purpose:

The purpose of this section is to establish landscape standards compatible with the rural character of the Town, to retain natural vegetation for scenic and water quality purposes and to enhance the appearance of public areas, such as parking lots.

Properly place and designed landscape areas help to visually separate different categories of land uses and minimize the conflict between adjoining uses of land. Site development factors, such as noise, glare of lights, signs, incompatible buildings, parking and loading areas, accessways and circulation areas can be mitigated by landscape buffers. Landscape areas provide visually attractive separating spaces that reduce these adverse impacts.

Standards and Requirements:

For all uses other than permitted residential uses, the portion of a lot not covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns or other landscape materials. Areas not disturbed by filling, grading, excavation or other construction activity, shall be wherever possible left as natural terrain.

Landscape Plan Required:

The Commission may require submission of a landscape plan as part of any special exception application.

It shall require a landscape plan as part of the site plan applications for development of a lot located in non-residential zones and for a special exception application involving a non-residential use located on a lot in a residential zone.

The Commission may require a landscape plan for any use involving outside storage of goods, materials or machinery.

Landscape Plan:

Where a landscape plan is required, a registered landscape architect or architect shall provide a professional assessment of the visual impact of the development upon the surrounding land uses and as viewed from public streets serving the site. Where required by the Commission, the landscape architect shall provide cross section views from various vantage points of the site showing the existing and the proposed development and landscape materials. The Commission may waive this requirement where it determined that a visual assessment and/or cross sections are not needed.

The landscape plan shall be designed to mitigate the visual impact of the proposed development upon the existing and the possible future development of the area surrounding the site. The property owner is responsible for proper maintenance of all landscape areas.

The Commission shall review and decide on the landscape plan in consideration of the purposes stated in paragraphs one and two above. The Commission may require that one or all of the yard areas along a property boundary line shall be landscaped with evergreen shrubs or trees, or such landscaping in combination with embankments, fences and/or walls, to provide a screen and transition from the site to the surrounding area.

Natural stands of trees and shrubs located within the required yards shall be preserved wherever possible. The Commission may require planting of additional trees and shrubs on a lot to provide a visual buffer between the proposed non-residential buildings and structures and any adjacent residentially zoned property and from the street.

The Commission may require that a performance bond be provided to ensure the completion of the landscape plan.

Clear-cutting or harvesting of trees within buffer areas is expressly **prohibited** at any time without prior Commission approval.

Landscape Materials:

Plant materials shall be nursery grown and conform to standards of ANSI 260-1 *American Standards for Nursery Stock*. Sizes listed are minimum acceptable; larger sizes are encouraged.

Plant material:

- A. Large, deciduous shade trees (example: maple, oak, ahs, linden) shall be single stem, 3" caliper at 6" above ground.
- B. Ornamental deciduous trees (example: crabapple, cherry, magnolia, flowering dogwood) shall be single stem, 2" caliper at 6" above the ground.

- C. Evergreen trees (example: pine, spruce) shall be single stem and a minimum of 6' in height.
- D. Deciduous shrubs: 18" to 24" in size range.
- E. Broadleaf evergreen shrubs (example: rhododendron) shall be 24" in spread or height.
- F. Minimum size container grown shrubs: 3 gallons.
- G. Ground covers: minimum 2-year old plants.
- H. Vines: minimum five leaders of 6" length.

Provide a plant list of all landscape materials including English and Latin names, size branching height, root form (bare root or balled in burlap), quantity of each species and remarks regarding planting and care.

Landscape Buffer:

Provide a landscape buffer between any use in a non-residential zone and an adjacent residential zone or between any non-residential or multi-family residential use and adjacent uses in a residential zone.

- A. The minimum width of a buffer for multi-family residential uses shall be 20 feet; for non-residential uses, 50 feet.
- B. Landscape the buffer with continuous evergreen trees or hedges having a minimum height of five feet to provide screening and separation.
- C. No paving is allowed within the buffer.
- D. The Commission may reduce or waive this buffer requirement and instead, authorize the substitution of landscape screening with appropriate fencing or walls.

Screening:

Provide screening for any objectionable area or view that is visible from adjacent properties or from the street, including but not limited to, loading areas, refuse storage or ground fixed mechanical equipment. Acceptable screening materials include: evergreen hedges, fences providing visual screening, masonry walls or any combination to the above materials.

Landscape Screening for Parking Areas:

In parking lots of ten or more parking spaces, at least 10% of the parking area shall be suitably landscaped with appropriate trees, shrubs and other plant materials, subject to approval of the Commission, based upon consideration of the adequacy of landscaping to provide a safe, convenient and attractive parking lot.

Landscaped areas shall be provided in parking lots, distributed among end islands, interior islands and planting strips; there shall be allocated at least 20 square feet of net planting per parking space. Shade trees shall be provided at a rate of one per six cars.

Existing suitable landscape materials shall be preserved where practical and shall be designed with new planting to reduce the visual and audio impacts, glare and heat.

Maintenance:

Maintain landscaping in a healthy, growing condition at all times. The property owner shall be responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other operations necessary for proper care. Any plant that dies shall be replaced with another living plant as soon as possible.

Landscape Design for conventional development with three or more lots:

Landscaping plans in subdivisions shall be designed with the following goals:

- A. Protect and maintain trees on public property and rights-of-way and plant additional trees to enhance the tree canopy.
- B. Incorporate tree species based on known performance for managing stormwater runoff.
- C. Require any public trees removed or damaged during construction associated with private development to be replaced on or off-site with an equivalent amount of tree caliper (e.g. remove a 24" diameter tree/replace with six 4" diameter trees.
- D. Incorporate construction protection practices for all public trees (e.g., fencing, no hazardous materials, avoid cutting into root zones.)
- E. Trees over a specified minimum size (e.g. 3" caliper) protected during development may be credited towards landscaping requirements.

For any residential subdivision designed as a conventional development as defined in these regulations having the potential for three or more lots, the Commission may require that the following materials be prepared by a Connecticut licensed landscape architect and submitted with the application:

- A. A conceptual inventory/analysis map at an appropriate scale showing the location of important site features such as wetland, watercourses, steep slopes, floodplain, scenic views, scenic areas, adjacent open space and other resources that may affect the overall configuration of the proposed development.
- B. An overall proposed lot/roadway layout plan.
- C. A conceptual plan for an open space development if the proposed residential subdivision in the R-2 or VD zone is not proposed as an Open Space Development under Article X of these regulations.

If the Commission is not satisfied with the quality of the analysis prepared by the applicant's landscape architect, it may hire another landscape architect to prepare such analysis and charge the applicant for the cost of such services.

This requirement for a landscape design may be waived by the Commission if it finds that a conventional development would:

- A. Adequately protect natural resources.
- B. Adequately preserve appropriate open space.
- C. Adequately preserve community character.
- D. Adequately preserve scenic views and/or scenic areas.
- E. Be more compatible with the adjacent neighborhood.

6.11 Outdoor Lighting Regulations

Statement of Purpose:

The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to avoid unnecessary upward illumination and illumination of adjacent properties and to reduce glare. All business, residential and community roadways, sidewalks and Town property luminaries should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified or refurbished within the Town of Colebrook. This regulation applies to all sites located in non-residential zones and special exception uses in residential zones.

Definitions:

Direct Light

Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Direct Light Source

The lamp or bulb that produces the actual light.

Full Cut-Off Type Fixture

A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.

Fully Shielded Lights

Fully shielded luminaire light fixtures allow you to control the glare in any direction.

Glare

Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.

Height of Luminaries

The height of luminaries shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light-emitting part of the luminaire.

Indirect Lighting

Direct light that has been reflected or has scattered off of other surfaces.

Isodiagram

An isodiagram is a graphical representation of point of equal illuminance drawn as single line circular patterns or computer generated spot reading in a grid pattern on a site plan. Lighting designers and manufactures generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

Lamp

The light source component of luminaries that produce the actual light.

Light Pollution

Stray or reflected light that is emitted into the atmosphere, beyond the 90 degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing an unwanted sky-glow.

Light Trespass

Light from an artificial light source that is intruding into an area where it is not wanted or does not belong

Lumen

A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the INTIAL lumen output ratings of a lamp.

Luminaire

A complete lighting system and includes a lamp or lamps and a fixture.

Outdoor Lighting

The night time illumination of an outside area or object by any man made device located outdoors that produces light by any means.

Ratio

Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area.

Example: U.ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or 4 times less than the average (4) level of illumination.

Uplighting

Any light source that distributes illumination above a 90 degree horizontal plane.

Lighting Plan:

Outside lighting for non-residential and multi-family uses will be subject to a site plan review, unless waived in writing by the Commission and shall be accompanied by a lighting plan showing:

- A. The location, height and type of any outdoor lighting luminaries, including building mounted.
- B. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, the type of lamp (metal halide, compact fluorescent, high pressure sodium).
- C. The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground levels.

General Requirements:

All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass at (and glare across) the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineer Society of North America (IES) shall be observed. (See Appendix A and B)

All lighting for parking and pedestrian areas will be full cut-off type fixtures. Floodlighting is prohibited.

Lighting for display, building and aesthetics must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area. All building lighting for security or aesthetics will be full cut off or a fully shielded/recessed type, not allowing any upward distribution of light.

Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.

All street lighting shall be "cut-off" fixtures.

Outdoor playing areas - where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illuminations is directed off the site.

Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, lit areas and dark surroundings.

All non-essential lighting, except signs, will be required to be turned off after business hours, leaving only the necessary lighting for site security - motion or infrared sensor lighting is encouraged.

Ornamental lighting designed to highlight flagpoles, sculptures or landscape feature should be targeted directly at the object and should not extend 10% beyond the perimeter of the object.

The height of luminaries, except streetlight in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 24 feet, including the base.

Exemptions - Traditional seasonal lighting and temporary lighting used by police and fire departments and emergency services are exempt from these regulations.

**APPENDIX A
IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS
(Foot-candles)**

IES Parking Lot Levels of Activity (Examples)	General Parking & Pedestrian			Vehicle Use Area Only		
	Average	Minimum	U.Ratio	Average	Minimum	U.Ratio
High						
Major Athletic Events	3.6	.9	4:1	2.0	0.67	3:1
Major Cultural/Civic Events	3.6	.9	4:1	2.0	0.67	3:1
Regional Shopping Centers	3.6	.9	4:1	2.0	0.67	3:1
Fast Food Facilities	3.6	.9	4:1	2.0	0.67	3:1
Medium						
Community Shopping Centers	2.4	.6	4:1	1.0	.33	3:1
Cultural/Civic/Recreational Events	2.4	.6	4:1	1.0	.33	3:1
Office Parks	2.4	.6	4:1	1.0	.33	3:1
Hospital Parking	2.4	.6	4:1	1.0	.33	3:1
Airports/Commuter Lots	2.4	.6	4:1	1.0	.33	3:1
Residential Complex Parking	2.4	.6	4:1	1.0	.33	3:1
*Low						
Neighborhood Shopping	.8	.2	4:1	.5	.13	4:1
Industrial Employee Parking	.8	.2	4:1	.5	.13	4:1
Educational Facility Parking	.8	.2	4:1	.5	.13	4:1
Church Parking	.8	.2	4:1	.5	.13	4:1

*IES states: This recommendation is based on the requirement to maintain security at any time in areas where there is a low level of nighttime activity.

APPENDIX B

Local interpretation and application of IES Parking Lot Levels of Activity Examples not specifically identified or quantified:

Example	Level of Activity
Regional shopping centers containing retail space of 300,000 sq. ft. or greater	HIGH
Community shopping centers containing retail space of 5,000 to 299,000 sq. ft.	MEDIUM
Neighborhood shopping centers containing retail space of less than 5,000 sq. ft.	LOW
Fast food facilities (means only with customer seating capacity of 40 or more)	HIGH
Automotive dealerships	HIGH
Entertainment theaters, sports arenas	HIGH

Special Exceptions:

The Planning and Zoning Commission may grant a special exception permit modifying the requirements of this Section, provided it determines that such modification is consistent with the purpose of these regulations, in the following cases:

- A. Where an applicant can demonstrate by means of a history of vandalism or other objection means that an extraordinary need for security exists.
- B. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas.
- C. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation.
- D. Where special lighting is indicated for historic buildings.
- E. Where special consideration is given to maintain a uniformity with similar uses in the vicinity.

6.12 Stormwater Management Standards

I. Stormwater Management Policy and Principles

A. Policy.

1. The Town of Colebrook seeks to maintain the natural environment of its watercourses and water bodies, to control pollution caused by stormwater runoff, and to control flooding caused by development.
2. The Town encourages innovative solutions and low impact development techniques.

B. Principles

These Stormwater Management Standards intend to emulate the following goals as espoused in the 2004 Connecticut Stormwater Quality Manual, as amended:

1. Preserve pre-development site hydrology (including runoff, infiltration, interception, evapotranspiration, groundwater recharge, and stream base flow) to the extent possible.
2. After construction has been completed and the site is permanently stabilized, the stormwater treatment practice(s) shall reduce the average annual total suspended solids loadings in the post development runoff by 80 percent. For high quality receiving waters and sites with the highest potential for significant pollutant loadings, reduce post-development pollutant loadings so that average annual post-development loadings do not exceed pre-development loadings (i.e., no net increase).
3. Preserve and protect wetlands, stream buffers, natural drainage systems, and other natural features that provide water quality and quantity benefits.

4. Manage runoff velocity and volume in a manner that maintains or improves the physical and biological character of existing drainage systems and prevents increases in downstream flooding/stream bank erosion.
5. Prevent pollutants from entering receiving waters and wetlands in amounts that exceed the systems' natural ability to assimilate the pollutants and provide the desired functions.
6. Seek multi-objective benefits (i.e., flood control, water quality, recreation, aesthetics, and habitat) from stormwater control measures.

II. Definitions .

For this Section 6.12 only, these terms shall be defined as follows:

Aquifer

A porous water-bearing formation of permeable rock, sand or gravel capable of yielding economically significant quantities of groundwater.

Best Management Practice (BMP)

A BMP is a technique, process, activity, or structure used to reduce the pollutant content of a storm water discharge. BMPs include simple nonstructural methods, such as good housekeeping and preventive maintenance. BMPs may also include structural modifications, such as the installation of bioretention measures. BMPs are most effective when used in combination with each other, and customized to meet the specific needs (drainage, materials, activities, etc.) of a given operation.

Bioretention

A practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression. The areas consist of a mix of elements each designed to perform different functions in the removal of pollutants and attenuation of stormwater runoff.

Catch Basin Inserts

A structure, such as a tray, basket, or bag that typically contains a pollutant removal medium (i.e., filter media) and a method for suspending the structure in the catch basin. They are placed directly inside of existing catch basins where stormwater flows into the catch basin and is treated as it passes through the structure.

Catch Basin

A structure placed below grade to conduct water from a street or other paved surface to the storm sewer.

Cisterns

Containers that store larger quantities of rooftop stormwater runoff and may be located above or below ground. Cisterns can also be used on residential, commercial, and industrial sites. See also Rain Barrel.

Deep Sump Catch Basins

Storm drain inlets that typically include a grate or curb inlet and a sump to capture trash, debris and some sediment and oil and grease. Also known as an oil and grease catch basin.

Disturbance

Any clearing, grubbing, filling, grading, excavating, constructing, depositing, or removing material that could leave the ground surface subject to the potential for accelerated erosion or an increase in the rate of runoff.

Dry Detention Pond

Stormwater basin designed to capture, temporarily hold, and gradually release a volume of stormwater runoff to attenuate and delay stormwater runoff peaks. Dry detention ponds provide water quantity control (peak flow control and stream channel protection) as opposed to water quality control. Also known as "dry ponds" or "detention basins".

Feasible

Able to be constructed or implemented consistent with sound engineering principles.

Filter Strip

A strip or area of vegetation for removing sediment, organic material, nutrients and chemicals from runoff or wastewater. They are typically located downgradient of stormwater outfalls and level spreaders to reduce flow velocities and promote infiltration and filtration.

Grass Drainage Channels

Traditional vegetated open channels, typically trapezoidal, triangular, or parabolic in shape, whose primary function is to provide non-erosive conveyance, typically up to the 10-year frequency design flow. They provide limited pollutant removal through filtration by grass or other vegetation, sedimentation, biological activity in the grass/soil media, as well as limited infiltration if underlying soils are pervious.

Groundwater Recharge

The process by which water that seeps into the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

Groundwater Recharge Volume (GRV)

The post-development design recharge volume (on a storm-event basis) required to minimize the loss of annual pre-development groundwater recharge. The GRV is

determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

Hydrodynamic Separators

A group of stormwater treatment technologies designed to remove large particle total suspended solids and large oil droplets, consisting primarily of cylindrical-shaped devices that are designed to fit in or adjacent to existing stormwater drainage systems. The most common mechanism used in these devices is vortex-enhanced sedimentation, where stormwater enters as tangential inlet flow into the side of the cylindrical structure. As the stormwater spirals through the chamber, the swirling motion causes the sediments to settle by gravity, removing them from the stormwater.

Impervious Surfaces

Surfaces that cannot infiltrate rainfall, including rooftops, pavement, sidewalks, and driveways.

Infiltration Practices

Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days, including infiltration trenches and infiltration basins.

Low Impact Development (LID)

Low impact development is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible.

Nonpoint Source Pollution

Pollution caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land.

Non-Routine Maintenance

Corrective measures taken to repair or rehabilitate stormwater controls to proper working condition. Non-routine maintenance is performed as needed, typically in response to problems detected during routine maintenance and inspections.

Oil/Particle Separators

Consist of a subsurface structure with one or more chambers designed to remove trash and debris and to promote sedimentation of coarse materials and separation of free oil (as opposed to emulsified or dissolved oil) from stormwater runoff. Oil/particle separators are typically designed as off-line systems for pre-treatment of runoff from small impervious areas, and therefore provide minimal attenuation of flow. Also called oil/grit separators, water quality inlets, and oil/water separators.

Permeable Paving Materials

Materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce stormwater runoff and pollutant loads. Alternative materials include modular concrete paving blocks, modular concrete or plastic lattice, cast-in-place concrete grids, and soil enhancement technologies. Stone, gravel, and other low-tech materials can also be used as alternative for low traffic application such as driveways, haul roads, and access roads.

Pollution

The harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come into contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.

Porous Pavement

Porous pavement is similar to conventional asphalt or concrete but is formulated to have more void space for greater water passage through the material.

Pretreatment

Techniques used in stormwater management to provide storage and removal of coarse materials, floatables, or other pollutants before the primary treatment practice.

Primary Stormwater Treatment Practices

Stormwater treatment practices that are capable of providing high levels of water quality treatment as stand-alone devices: can be grouped into four major categories – stormwater ponds, stormwater wetlands infiltration practices, filtering practices, and water quality swales.

Prudent

Economically and otherwise reasonable in light of the social benefits to be derived from the proposed activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

Rain Barrels

Barrels designed to retain small volumes of runoff for reuse for gardening and landscaping. They are applicable to residential, commercial, and industrial sites and can be incorporated into a site's landscaping plan. The size of the rain barrel is a function of rooftop surface area and the design storm to be stored. Rain barrels capture runoff that would otherwise be lost to storm drains, divert water to the landscape, and conserve tap water. For large rain barrels, see “Cistern”.

Rain Garden

Functional landscape elements that combine plantings and a specially designed planting soil bed in depressions that allow water to pool for only a few days after a rainfall then be

filtered by and slowly absorbed by the soil and plantings. Rain gardens improve water quality by reducing the sediment, nutrients, bacteria, and chemicals from flowing into water bodies.

Responsible Party

The person or organization responsible for construction and/or maintenance of a stormwater facility.

Routine Maintenance

Maintenance performed on a regular basis to maintain proper operation and aesthetics.

Secondary Stormwater Treatment Practices

Stormwater treatment practices that may not be suitable as stand-alone treatment because they are either not capable of meeting the water quality treatment performance criteria or have not yet received the thorough evaluation needed to demonstrate the capabilities for meeting the performance criteria.

Site Stormwater Management Plan

A Plan, in accordance with Section III below, describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

Stormwater

Water consisting of precipitation runoff or snowmelt.

Stormwater Facility

Any device, structure, system, or practice used to improve stormwater quality, promote infiltration, provide peak flow control, or to provide peak runoff attenuation.

Stormwater Ponds

Vegetated ponds that retain a permanent pool of water and are constructed to provide both treatment and attenuation of stormwater flows.

Stormwater Runoff

Above ground water flow resulting from precipitation or snow melt.

Stormwater Treatment Practices

Devices constructed for primary treatment, pretreatment or secondary treatment of stormwater.

Stormwater Treatment Train

Stormwater treatment practices, as well as site planning techniques and source controls, combined in series to enhance pollutant removal or achieve multiple stormwater objectives.

Stormwater Wetlands

Shallow, constructed pools that capture stormwater and allow for the growth of characteristic wetland vegetation. These facilities provide enhanced treatment of stormwater and peak flow attenuation.

Stream Order

Stream order indicates the relative size of a stream based on Strahler's (1957) method. Streams with no tributaries are first order streams, represented as the start of a solid line on a 1:24,000 USGS Quadrangle Sheet. A second order stream is formed at the confluence of two first order streams, and so on.

Underground Detention Facilities

Vaults, pipes, tanks, and other subsurface structures designed to temporarily store stormwater runoff for water quantity control and to drain completely between runoff events. They are intended to control peak flows, limit downstream flooding, and provide some channel protection.

Underground Infiltration Systems

Structures designed to capture, temporarily store, and infiltrate the water quality volume over several days, including pre-manufactured pipes, vaults, and modular structures. These are used as alternatives to infiltration trenches and basins for space-limited sites and stormwater retrofit applications.

Vegetated Buffer

An area or strip of land in permanent undisturbed vegetation adjacent to a water body or other resource that is designed to protect resources from adjacent development during construction and after development by filtering pollutants in runoff, protecting water quality and temperature, providing wildlife habitat, screening structures and enhancing aesthetics, and providing access for recreations.

Vegetated Filter Strips and Level Spreaders

Uniformly graded vegetated surfaces (i.e., grass or close-growing native vegetation) located between pollutant source areas and downstream receiving waters or wetlands. A level spreader is usually located at the top of the slope to distribute overland flow or concentrated runoff evenly across the entire length of the filter strip.

Vegetated Roof Covers

Multilayered, constructed roof systems consisting of a vegetative layer, media, a geotextile layer, and a synthetic drain layer installed on building rooftops. Rain water is either intercepted by vegetation and evaporated to the atmosphere or retained in the substrate before being returned to the atmosphere through transpiration and evaporation. Also referred to as green roofs.

Water Quality Flow (WQF)

The peak flow associated with the water quality volume calculated using the NRCS Graphical Peak Discharge Method, as defined in the 2004 Stormwater Quality Manual, as amended.

Water Quality Swales

Vegetated open channels designed to treat and attenuate the water quality volume and convey excess stormwater runoff. Dry swales are primarily designed to receive drainage from small impervious areas and rural roads. Wet swales are primarily used for highway runoff, small parking lots, rooftops, and pervious areas.

Water Quality Volume (WQV)

The volume of runoff generated by one inch of rainfall on a site, as defined in the 2004 Stormwater Quality Manual, as amended.

III. Site Stormwater Management Plan and Report

A. Plan Required

Where a site stormwater management plan is required, it shall be prepared by a State of Connecticut Licensed Professional Engineer or Landscape Architect where the design is allowed by their education, training, and provisions of state law. A Site Stormwater Management Plan shall be prepared for every application for subdivision site plan approval, and special permit, where such application results in any one or more of the following:

1. One or more acres of land disturbance.
2. One or more acres of impervious surface upon project completion. (Existing impervious surface shall be counted towards this requirement).
3. Any commercial or industrial activity.
4. Any application with three or more dwelling units. Accessory apartments, as defined by the Zoning Regulations, do not count toward this threshold.
5. Any project involving a new road or common driveway serving three or more lots.
6. Any project where the impervious surface area after construction exceeds 30 percent of the total site area.

The following activities are exempt from these requirements:

1. Development of a single family house and/or accessory uses on a lot of record. A lot of record is a lot that existed as of the effective date of these standards.

2. Forestry operations that comply with the Connecticut DEEP “2007 Connecticut Field Guide, Best Management Practices for Water Quality While Harvesting Forest Products” as amended.
3. A farm.

B. Plan Contents

The plan shall contain a report and drawings including an executive summary, drainage area maps, calculations, descriptions, and other data sufficient to demonstrate compliance with these standards. Such plan shall provide, at a minimum, the following information:

1. Soil characteristics of the site.
2. Location of the closest surface water bodies and wetlands to the site, and the depth to any ground-water or aquifer areas on or directly adjacent to the site.
3. Location and description of all proposed stormwater controls and Best Management Practices (BMPs) for both construction activities and post-construction long-term stormwater control.
4. Proposed maintenance and operation manual or schedule for any trash hoods, catch basins, or other BMP devices used to prevent runoff, encourage sheet flow or infiltration, or treat stormwater.
5. Calculations of stormwater runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity proposed in the application.
6. A hydrologic study of pre-development site conditions. Hydrologic studies shall be prepared to a level of detail commensurate with the probable impact of the proposed activity and should extend downstream to the point where the proposed activity causes less than a five percent change in the peak flow rates after peak flow attenuation.
7. Calculations for sizing of pipes, swales, or other conveyance devices.
8. Calculations for sizing riprap aprons, plunge pools, or other energy dissipation devices.
9. Identification of the party responsible for maintenance of stormwater BMP's.

C. Waiver of Requirements

The Commission may waive or alter any portion of these standards when the applicant demonstrates, by written request, that such standard is unnecessary or counterproductive toward meeting the policies and principles of these standards, or where achieving such standard(s) is not feasible and prudent.

D. Redevelopment Projects

1. Projects that involve new construction activities on previously developed land are considered to be redevelopment projects. Redevelopment projects will be exempt from meeting the requirements of these standards if they meet all of the following conditions:
 - a. The total site impervious surface is reduced by at least 25%.
 - b. All existing stormwater management controls are maintained.
 - c. Runoff is managed in a way that does not cause erosion or concentration of flow.
2. The Commission may waive or alter any portion of these standards when the applicant demonstrates, by written request, that achieving such standard(s) is not feasible and prudent.

The following note shall be placed on the design plans for each project requiring stormwater treatment or storm water detention facilities. In cases of a subdivision, the note shall refer to individual lots that have such facilities. The design plans and/or subdivision plans containing the following note shall be filed in the town land records.

"This property contains a stormwater treatment facility that is a condition of approval to develop the property and it shall be maintained by the property owner for the entire life of the project. The facility shall not be altered, except for maintenance as described in the facility's maintenance plan, without the approval of the regulatory agency granting the project approval."

IV. Design Standards

A. General Standards

1. All stormwater control and conveyance facilities shall be constructed on property owned by the applicant or within suitable easements.
2. All stormwater discharges shall be designed and constructed in a manner that prevents erosion.

3. Stormwater treatment shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended, or other applicable design standards such as the criteria established by the University of New Hampshire Stormwater Center.
4. All stormwater facilities shall be designed in a manner that minimizes the need for complicated or overly frequent maintenance.
5. All stormwater facilities shall be designed with adequate access for maintenance.
6. Stormwater management practices may include one or more of the following:
 - Bio retention
 - Oil/particle separators
 - Catch basins
 - Permeable paving materials
 - Catch basin inserts
 - Porous pavement
 - Cisterns
 - Pretreatment
 - Deep sump catch basins
 - Rain barrels
 - Dry detention ponds
 - Rain gardens
 - Filter strip
 - Stormwater ponds
 - Grass drainage channels
 - Underground detention
 - Hydrodynamic Separators
 - Underground infiltration
 - Infiltration practices
 - Vegetated buffers
 - Vegetated roofs

B. Stormwater Treatment Practices

1. Stormwater treatment practices shall be implemented on all projects requiring Stormwater Management Plan.
2. Stormwater treatment practices shall be implemented for the Water Quality Volume (WQV) as defined by the 2004 Connecticut Stormwater Quality Manual, as amended.

C. Peak Flow Control

Peak flow control for stream channel protection shall be provided in accordance with Section 7.6 of the 2004 Connecticut Stormwater Quality Manual, as amended.

D. Peak Runoff Attenuation (Storm Water Detention)

1. Peak runoff attenuation shall be provided on all projects that meet any one or more of the following criteria:
 - a. Where the runoff from a development is directed to a channel or pipe system that is undersized or at capacity for a 10-year 24-hour storm under existing conditions.
 - b. Where post-development peak discharge rates exceed 110% of predevelopment peak discharge rates unless the discharge is to a large river (fourth order) or waterbody where the development area is less than five percent of the watershed area upstream of the development site.
2. Peak runoff attenuation facilities (a/k/a detention facilities) shall be designed to control the peak post-development discharge rates from the 2-year, 10-year, 25-year, and 100-year storms to the corresponding pre-development peak flow rates.
3. The emergency outlet of a peak runoff attenuation facility shall be designed to pass the 100-year storm in a controlled manner without causing erosion. At least one foot of freeboard shall be provided during the 100-year storm event.

V. Construction Standards

A. Construction Inspection

1. The Town shall have the right to inspect construction of any stormwater facility at reasonable times during construction. The Town may charge the applicant an application fee that covers the cost of inspections when inspections are performed by an independent consultant engaged by the Town.
2. The Town may require the permittee to have the construction of the stormwater facility inspected by a Connecticut Professional Engineer or Landscape Architect during construction to ensure it is constructed in compliance with the plans, specifications, and permit conditions.

B. Facility Construction

All stormwater facilities shall be constructed in substantial compliance with the approved plans, specifications, and permit conditions.

C. Facility Certification and Record Drawings.

1. When required by the Town, the permittee shall engage a Connecticut Professional Engineer or Landscape Architect submit the following certification prior to any issuance of Certificate of Occupancy.

*I, _____, a licensed (Professional Engineer/
Landscape Architect) in the State of Connecticut, hereby certify with my signature
and seal, that the project known as _____, for
owner/applicant _____, at
_____ (address) has been constructed in
substantial conformance with the approved plans, specifications, and permit
conditions.*

2. For any detention facility the applicant shall submit an as-built survey prepared by a Connecticut Land Surveyor to the Town prior to any issuance of Certificate of Occupancy. The as built survey shall show the facility location, contours, and all critical elevations of the outlet control structure.

D. Bonding

1. The Town may require that the applicant provide the Town with a bond in the amount of 100% of the estimated cost of the stormwater facility. The estimated cost shall be based on a detailed construction estimate prepared by an engineer or other qualified person and subject to the review of the Town Engineer. Bonds shall be provided in a manner acceptable to the Town Attorney. The Town of Colebrook may utilize the bonds to complete the stormwater facility in the event that the property owner fails to do so; to repair or remedy any such facility that is improperly installed or constructed; to provide additional measures where those implemented by the owner are insufficient to achieve the goals of this regulation; to perform maintenance that, following reasonable notice, the owner fails or refuses to perform; and to otherwise assure compliance with the requirements and objectives of this section. By filing a land use application with the Town of Colebrook, the property owner shall be deemed to have consented to access, upon reasonable notice under the circumstances, for such purposes.

VI. Maintenance Standards

A. General Requirements.

1. The ability of any stormwater facility to treat or detain stormwater shall not be removed or diminished without the approval of the regulating agency granting original project approval.
2. The responsible party shall inspect stormwater facilities on a regular basis as outlined in the maintenance plan.

B. Maintenance Requirements

1. The responsible party shall perform routine maintenance in accordance with the approved plan and permit conditions.
2. The responsible party shall identify non routine maintenance requirements based on regular inspection of the stormwater facilities. The responsible party shall perform non routine maintenance on an as-needed basis.
3. All maintenance shall be performed in a timely manner.
4. The responsible party shall submit a signed statement to the Colebrook land use office once per year indicating that the stormwater facility has been properly maintained and is functioning as intended. The Town may require that the statement be signed by a Licensed Professional Engineer or Landscape Architect.
5. Failure to perform maintenance in accordance with the plan and permit conditions shall constitute a violation of the land use approval granted, and may result in enforcement action as authorized by applicable law, including the use of bonds to remedy any such violation. By filing a land use application with the Town of Colebrook, the property owner shall be deemed to have consented to inspections and remedial work by the Town or its agents following reasonable notice under the circumstances.

**ARTICLE VII
EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS**

7.1 Applicability

A single-family dwelling that is not part of a subdivision shall be exempt from the soil and sediment regulations.

Except as stated in Section 7.1, when the cumulative area to be disturbed is greater than one-half acre, a soil erosion and sediment control plan shall be submitted for certification with any application for development.

A lot in a subdivision shall be subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of this application for a zoning permit.

7.2 General Requirements

The applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measure shall be based upon the principles and the minimum standards of the *Connecticut Guidelines for Erosion and Sediment Control* (2002) as amended.

Mapped information as required below shall be shown separately or as part of the site plan and/or construction plan.

7.3 Erosion and Sediment Control Plan Definitions

Certification

The approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

Disturbed area

An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

Erosion

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Inspection

The periodic review of sediment and erosion control measure shown on the certified plan.

Sediment

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

Soil

Any unconsolidated material or organic material of any origin.

Soil Erosion and Sediment Control Plan

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

7.4 Plan Requirements

A narrative describing the following:

- A. The development project.
- B. A time schedule for:
 - 1. All major construction activities, indicating the anticipated start and completion of development.
 - 2. Creating and stabilizing disturbed areas.
 - 3. Grading operations.
 - 4. Applying erosion and sediment control measure and facilities to the land.
 - 5. Design criteria, construction details, detailed installation/application procedures and maintenance program for soil erosion and sediment control measures.

A site plan map to reveal:

- A. Existing and proposed topography.
- B. Within the disturbed area, topography contours at no less than two-foot contour intervals based upon field survey.
- C. Proposed site alterations, disturbed and cleared areas, except those filled or graded.
- D. Location of erosion and sediment control measures and facilities.

7.5 Issuance or Denial of Certification

The Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objective of this regulation, or deny certification when the development proposal does not comply with these regulations.

Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the Connecticut General Statutes.

Prior to certification, any plan submitted to the Commission may be reviewed by the Town's consulting engineer, which may make recommendations concerning such plan,

provided such review shall be completed within 30 days of the Commission's receipt of such plan.

7.6 Conditions Relating to Soil Erosion and Sediment Control

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other acceptable assurance to guarantee completion of the proposed erosion and sediment control measures.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

7.7 Inspection

Inspections by the Commission or its authorized agent during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

ARTICLE VIII SPECIAL EXCEPTION REQUIREMENTS

General Requirements

8.1 Applicability

The Article sets forth the standards and procedure for Commission action on special exception uses.

The Commission must evaluate the impact of such uses upon neighboring uses and surrounding areas and reach a decision based upon the general standards for all special exceptions uses and the specific requirements for the particular special exception use as set forth in this Article.

8.2 Application, Site Plan

Applications for special exceptions may be obtained from the Town Land Use Office. All applications for special exceptions shall be accompanied by a site plan, as prescribed in Article VI of these regulations.

8.3 Special Exception Involving Inland Wetlands

If an application for a special exception involves an activity regulated by the Inland Wetlands and Watercourses Agency, the applicant shall submit an application to the Inland Wetlands and Watercourses Agency no later than the day the application is filed with the Planning and Zoning Commission.

8.4 Required Hearing and Decision

The Commission shall conduct a public hearing on any application for special exception. Such hearing shall commence within 65 days after receipt of such application and shall be completed within 30 days. The Commission shall render a decision on the application and related site plan within 65 days of completion of the hearing.

The applicant may withdraw the application or may consent to an extension of any period specified in this paragraph, provided such extension shall not be longer than the original period. The procedural requirements for considering a special exception application shall be as set forth in the Connecticut General Statutes, including the requirement for a public hearing. In addition, the applicant shall send notice of the public hearing to persons who own land that is adjacent to the land that is the subject of the hearing

Notice shall identify the subject of the special exception application, the pertinent section/s of the zoning regulations, and the date, time and place of the public hearing. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. The notification shall be postmarked no later than ten days before the hearing (counting both hearing and mailing days). A list of persons notified, together with the certificate of mailings shall be presented to the Clerk or the Commission at or before the public hearing.

The Commission shall not render a decision on the application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Agency.

Whether the Commission grants or denies a special exception, it shall state the reasons for its decision upon its records

Notice of the decision of the Commission shall be addressed by certified mail to the applicant, in writing, within 15 days after the decision. Notice of the decision shall be published within 15 days in a newspaper having a substantial circulation within the Town.

A special exception may be granted, subject to certain conditions. Enforcement of conditions attached to the granting of a special exception shall be pursuant to the provisions of Connecticut State Statute 8-12.

8.5 General Standards

The Commission may approve a special exception for specific uses listed in these regulations.

For all special exceptions applications, the Commission shall take into consideration the protection of public health, safety, welfare and property values.

The proposed use and proposed buildings shall conform to the following standards:

- A. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- B. The character and intensity of the proposed use shall be in harmony with the appropriate and orderly development of the zone, neighborhood and Town, and shall not be detrimental to established properties in the neighborhood.
- C. In making its decision, the Commission shall consider, but not be limited to, the following:
 - 1. The location, size and layout of the proposed use.
 - 2. The location, nature and height of buildings, walls and fences.
 - 3. The nature and extent of landscaping, buffering, lighting and signs.
 - 4. The location of access and parking.
- D. The applicant shall demonstrate that the following are adequate for the proposed use:
 - 1. Proposed methods for the disposal of wastes.
 - 2. Proposed measures for the prevention of pollution of surface and ground water supplies.
 - 3. Proposed measures for control of runoff to protect against flooding, icing and erosion.
 - 4. Existing fire and police protection, transportation, water and sewer facilities, schools or other necessary public facilities.

The Commission may refuse to grant a special exception if it has reasonable cause to believe that the number and character of special exception uses in the vicinity is such that the granting of a new special exception is detrimental to the public health, safety and welfare.

The Commission may prescribe appropriate conditions and safeguards to insure the accomplishment of the above general standards and objectives and any specific standards or requirements for individual special exception uses as set forth herein.

Unless otherwise stated, special exception uses shall be conducted by the resident and members of the family only. Tenants are required to obtain the owner's written consent for the proposed use, and to submit this as part of the special exception application.

A use involving the storage, use of, and/or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality, nor cause or result in air pollution. Such determination shall consider the type of use, the amount and type of hazardous materials involved and the adequacy of plans submitted by the applicant for hazardous material use, storage and disposal.

Uses identified as posing a significant threat to ground water quality or air quality shall not be permitted. Uses identified by the State Department of Environmental Protection which pose a "substantial risk" or a "major threat" to ground water quality include, but are not limited to, furniture stripping, photo processing, beauty salons and major appliance repair. (*Protecting Connecticut's Groundwater--A Guide to Groundwater Protection for Local Officials*, Connecticut D.E.P., September, 1984).

Any use which will result in an increase in the volume of water used, which may impact ground water quality or result in an increased volume of sewage disposal, shall be reviewed by the Farmington Valley Health District. It shall be the responsibility of the applicant to provide documentation from the health district.

Applicants for special exception uses shall submit a written statement describing the type and nature of the use proposed. This shall include an estimate of the daily volume of client/customer visits, an estimate of traffic generated by the use and of parking needs, and such other information as the Commission shall require to determine whether the proposed use qualifies under the standards and requirements of these regulations.

8.6 Guarantee of Performance

To assure conformity with all proposals, excluding buildings, shown on the site development plan and other approved documents, a performance guarantee in the amount required by the Commission may be made a condition of the special exception. The condition of approval shall specify when the performance guarantee will be posted, which shall be not later than the date that the applicant applies for issuance of the zoning permit.

The performance guarantee shall consist of one or more of the following: a savings deposit bank book or other cash deposit acceptable to the Commission and Town Attorney in its sole discretion.

8.7 Recording

No special exception shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to

which it relates and specifying the nature of the special exception including the zoning provision under which a special exception is granted and stating the name of the owner of record, is filed with the Town Clerk and recorded in the Town's land records.

8.8 Violations and Revocation

Failure to adhere strictly to the documents, plans, terms and/or conditions of an approved special exception shall be a violation of these regulations. The Commission may revoke a special exception for due cause in accordance with the following procedures:

Revocation of a special exception

When the Commission receives information from which it concludes there is probable cause to believe that the holder of a special exception is in violation of the requirements of these regulations and/or the terms and conditions of the special exception sufficient to warrant revocation of that permit, it shall send written notice by certified mail, return receipt requested, to the holder of that permit advising the holder of:

- A. The facts from which the Commission has determined that there is probable cause to believe violation has occurred.
- B. The violations claimed to be involved.
- C. The date, time and place for a public hearing on the possible revocation of that permit on account of these factors.

The notice, conduct and other incidents of such a public hearing shall conform to the provisions of the Connecticut General Statutes, Section 8-3c, as the same may be amended from time to time, governing hearings with respect to the granting of special exceptions, except that for purpose of the revocation hearing, the Zoning Administrator shall be deemed to be the applicant proposing revocation and the notice of probable cause for revocation shall be deemed to be the application.

The revocation of a special exception shall not be effective until a copy of the revocation, certified by the Commission and containing a description of the special exception being revoked and the volume and page of the land records in which it was recorded pursuant to General Statutes, Section 8-3d, is recorded in the land records of the Town.

8.9 Conversion of Residences and/or Structures to Apartments

The orderly and regulated conversion of existing residences and structures to apartments may be permitted in a business district by the Commission, subject to the following specific standards and conditions:

- A. The intent of this regulation is to provide suitable, compatible alternative residential uses for existing residences and structures. Any conversion shall be accomplished in a manner that maintains the integrity of an existing building. A proposed conversion shall also blend with the character and scale of the adjoining residences and the existing neighborhood.
- B. The use of such a converted home or structure shall be limited to residential use. No more than three dwelling units shall be permitted in any one conversion. No more than one residence or structure on an individual lot shall be permitted for conversion.
- C. Each apartment unit shall contain a minimum of 450 square feet for a one-bedroom or efficiency apartment, plus 125 square feet per additional bedroom. Each unit shall include complete kitchen and bath facilities.
- D. Adequate off-street parking shall be provided: two spaces each for the first two dwelling units and one for each additional unit. Parking shall be hidden from public view wherever feasible. The Commission may require the installation of structures, landscaping and/or other means to screen the parking area from public view.
- E. Fire escapes and outside stairways shall be located on the rear of the residence where practicable and shall not be located on any building wall facing the street.
- F. The Health Official shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.

8.10 Apartment Use in a Business Building

Apartment use in a business building may be permitted in a business district by the Commission subject to the following specific standards and requirements:

- A. The intent of this regulation is to provide for apartment use of business buildings for the purpose of providing convenient housing and utilizing space in an efficient manner.
- B. The building shall be found by the Building Official and the Commission to be suitable for apartment use using the standards set forth in this section.
- C. The lot shall be sufficient to meet the requirements of the principal business use, plus two parking spaces for each apartment unit.
- D. The space used for apartments must be secondary to the space used for business purposes.

- E. Each apartment unit shall contain at least 350 square feet for one bedroom or efficiency apartment, plus 150 square feet of livable floor area for each additional bedroom. Apartments are not to exceed three bedrooms.
- F. The applicant shall provide written approval from the Health Official certifying that the site's septic leach field system is suitable or can be modified to adequately treat the volume of waste disposal from the proposed apartment/s.
- G. Each apartment shall have outside access convenient to the parking area and vehicular and pedestrian access to the lot. Units located on upper floors shall have at least one access to ground level for exclusive use of the apartment/s.

8.11 Room and Board or a Bed and Breakfast Establishment

The provision of rooms for transient visitors in an owner-occupied residence may be allowed with approval of a special exception in all zones by the Commission, subject to the following conditions:

- A. In order to qualify for and maintain this special exception in a residence, the residence must be owner-occupied for the duration of the permit.
- B. The lot shall be of adequate size and shape to provide one parking space for each guest room. Parking shall be located to the rear of the building where possible.
- C. No more than five guest rooms shall be permitted.
- D. The building must be sound, safe and of adequate size to accommodate guest rooms without reducing below the required minimum the livable floor area for the principal residential use.
- E. The Health Official shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.

Home Uses

The following Sections provide for categories of home uses beyond the primary residential use: Home Occupation, Contractor of Shop and Storage Use for local contractors or trades people and Accessory Apartments.

8.12 Home Occupation

A home occupation shall be allowed subject to the general standards for all special exceptions to provide the opportunity for the use of the home for limited business purposes subject to the criteria designed to maintain the residential character of the lot and the neighborhood, minimize the conflict of the home occupation with surrounding

residential uses and protect residential property values. The following specific standards and criteria shall be applied in reviewing and deciding any application for a home occupation permit.

- A. The home occupation may occupy the primary residence and/or an accessory building. The total floor area occupied by the home occupation shall not be more than one half of the total floor space of the habitable area of the main residence, whether said business is conducted in the residence or in an accessory building.
- B. No more than two outside employees at any one time.
- C. The applicant shall submit a business use and activity plan. This shall consist of a written statement describing in general the type and nature of the proposed activity, the product, equipment and/or process involved, projected typical traffic volume and type, customer/client activity and such information as the Commission shall require, to make a determination that the proposed use qualified under the standards and requirement of these regulations.
- D. The application shall include building layout plans clearly drawn to scale showing the floor area of the residence and/or accessory building and the floor area devoted to the home occupation use.
- E. The home occupation may occupy an accessory building if the location and appearance of the accessory building is consistent with the residential character of the lot and the neighborhood and it can be demonstrated that size of the building and the type and intensity of the proposed use in the accessory building will not alter the primary residential character of the lot and neighborhood.
- F. The home occupation shall not change the residential character of the property by the use of any materials, construction, lighting or the emission of sounds, vibrations, electrical impulses, odors, airborne materials of harmful fumes.
- G. Off street parking shall be provided to accommodate parking needs of the home occupation. The Commission may limit the number of parked vehicles at any one time.
- H. No retail sales shall be permitted on the premises unless such sales are determined by the Commission to be incidental to the primary home occupation use and such sales are specifically limited as a condition of the permit.
- I. There are no hazardous materials stored or used in association with the home occupation other than materials normally associated with a residence unless the Commission determines that the proposed types and quantities of the hazardous

materials utilized or stored will pose a minimum risk to health. Home occupations uses that pose a significant threat to water quality shall not be permitted, including but not limited to, furniture stripping, photo processing, auto or major appliance repair.

- J. Repairs of automobiles or auto components is prohibited except for personal use.

8.13 Contractor Shop and Storage

A contractor shop and storage use shall be allowed subject to the general standards for all special exceptions and the following specific standards and criteria. This regulation is designed to permit a home shop and storage use for a contractor or building tradesman who conducts his trade primarily away from the home and provides a needed local service. This shall include but is not limited to, plumbers, electricians, carpenters, landscapers and similar occupations subject to standards and criteria established herein. The following standards and criteria are designed to permit this use in locations and under conditions that will protect neighboring residential property values. The Commission may attach conditions to a special exception for shop and storage use to assure compliance with this purpose and the following standards and criteria:

- A. The use shall be conducted by the owner-occupant of the dwelling. Only members of the family residing in the dwelling and no more than two non-family members shall work on the lot. Work conducted on the residential lot shall be clearly secondary to work of the contractor or tradesmen off the premises.
- B. The business equipment must be only for off premises use.
- C. Equipment shall be stored in a safe and orderly manner.
- D. Exterior storage of equipment shall be at least 50 feet from any property line. Screening may be required, up to and including complete screening, such that the stored equipment is not visible from off the property.
- E. Shop and storage uses involving the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality. Such determination shall consider the type of shop and storage use, the amount and type of hazardous material/s involved and the adequacy of plans submitted by the applicant for hazardous material use, storage and disposal.
- F. The permit shall define the type and number of permitted equipment.

8.14 Accessory Apartments

The intent of allowing accessory apartments is to provide additional housing opportunities in the Town of Colebrook.

An attached accessory apartment is a portion of the principal building and shares a continuous living area and which is allowed in any zone. (Zoning Permit required).

A detached accessory apartment is one that is separate from and subordinate to the principal building in any zone. (Special Exception required in Residential Zones, Zoning Permit required in General Business Zones).

Accessory apartments in a Residential Zone are subject to the following conditions:

- A. The owner of a residential property shall be required to reside on the premises throughout the duration of the permit.
- B. No more than one accessory apartment shall be permitted on a property.
- C. The accessory apartment shall be subordinate to the primary single family residence in terms of size and appearance and shall not exceed 800 square feet of floor area.
- D. Detached accessory apartments require a minimum lot size of four (4) acres and shall be located to the rear of the principal structure from the street frontage.
- E. At least two (2) off street parking spaces shall be provided for the use of the accessory apartment. (Refer to Section 8.9D).
- F. Fire escapes and outside stairways shall be located on the rear of the building where practicable and shall not be located on any building wall facing a street.
- G. The apartment shall have its own outside emergency egress. The accessory apartment may utilize the existing septic and well system on the lot if approved by the Farmington Valley Health District (FVHD), but modified or complete new systems may be required if the existing systems are found by the FVHD to be inadequate for the proposed use.

Accessory apartments in a General Business Zone are subject to the following conditions:

- A. No more than one accessory apartment may be permitted.

- B. The accessory apartment shall be subordinate to the principal building in terms of size and appearance and shall not exceed 800 square feet of floor area.
- C. At least two (2) off street parking spaces shall be provided for the use of the accessory apartment. (Refer to Section 8.9D).
- D. The apartment shall have its own outside emergency egress. The accessory apartment may utilize the existing septic and well system on the lot if approved by the Farmington Valley Health District (FVHD) but modified or complete new systems may be required if the existing systems are found by the FVHD to be inadequate for the proposed use.

For conversions of Residences and/or Structures to Apartments, please also refer to Section 8.9. For Apartment use in a Business Building, please also refer to Section 8.10.

Site Development Use

The following section provides for the site development of residential land in an alternative configuration than provided for in Article IV - Minimum Lot and Dimension Requirements for All Zones.

8.15 Interior Lots

An interior lot is a lot which lacks the required lot width. Lot width may be measured at either the street line or the required building line. A special exception for an interior lot shall be allowed subject to the general standards for all special exceptions and the specific standards and criteria as set forth in this section. In granting such special exception, the Commission shall also determine that:

- A. The interior lot provides the best development of the land in relations to the topography and/or shape of the parcel.
- B. The creation of an interior lot will not impede the extension of the street/utility system as provided for in the plan of development.
- C. The location of and access to the interior lot or lots in relation to other surrounding lots and the existing and/or proposed street system provides for safe and convenient access, especially for emergency purposes.

Additionally, the proposed interior lot shall comply with the following specific standards and criteria:

- A. The minimum lot area for an interior lot shall be double the minimum lot area of the residential zone in which the lot is located. The required minimum

interior lot width shall be double the width required in the residential zone in which the lot is located.

- B. An exception may be obtained for the requirement above, doubling the minimum lot area and width of the residential zone in which the lot is located, if the applicant can clearly demonstrate that down-sizing the interior lot requirement will result in preservation of a natural resource feature or other significant natural or cultural feature, view or vista that would not be so protected under the conventional subdivision requirement.

Such natural resource, significant natural or cultural feature, view or vista shall be as recommended in the Town Plan or as documented in the application in writing by a qualified expert. The application shall clearly delineate on the site development plan, the land, water, historic and/or other cultural feature that will be preserved and shall also include legal documentation assuring its permanent protection.

- C. In no instance shall the lot be less than two acres.
- D. The interior lot shall have access to a public street by means of an unobstructed and unencumbered accessway, fee simple title to which is vested in the owner of the interior lot. Such accessway shall meet the following requirements:
1. The accessway shall be at least 20 feet wide at all points and no more than 500 feet long, measured at the shortest distance between the street line and the front line of the interior lot. If the interior lot is more than four times the minimum area requirements of the residential zone in which the lot is located, then such accessway shall be at least 50 feet wide to provide for the possible future construction of a road meeting the Town requirements and specifications.
 2. The grade and alignment of such accessway shall be adequate for a driveway that can permit safe and convenient access to the lot. Such driveway shall be at least ten feet wide and graveled, asphalted or otherwise constructed to permit access by fire apparatus or other emergency vehicles and to minimize erosion. For such accessway over 150 feet in length, there shall be constructed on such driveway a wide spot, 40 feet long by 16 feet wide at intervals of not more than 150 feet.
 3. No two accessways to interior lots shall be closer to each other than the required minimum frontage measured along the street line, unless such accessways are contiguous. Where two accessways are contiguous, in lieu of each accessway meeting the driveway requirements required for an interior lot, one driveway, not less than 18 feet wide, may be used but shall be graveled, asphalted or otherwise constructed so as to permit access by fire apparatus or other emergency vehicles.

The lot line from which such accessway leads and is most parallel to the street shall be considered the front line of such lot. The required minimum lot width shall be measured at such front line lot line or at the minimum front yard setback relative thereto.

No more than two interior lots with access to the same street may have contiguous boundaries.

In a re-subdivision/subdivision the incidence of interior lots shall not exceed one lot or 25% of the number of lots for which re-subdivision/subdivision approval is sought, whichever is greater.

Such interior lot, exclusive of its accessway, shall conform to all requirements of the zone in which it is located.

8.16 Estate Lots Served by a Common Driveway

The Planning and Zoning Commission may approve, as part of a subdivision by special exception in the R-2 zone, the use of a common driveway to serve not more than six estate lots and two frontage lots provided that:

- A. The estate lots shall be double the minimum lot size requirements in the R-2 zone. The lots shall have a minimum of 200 feet of frontage on the common driveway. The minimum lot width shall be measured at such front lot line or at the minimum front yard setback. Frontage lots shall maintain the front yard setback for the street they are located on in accordance with Article IV, paragraph 4.5. In addition, they shall maintain a minimum 50 foot front yard requirement from the proposed common driveway. The two remaining sides of these frontage lots shall be considered side yards with a minimum setback of 20 feet.
- B. A common driveway shall only be built in situations where a local street can be built and the common driveway could be constructed in lieu of a public roadway that meets the local street requirements. The applicant's engineer will prepare a plan demonstrating the feasibility of a local street being built within the common driveway right-of-way instead of the proposed common driveway. The Town Engineer will comment on the feasibility plan.
- C. The right-of-way area of the common driveway shall be a minimum of 50 feet in width at all points with frontage on a public street. The maximum length of the common driveway shall be 2,000 feet.
- D. The Town Engineer shall review and comment on the design, layout and construction requirement of the proposed common driveway. The design and

layout shall provide safe access for emergency services and shall be referred to the governing fire district for their review and comment.

- E. A common driveway shall be under joint ownership of the lots it serves. The owner of lots on the common driveway shall share in the maintenance costs of the common driveway unless and until the common driveway is improved, at no cost to the Town of Colebrook, to the requirements of a Town road as specified in the current subdivision regulations and Town road ordinance.

Applicants shall provide the Commission with copies of proposed deed or covenant that shall identify common driveway ownership and maintenance responsibilities. The Commission shall be assured that the ownership responsibility for maintenance, improvements and liability associated with the common driveway shall remain private unless and until the common driveway is upgraded and accepted as a Town road at no cost to the Town. The deed or covenant shall be submitted for review and acceptance of the Town Attorney. The approved deed or covenant shall be filed with the Town Clerk with the final subdivision map.

F. Common Driveway Specifications:

1. The design of the common driveway shall provide safe access for emergency/fire services.
2. The common driveway shall be centered in a common access area that is a minimum of 50 feet in width at all points and has at least 50 feet of frontage on an accepted street.
3. The maximum grade of the common driveway shall not exceed 12%.
4. If the grade exceeds 8%, the sections of the driveway exceeding 8% shall be paved.
5. The total length of a common driveway shall not exceed 2,000 feet in length.
6. A turnaround with a 35 foot radius shall be provided at the end of the common driveway. The maximum grade of the turnaround shall be 5%.
7. Curbing and drainage storm pipe system may be required to ensure safe management and disposal of storm water.
8. A plan and profile sheet of the common driveway shall be submitted containing the following minimum information:

- a) Complete horizontal and vertical geometry on the centerline of the common driveway.
 - b) Typical common driveway sections showing pavement thickness cross slope, dimensions, swales, curbs, shoulders, etc.
 - c) All other improvements and utilities including proposed storm drains, catch basins, manholes, watercourses, culverts, curbs, gutters, swales and bridges.
 - d) Plan and profile drawings shall be at a horizontal scale of not less than 1 inch equals 40 feet and at a vertical scale of 1 inch equals 4 feet.
 - e) Plans shall be sealed by a professional engineer.
9. A stormwater management plan prepared in accordance with Section 6.12 Stormwater Management Standards is required.
10. The common driveway width shall be 18 feet.
11. If the Commission requires the common driveway to be named for safety purposes, a sign conforming to the Town specifications in *The Manual on Uniform Traffic Control Devices* (MUTCD) shall be installed and maintained.

**ARTICLE IX
SIGNS AND PARKING**

9.1 Statement of Purpose

This section regulates the size, dimensions and location of signs according to the following purposes:

- A. To avoid a clutter and confusion of signs which would detract from the rural appearance of the Town and the safety of the traveling public.
- B. To permit signs in the general business zones in keeping with the size, scale and historic character of the area.

9.2 Definition of Sign

Any device designed to inform or attract the attention of persons not on the premises.

9.3 Signs Not Regulated

For purposes of these regulations, the following are not considered signs and are not subject to this regulation:

- A. All signs erected by a public official in the performance of a public duty.
- B. Flags or insignia of any government, flags or banners of a church, club or institution or non-commercial decorative flags.
- C. Emergency 911 identifications signs, as may be required by State or Local ordinance.
- D. Displays including lighting erected in connection with the observance of specific holidays.

9.4 Application of Regulation

No sign visible from the street or adjoining property shall be established, constructed, reconstructed, enlarged, extended or moved unless it is in conformance with these regulations.

The Commission may order the removal of any signs that are not maintained or erected in accordance with the provisions of these regulations.

9.5 Nonconforming Signs

A change in the information on the face on an existing nonconforming sign is permitted.

9.6 Types of Signs Permitted

The types of signs permitted under these regulations are defined as follows:

Wall Sign

A wall sign is a sign on or attached flush to a wall of a building or a sign on a canopy. Wall signs attached to a building shall be parallel to and no more than 12 inches from the wall.

Projecting Sign

A projecting sign is a sign attached to and projecting from a wall of a building by more than 12 inches.

Free-standing Sign

A free-standing sign is a sign fixed to the ground and not attached to a building.

Window Sign

An unlighted sign which is attached to or less than 12 inches from the indoor surface of a window and faces the outside.

9.7 Measurement of Maximum Sign Area and Freestanding Sign Height

The following shall apply in measuring maximum sign area for each sign type:

- A. Wall Sign: For a wall sign applied to or attached to a building or a canopy sign, the entire display area (including the distinguishing background color or border area) shall be used in computing the sign area.

- B. Projecting and Free-Standing Signs: Where the sign has two display faces, the area of only one display face shall be counted in computing the maximum sign area if:
 - 1. The sign faces are identical.

 - 2. The sign faces are parallel, or the interior angle formed by the faces is 45 degrees or less. Where the sign faces form an interior angle of more than 45 degrees, the area of all display faces shall be counted in computing the maximum area permitted. For the purposes of measurement, the sign area shall include the entire display face and the decorative trim.

 - 3. Free-standing signs shall be a maximum of ten feet in height from ground level to the top of the sign.

9.8 General Requirements for All Signs

Sign shall relate to the premises: no off-premise signs are to be permitted.

Signs not permitted:

Signs attached to roofs or projecting above the roof line.

No sign shall be located so that it will cause danger to traffic on a street by obscuring the view.

Signs must be constructed of good material, firmly supported, maintained in good condition and repair and removed when the purpose for which they were erected no longer exists.

9.9 Signs Permitted in All Zones without a Zoning Permit

The following signs of convenience and necessity are permitted in all zones without a zoning permit provided the sign is established and maintained in accordance with the requirements stated herein:

- A. One identification sign for the name of the premises, name and address of the occupant of the premises. Maximum area equals two square feet.
- B. Trespassing related signs or security signs and signs directing and guiding traffic and parking to a premises or lot subject to the following:
 - 1. Signs shall not include advertising matter.
 - 2. No limit on the number of signs not visible off-premises.
 - 3. Signs visible off-premises are limited to one per driveway for security and one No Trespassing related sign per 40 feet of continuous property boundary.
 - 4. Maximum area equals two square feet each sign at driveways for traffic and parking and one square foot for each trespass and security sign.
 - 5. Town traffic control and parking signs shall be exempt.
- C. One sign painted on the wall of a farm building displaying the name of the farm provided the farm building meets the minimum front setback requirements. Maximum area equals six square feet.
- D. One temporary sign--for sale, lease or rental--of the premises on which the sign is located. If the lot has continuous street frontage exceeding 600 feet, two signs are permitted, if the signs are located at or near either end of the frontage. Maximum area equals six square feet each sign.
- E. One temporary sign citing the name of contractor, architect and/or engineer placed on the premises where construction, repair or renovation is in progress. Maximum area equals six square feet.
- F. Temporary signs advertising a major, local public or semi-public event sponsored by a civic, religious or non-profit organization provided the sign shall have a maximum area of 32 square feet and shall be displayed for a period not to exceed 35 days before the event and 2 days after the event.
- G. Signs for yard sales, as allowed in Section 5.8 of the zoning regulations, to be removed within two days of the end of the sale.
- H. One on-premises sign, not to exceed 12 square feet, advertising a farm stand, but only during the period of operation.

9.10 Signs Permitted in All Residential Zones Subject to a Zoning Permit or Special Exception

- A. One sign identifying a permitted home occupation indicating the name of person/s and/or profession or business. Maximum area equals four square feet.
- B. One identification sign on a lot for a multiple dwelling structure/s. Maximum area equals four square feet.
- C. One identification sign for a subdivision. Maximum area equals six square feet.
- D. For non-residential uses allowed by special exception in a residential zone:

Non-residential special permit uses, such as bed and breakfast, or for a legal non-conforming use located in a residential zone, one identification sign. Maximum area equals 12 square feet.

9.11 Signs Permitted in All Zones Subject to a Zoning Permit

Charitable, religious, government, educational, institutional or non-profit service uses subject to the following:

- A. One sign per major entrance to such use, with a maximum area per sign of 16 square feet.
- B. One bulletin board up to 16 square feet.
- C. All signs are to be set back a minimum of five feet from the property line.

Signs advertising a major local or public or semi-public event by a civic, religious or non-profit organization where:

- A. The proposed sign has a maximum area greater than 32 square feet.
- B. It is a banner, or a sign of any other type, to be located over a public street.
- C. The period of display exceeds 14 days before the event or two days after the event.

A zoning permit for such a sign may be issued by the Zoning Enforcement Office where the event is of general benefit to the Town or for public convenience, necessity or welfare.

Signs on Town owned property:

A zoning permit for such a sign may be issued by the Planning and Zoning Commission where the sign is of general benefit to the Town or for public convenience, necessity or welfare.

9.12 Requirements for Signs in General Business Zone

Maximum number of signs on a lot: one free-standing sign and one projecting or wall sign per business occupying the lot.

Free-standing sign:

Minimum setback equals 5 feet from the property line.

Maximum height equals 10 feet measured from ground level to top of the sign.

Maximum area shall be according to the number of businesses on the lot.

One business equals 12 square feet.

Two businesses equal 16 square feet.

More than two businesses equal 24 square feet.

Projecting sign:

Maximum area equals 12 square feet.

Maximum projection equals no more than 5 feet from the face of the building, not higher than the wall to which the sign is attached.

Wall sign:

Maximum area equals not to exceed 15% of the building to which the sign is attached or 24 square feet; whichever is the lesser.

Maximum height equals top of the wall to which the sign is attached.

Maximum projection equals no more than 12 inches from the face of the building.

Banner for commercial uses:

One banner with the word "sale" or "open" or a decorative banner (logo or symbol) appropriate to the use may be permitted on a commercial lot provided that:

The size of the banner may not exceed 3 feet by 5 feet.

The location of the banner shall not obstruct traffic sight lines and the location shall be approved by the Zoning Administrator.

The business owner shall apply for a permit from the Zoning Administrator.

Composite sign:

A group of three or more stores, offices or other uses which are designed as a unit, such as a shopping center, may, subject to a special exception, erect and maintain one composite sign.

The composite sign shall identify the complex and individual tenants thereof and may be located at each entrance. The area of the composite sign shall be determined by the Commission in consideration of the number of tenants, location of the sign in relation to the street and the surrounding streetscape. No composite sign shall exceed 48 square feet.

Composite off-premises sign:

In the General Business zone, a composite off-premise sign may be approved as a special exception by the Commission for the purpose of providing identification and direction to commercial uses which do not have frontage on a main street. The special exception shall be subject to the following standards and requirements:

The composite sign shall be permitted at street intersections and shall be constructed and maintained as specified in the permit. The Planning and Zoning Commission shall request the review and comment of the Board of Selectmen on a proposed off-street sign located in a Town owned right-of-way and shall not approve such a sign where opposed by the Board.

The application shall include a rendering of the proposed sign and the applicant shall demonstrate to the satisfaction of the Commission that the size, location and design of the sign is compatible with the historic and rural character of the village centers.

Parking and Loading

9.13 Off Street Parking

All premises shall have parking spaces covered by an all weather surface off the street right-of way. The Commission may approve some low-use parking on grass or other pervious surfaces. Each parking space shall be at least 9 ft x 18 ft and have adequate maneuvering area and unimpeded access to a street or highway

All required parking spaces shall be located on the same lot as the building served, except for non-residential parking which may be located within 500 feet of the building served. 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.

Off-street parking for the following uses shall be provided and maintained in connection with the use, substantial change in use, construction, conversion, or increase in intensity

of use of buildings or structures, such spaces to be provided in the following amounts per 1,000 square foot (sf) of Gross Floor Area (GFA) or as otherwise indicated:

- A. Single Family Residence: two parking spaces.
- B. Accessory apartments and other dwelling units: as specified in Article VIII.
- C. Home Occupations: as specified in Article VIII.
- D. Retail Stores: 1 space per 1,000 sf of GFA.
- E. Personal Service Establishments: 2 per 1,000 sf of GFA.
- F. . Restaurant, night club, bar, grill or other eating place: 6 per 1,000 sf of GFA.
- G. Offices, financial institutions and similar business buildings: 2 per 1,000 sf of GFA.
- H. Motels or other places for transient lodging: 1 per guest room.
- I. Churches and places of worship, lodges and places of public assembly: 1 space per 5 seats in the portion of the building used for services.
- J. Convalescent homes, hospitals, etc: 2 per 1,000 sf of GFA.
- K. Institutions, recreation facilities, clubs and similar uses:3 per 1,000 sf of GFA.

Section 9.13.1 Parking Reductions

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. The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements. In the case that an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the full development application process.

Section 9.13.2 Parking for Mixed-Use Developments

In Mixed-Use developments, or developments where parking is affected by cooperative agreements between the different land uses, for any proposed use, substantial change in use, construction, conversion, or increase in intensity of use of any buildings or structures, the applicant shall submit a parking demand analysis that demonstrates parking demand patterns. The parking demand analysis

must be approved by the Commission and will serve as the basis for determination of required parking at the mixed-use site.

Section 9.13.3 Parking Space Held on Reserve

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

Section 9.13.4 Handicap Parking Facilities

Handicap Parking Space shall be provided for all non-residential uses in number and design as specified by the laws and regulations of the State of Connecticut (State Building Code). No new structure, addition, or use shall receive a Certificate of Occupancy until the required handicap parking has been provided, striped and signed as provided by current specification. Handicap parking spaces shall be provided in addition to the minimum number of required parking spaces.

9.14 Off Street Loading

On any lot developed for business, industrial or institutional use, there shall be adequate space suitably located on the lot for the loading and unloading of goods and materials. In determining the adequacy and suitability of location, the Commission shall consider the nature of the use, volume of vehicular and pedestrian traffic and the location of the principal building in relation to the street.

**ARTICLE X
OPEN SPACE DEVELOPMENT**

10.1 Purpose

This section of the zoning regulations is intended to accomplish the following purposes.

Encourage and enable a residential development which is in keeping with the overall residential density and open space objectives of these regulations, but which departs from the strict application of certain of the required characteristics.

Permit a creative approach to the development of residential land by avoiding the conventional gridiron pattern.

Accomplish a more desirable environment than would be possible under the strict application of the requirements of the existing residential regulations.

Provide for the most effective use of land and thus prevent the effect of urban congestion and monotony.

Enhance the appearance of neighborhoods through the preservation of natural features and open space.

Provide structure to neighborhood design, add to the sense of spaciousness and encourage participation by all age groups in the use and care of local open space tracts within the new residential subdivisions.

Help promote the public health, safety and welfare of the people residing nearby and to aid in stabilizing property values.

10.2 Conditions and Requirements

The Commission may authorize an open space development when the proposed development is in conformance with the requirements of this Section and the subdivision regulations. Prior to approval, the Commission shall make findings on the record that there will be a significant community benefit resulting from the additional open space that is being preserved in perpetuity, such as:

- A. Protection of important natural or scenic resources.
- B. Preservation of a sizable area of open space.
- C. Preservation of areas along the Town or State roads that will protect rural appearance or character.
- D. Establishment of an open space corridor or greenway or interconnection of existing open spaces and/or provision for public access.

10.3 Height, Area and Yard Requirements for an Open Space Development

Unless modified by this Section, the height, area and yard requirements of Article IV shall apply.

R-2/VD

Maximum number of lots	As determined by the maximum density per Article IV
Minimum lot area	30,000 square feet
Minimum contiguous buildable land area	30,000 square feet
Buildable land shape	Rectangle with no side less than 100 feet

R-2/VD

Minimum Lot Width

Minor collector, major collector, arterial street	200 feet	200 feet
Local street	100 feet	100 feet

Minimum Front Yard Setback

Minor collector, major collector, arterial street	100 feet	100 feet
Local street	25 feet	25 feet

Minimum Side Yard Setback

Minimum (each side)	20 feet	20 feet
Aggregate (both sides)	40 feet	40 feet

Minimum Rear Yard Setback

Maximum Building Coverage

Minimum Open Space Percentage in the
Subdivision

Interior lots shall generally be discouraged in an open space development unless the Commission finds that such lots will help achieve the purposed of this Section.

Additional requirements:

- A. There shall be no minimum parcel size for an open space development.
- B. All land in excess of the building lot and rights-of-ways shall be reserved as one or more permanent open space for conservation, recreation and the general enjoyment as follows:
 - 1. Unless modified by the Commission, such open space shall be readily accessible to dwelling by street or pedestrian way.
 - 2. Where required by the Commission, such open space shall have adequate vehicular access for service and maintenance.
 - 3. Unless modified by the Commission, the land so reserved shall either be deeded to the Town, the Colebrook Land Conservancy or to a conservation organization acceptable to the Commission on such a basis as will insure that such land will be properly maintained and will remain as open space in perpetuity.

**ARTICLE XI
FLOOD PLAIN OVERLAY ZONE**

11.1 Definition of Flood Plain Overlay Zone; Permit Required

The Flood Plain Overlay Zone, as defined in Article II, Section 5, is in addition to and overlapping one or more of the other zoning district.

In a Flood Plain Overlay Zone, no structure shall be erected, expanded or structurally altered and no land use shall be established and no fill shall be placed until the Commission has approved a plan and issued a Flood Plain Permit.

11.2 Definition of Terms

Basement

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Base Flood

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development

Development means any man made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood Insurance Rate Map

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones. (Zones A1-30 or numbered A zones).

Flood Insurance Study

Flood Insurance Study means the official report from the Federal Emergency Management Agency (FEMA) which contains examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

Floodway

Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a desired height.

Lowest Floor

Lowest Floor means the lowest floor of the lowest enclosed area, including basement.

Manufactured (Mobile) Home

Manufactured (Mobil) Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Visiting Trailer or Motorized Camping Vehicle

Also known as recreational vehicle, park trailer, travel trailer and similar transportable structures, means a vehicle which is built on a single chassis, is 2,400 square feet or less when measured at the longest horizontal projection, designed to be self propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

New Construction

New Construction means structures for which the start of construction commenced on or after the effective date of the initial FIRM (August 3, 1981) and includes any subsequent improvement to such structures.

Special Flood Hazard Area

Special Flood Hazard Area is the land subject to a one percent or greater chance of flooding in any given year. These areas may be designated as Zone A or Zone A1-30 on the Flood Insurance Rate Map.

Start of Construction

Start of Construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site, or any work beyond the stage of excavation. For a substantial improvement, the actual start of excavation, the actual start of construction means the first alteration of the building, whether or not that alteration affects the external dimension of the building.

Structure

Structure for the purposes of this Section of the zoning regulations, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

Substantial improvement

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, taking place over a one year period, the cost of which equals or exceeds 50% of the market value of the structure, using the cost approach to value method, before the start of construction of the improvement or in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

Zone A

Zone A means the Special Flood Hazard Area shown on the Flood Insurance Rate Map which is subject to inundation by the 100-year flood. Because detailed hydraulic analyses have not been performed, no base flood elevation is shown. Mandatory flood insurance purchase requirement apply.

Zones A1-30

Zones A1-30 or numbered A zones means the Special Flood Hazard Areas shown on the Flood Insurance Rate Map which are subject to inundation by the 100-year flood determined in a Flood Insurance Study by detailed methods. Base Flood Elevations are shown with these zones. Insurance risk level is indicated by the number. Mandatory flood insurance purchase requirements apply.

11.3 Floodways

Floodways on the community's Flood Boundary and Floodway Map. Since the Floodway is an extremely hazardous area, due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential, the following provisions shall apply:

- A. All encroachments are prohibited including fill, new construction, substantial improvement and other developments unless certification, with supporting technical data by a registered professional engineer is provided, demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge and all other requirements applicable to development in a Special Flood Hazard Area.
- B. Fences are prohibited in the floodway unless aligned in the direction of the flow and constructed of an open design.

11.4 Zoning Enforcement Officer

The Zoning Enforcement Officer, with assistance from the Building Official, shall be responsible for the administration of these regulations. Flood Plain permit applications will be reviewed by the Zoning Enforcement Officer to determine whether proposed building sites will be reasonably safe from flooding.

In conducting this review, the Zoning Enforcement Officer may consult with the Building Official, the Town Engineer, Town Planner or other Town official with knowledge of Flood Plain permit requirements.

11.5 Other Permits Required

Applicants for a Flood Plain permit shall be aware that additional Federal or State permits may also be required for a proposal for construction or use of a Special Flood Hazard Area. Applicants may be required to provide copies of such permits.

11.6 Requirements for a Flood Plain Permit within Zone A

For sites within Zone A, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any Base Flood elevation data available from a Federal, State or other source in the administration of the elevation standards of this section.

In Zone A, where Base Flood elevations are not available, the floodplain limit as shown on the Flood Insurance Rate Map shall be used to establish an elevation.

11.7 Requirements for Flood Plain Permit within Zone A1-30

For sites in Zones A1-30, the Zoning Enforcement Office shall require that floodway data be provided by the applicant. In these zones, no new construction, substantial improvement or other development, including fill, shall be permitted which will increase Base Flood elevations more than one foot at any point along the watercourse when future anticipated development is considered cumulatively with the development proposed as part of the application.

No Flood Plain permit shall be granted unless the applicant has submitted a plan which the Zoning Enforcement Officer determines is in compliance with the following requirements:

Residential: New construction of and substantial improvements to structures which are used or intended to be used for dwelling purposes, including but not limited to, lodging inns or other uses with residential guest accommodations shall meet the following requirements:

- A. The lowest floor, including basement, shall be elevated at least one foot above the Base Flood elevation.

Non-Residential: New construction or substantial improvements to non-residential structures shall meet the following requirements:

- A. The lowest floor, including basement, shall be elevated one foot above the Base Flood level or, together with attendant utility and sanitary facilities, shall be flood-proofed to one foot above the Base Flood elevation.
- B. A registered professional engineer or architect shall develop and/or review structural design, plans and specifications for the construction and shall certify that the design includes walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy resulting from flood waters one foot above the Base Flood elevation.
- C. Once constructed, certificates which include the specific "as built" elevations, in relation to mean sea level, to which such structures are elevated or flood-proofed, shall be signed and sealed by a certified land surveyor (L.S.) and submitted to the Zoning Enforcement Officer and maintained in the Town files.

11.8 General Standards, Requirements and Procedures

The following general standards, requirements and procedures shall apply in all Special Flood Hazard Areas to all new construction and substantial improvements:

- A. New Construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. New construction and substantial improvements shall be constructed using materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- D. Electrical, heating, ventilation, plumbing and 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.
- E. New construction and substantial improvements shall be designed to cause the least possible impediment to the flow of floodwater and debris.

- F. The Zoning Enforcement Officer shall notify adjacent communities and the State DEP, Inland Water Resources Division, prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency. Regular maintenance meeting the approval of the Zoning Enforcement Officer and the Building Official shall be performed by the permittee to assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- G. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- H. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- I. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- J. Outdoor storage of material which would tend to be floated by floodwater and cause obstruction downstream shall be prohibited.
- K. Manufactured homes shall be prohibited.
- L. Parking or storage of visiting trailers or motorized camping vehicles shall be prohibited.
- M. A structure already in compliance with the provisions of this regulation shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.

11.9 Application Procedures and Requirements

An application for a Flood Plain permit shall be submitted to the Commission and it shall include three black and white prints of a site plan of the premises, drawn to scale and certified by a licensed land surveyor and civil engineer, showing:

- A. The actual shape and dimension of the lot, the size and location of all existing and proposed structures and land uses.
- B. The layout of existing and proposed parking and loading facilities and access thereto.
- C. Existing and proposed grades, delineation of the flood boundary limits and the elevation in relation to mean sea level and base flood level of the proposed lowest floor, including basement, of all structures.

- D. Elevation in relation to mean sea level and base flood level to which any non-residential structure will be flood-proofed.
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- F. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition.

11.10 Decision on Flood Plain Permit

The Commission shall act on the Flood Plain permit by approving, disapproving or approving the permit with modifications to proposed plans. One copy of the approved permit and plan, with the approval noted therein, shall be filed with the Commission and one copy shall be made available to the applicant.

11.11 Other Requirements

Recreation Vehicles: A visiting trailer or motorized camping vehicle as defined herein and as otherwise permitted in accord with the zoning regulations may be placed on sites within Zone A or Zone a1-30, provided such vehicle shall be permitted on site for no more than four weeks in any calendar year and provided the vehicle is fully licensed and ready for highway use.

A visiting trailer or motorized camping vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

Certificate of Zoning Compliance: The Zoning Enforcement Officer shall determine that all requirements of the Flood Plain permit have been complied with prior to issuing a Certificate of Zoning Compliance.

ARTICLE XII EXCAVATION OF EARTH MATERIALS

12.1 Purpose

The purpose of this Section is to regulate the excavation of gravel and other earth product in such a manner as to be consistent with the public health, safety and welfare.

Specifically, this Section is directed at ensuring that there will be reestablishment on a site a suitable grade, that there will be reestablished upon the site a vegetative cover to prevent erosion and siltation and that there will be proper safeguard to ensure that the excavation operation will not cause nuisance to the surrounding neighborhood, via noise, dust or vibrations.

As noted in the following requirements, excavation operations require the submission of an application for a special exception for a sand and gravel removal permit. Such an approach recognizes that there are situations where excavation operations are compatible with the surrounding area.

12.2 Permission

The excavation and removal from the premises of sand, gravel, stone, clay, loam, dirt, mineral or other earth products may be permitted in any zone upon the acquisition of a special exception from the Commission for as a Sand and Gravel Removal permit.

12.3 Excavation and Removal Operations Exempted

The following may be undertaken as of right without the granting of a special exception, providing that the measures acceptable to the Town Engineer and in accordance with the *Connecticut Guidelines for Erosion and Sediment Control* (2002) are preserved.

- A. Excavation and removal of less than 50 cubic yards over a period of one calendar year from any single parcel of land recorded as such in the Office of the Town Clerk.
- B. Excavation and removal of 1,000 or less cubic yards of material in conjunction with the grading, foundation or trench work necessary for the construction of a home, building, or out-building for which a building permit has been issued.

12.4 Applications

Applications for a special exception for the above Sand and Gravel Removal permit shall be made on forms provided by the Commission, be accompanied by a fee/s as established by ordinance and include maps and plans as required by Article VI - Site Plan Requirements, of these regulations. In addition to the information accompanying the application, as listed, the following shall be submitted:

- A. A Certified Erosion and Sediment Control Plan as required by Article VII of these regulations.
- B. An estimate of the total amount of material to be excavated and removed.
- C. A narrative description of the manner in which the proposed excavation will be conducted. Such description shall also address the proposed access to the site, the maximum loaded weight and the maximum number of trucks per hour entering and leaving the site, the proposed hours and days of operation, the schedule for completion of the proposed excavations/s and the restoration of disturbed areas and the type of any processing operations as well as machinery necessary for same.

- D. Written permission for inspection of the site at reasonable time by the Zoning Enforcement Officer, Town Engineer or Designee of the Planning and Zoning Commission.
- E. An estimate prepared by a professional engineer of the cost of stabilizing and landscaping areas upon completion of the excavation operations.
- F. The site plan required by Article VI of these regulations shall also contain information as to the following:
 - 1. The locations and types of any machinery or buildings to be used or erected on the site.
 - 2. A landscaping plan detailing the re-grading and landscaping of the site at the conclusion of operations including existing ground cover and vegetation and proposed ground cover/stabilization.
 - 3. Proposed measure to minimize the nuisance from dust and wind erosion at storage areas, yards, access roads, service roads or other untreated open areas on the site.

12.5 Approvals

The Commission may approve the excavation and removal of earth products providing the general purposes of these regulations are met and the following standards and conditions are satisfied:

- A. Prior to the initiation of any operations on the site, the applicant shall file with the Commission a performance bond in an amount sufficient to restore excavated areas and stabilize and secure slopes. The amount of the bond shall be established by the Commission. Such bond shall be cash, surety, or a savings account in an amount and form satisfactory to the Commission.

The bond or other surety shall be accompanied by an agreement permitting the Town to enter onto the property for the purpose of any necessary restoration. Prior to the release of the bond, the applicant shall file an as-built plan for the operation or demonstrate in the field to the satisfaction of the Town Engineer that the conditions of the permit have been met. The bond shall run for an additional 12 months beyond the permit period or 12 months after completion.

- B. No excavation shall take place within 100 feet of any property line. This requirement may be modified by the Commission when warranted by topographic conditions and/or when the utilization of the site for other than excavation proposed requires being closer to property lines.

- C. Plans as proposed provide that at all stages of operations; drainage and storm water shall be controlled to prevent stagnant water, erosion and pollution of watercourses by silting or otherwise. Additionally, plans shall provide for the control of storm water run-off such that there will not be damage to public or private property, roads or drainage facilities.
- D. Sites across the street from or adjacent to existing residential development shall be screened from such areas by vegetation and/or fences and barricades. Vegetative screening shall consist of evergreen trees a minimum of six feet in height.
- E. Truck access to the site shall be so arranged to minimize danger to traffic and nuisance to the surrounding properties. That portion of the access road within the area of operations shall be provided with a dustless surface when deemed necessary by the Commission to protect the neighborhood. Spillage on public roads of any earth materials shall be removed daily.
- F. No equipment or vehicles directly or indirectly engaged in the excavation or transportation of earth materials shall be operated, repaired or serviced on the premises earlier than 7:00 a.m., nor later than 6:00 p.m., Monday through Friday, nor earlier than 8:00 a.m., nor later than 5:00 p.m. on Saturdays.

The Commission may further restrict hours of operation when the density and proximity of surrounding residential development warrants same, and/or when the principal access to the site is via a residential street. For the purpose of this Section, a residential street shall be a street other than an arterial street as listed in the *Colebrook Plan of Development*. All such operations on Sunday and the legal holidays--New Year's Day, Memorial Day, Labor Day, Fourth of July, Christmas Day and Thanksgiving Day are prohibited.

- G. When two or more separately owned, contiguous parcels are proposed to be operated under one permittee, such parcels shall be consolidated under one permit. Each property owner must be a party to the application and will be bound by the conditions of same, if granted.
- H. There shall be no stockpiling of materials brought in from off the site in any residential zone.
- I. Machinery shall operate and be maintained to operate so as not to exceed the following decibel readings at the indicated locations:

Maximum Sound Levels (Decibels)

Frequency (Hertz)	Zone Boundaries	In Business Zones
0-74	72	75
75-149	67	70
150-299	59	63
300-599	52	57
600-1199	46	52
1200-2399	40	45
2400-4700	34	40
4800+	32	35

- J. Plans shall provide that the final grades of excavated areas do not exceed 2:1 (Horizontal to Vertical) and the grades in fill areas do not exceed 2:1 unless special stabilization measures are specifically approved by the Commission. No rock face exposed due to excavation shall exceed a finished height of 30 feet measured from the surface of the natural grade to the top of finished grade.

Multiple tiered rock faces shall not be permitted when the total height would exceed the maximum permitted height. The horizontal alignment of the excavated rock face shall be irregular so as to reflect the natural condition of exposed bedrock in the Litchfield Hills.

In addition, a finished slope face or embankment created by excavation or filling shall not exceed a height of 30 feet before being blended with the natural undisturbed slope of the property. Furthermore, such areas shall be restored such that they are covered with a minimum of four inches to top soil, seeded with a suitable grass mixture containing at least 50% perennial grasses and maintained by mulching, repairing and reseeded until the area is stabilized. Any debris generated as a result of the excavating operation shall be removed from the site.

- K. Where the Commission finds that the principal roads to be used by the gravel trucks are below minimum Town road standards, improvements may be required. In such an instance, the applicant shall first obtain approval from the Board of Selectman to make such improvements. Where the intensity of gravel truck traffic will, in the opinion of the Commission, cause accelerated wear and damage to the public road providing access to the site, the applicant may be required to provide periodic repairs to same and/or post a bond to insure such repairs.
- L. Applications for the excavation of earth materials, in addition to meeting all other applicable requirements of these regulations, shall only be approved when it is demonstrated that the nature of the excavation will not be detrimental to the surrounding neighborhood and will not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.

- M. Open/excavated areas shall be kept to the minimum area necessary for the proper functioning of the removal operation. Disturbed areas, once brought to final grade, shall be restored as soon as is practicable. The Commission may require that an operation be undertaken in phases when warranted by the size of the site or the complexity of the operation.
- N. Special exceptions shall expire two years from the date of issuance but may be renewed upon application for a special permit. Such permit shall immediately expire and shall become null and void where the bond required herein expires or otherwise fails to be in full force or effect.
- O. Operations shall be subject to inspection by the Zoning Enforcement Officer, designee of the Planning and Zoning Commission or the Town Engineer to verify on-going compliance with the terms of the permit. Applicants shall provide, coincident with such inspections, sufficient data to aid in the inspection process. Such data may include, when necessary, field surveys.
- P. All blasting shall be done by a licensed blaster in compliance with the terms and conditions imposed by the Fire Marshal.
- Q. Bonds required in 12.5 a. shall not be released until the applicant has filed with the Commission an as-built plan documenting compliance with the permit. As-built plans may be waived by the Commission upon the recommendation of the Town Engineer; that his inspection of the site found same to be in compliance with the permit.

**ARTICLE XIII
NONCONFORMING LOTS, STRUCTURES AND USES**

13.1 Definitions

Non-conforming Lot

A parcel of land which does not conform to the area and/or dimensional requirements of these regulations, and which legally existed at the effective date of these regulations.

Non-conforming Structure

A structure, the size or location of which is not permitted by any provision of these regulations for the zone in which it is located, but which was legally in existence at the effective date of these regulations.

Non-conforming Use

Any use of land or structures or portions thereof, which is not permitted by these regulations in the zone where it is located, but which was legally in existence at the effective date of these regulations.

13.2 Restrictions on Non-conforming Lots

A non-conforming lot may be used, and a structure thereon may be constructed, reconstructed, enlarged, extended, moved or altered, provided that the use or structure shall conform to all other requirements of these regulations.

13.3 Restrictions on Non-conforming Structures

A non-conforming structure shall not be enlarged except in conformity with these regulations.

A non-conforming structure damaged or destroyed by fire, flood, explosion, act of God or the public enemy may be restored and used as before. Restoration of non-conforming structures shall not further reduce established setbacks nor increase their cubic contents or the lot area occupied.

A non-conforming structure which is moved for any reason and for any distance shall thereafter conform to the regulations for the zone in which it is located.

13.4 Restrictions on Non-conforming Uses

A non-conforming use of land, where no structure is involved, may be continued, provided that:

- A. It shall not be enlarged or increased, nor moved, nor extended to occupy more land than at the effective date of these regulations.
- B. If it is changed to a conforming use, future use of the land shall be in conformity with these regulations.
- C. Any structure erected in connection with the non-conforming use shall be in conformity with these regulations.

Non-conforming uses of structures, or of structures and land in combination:

- A. A structure, the use of which is non-conforming, shall not be enlarged, extended, altered, reconstructed or moved, unless the use therein is changed to a conforming one.

- B. A non-conforming use may be extended only throughout those parts of the structure which were manifestly arranged or designed for such use at the effective date of these regulations. No such use shall be extended to occupy any land outside such building.
- C. A non-conforming use may be changed to a conforming use or, subject to the approval of a special permit, to another non-conforming use determined to be less non-conforming than the present non-conforming use. If there is no present use, the basis shall be the immediate prior use, not any past or potential use.

In making this determination, the Commission shall find that:

- 1. The proposed use by its nature shall not generate a greater volume of traffic nor a more intense type of traffic.
 - 2. Te proposed use is more suitable to the site and the neighborhood than the present use, based upon the recommendations in the *Town Plan of Development*.
- D. If the non-conforming use of a structure is changed to a conforming use, or if the structure is moved any distance for any reason, then its future use shall be in conformity with these regulations.
 - E. Any structure legally non-conforming, in use, which is damaged or destroyed by fire, flood, explosion, act of God or the public enemy, may be restored and the use continued, but not to any greater extent than in the previously existing structure.

ARTICLE XIV ADMINISTRATION

14.1 Method of Administration

These regulations shall be administered by the Planning and Zoning Commission or its authorized agent, the Zoning Enforcement Officer (ZEO). The Commission or its agent shall receive applications, issue zoning permits and certificates of compliance and collect fees required by these regulations. The Zoning Enforcement Officer shall keep an administrative log or record.

The Commission or the Zoning Enforcement Officer shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations or, when the violation involves grading of land or the removal of earth, to issue, in writing, a cease and desist order to be effective immediately.

14.2 Zoning Permits

No structure shall be erected, moved, enlarged or changed to another use and no use shall be established or changed until the Zoning Enforcement Officer has certified in writing that these regulations have been complied with.

A zoning permit shall be issued by the Zoning Enforcement Officer upon receipt of a completed application and the appropriate fee, if all of the provisions of these regulations and the subdivision regulations of the Town of Colebrook are complied with. A zoning permit application form is available from the Town Land Use office.

For a single family dwelling or a permitted accessory structure or use, a zoning permit application shall be made. The application shall include a plot plan or survey showing property owner and adjacent owners, size and location of buildings (existing and proposed), sanitary sewage facilities, water supply, proposed driveway locations, proposed use of property and such other information as the Zoning Enforcement Officer may deem reasonably necessary to determine and provide for the enforcement of these regulations.

For uses other than single family dwellings or permitted accessory structures and uses, the zoning permit application shall be accompanied by a site plan. Such site plan shall conform to the specifications of Article VI of these regulations and shall be reviewed and approved by the Zoning Enforcement Officer before a zoning permit is issued.

A zoning permit or site plan permit shall be void one year after the date of approval unless the use is begun or actual construction has begun and it being diligently pursued to completion. Actual construction is the excavation and construction of a basement, cellar or foundation and the actual placing of construction materials in their permanent position and fastened in a permanent manner.

No building permit or combined zoning and building permit shall be issued by the Building Official until the Zoning Enforcement Officer has certified in writing, through the issuance of a certificate of Compliance that the provisions of these regulations have been complied with.

14.3 Violations and Penalties

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used in violation of any provision of these regulations, the Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or occupancy of such building, structure or land or to prevent any illegal act, conduct business or use in or about such premises.

The owner or agent of any building or premises where a violation of any provision of these regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who maintains any building or premises in which any such violation exists, shall be fined not less than ten nor more than one hundred dollars for each day that such violation continues, but if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars, not more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both, and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

Any person who, having been served with an order to discontinue any such violation or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these regulations specified in such order, shall be subject to a civil penalty of five hundred dollars, payable to the Treasurer of the Town of Colebrook.

The Zoning Enforcement Officer may issue citations in accordance with the provisions of the *Ordinance Establishing Citations and Fees for Zoning Violations*, effective date, June 5, 2004.

14.4 Other Permits

Other permits in addition to a zoning permit may be required before the applicant can begin the proposed construction or use. Examples of such other permits are those concerned with driveways, wetlands, water and sewer facilities, fire protection, building code and health code. Determining what other permits are required and obtaining those permits is the responsibility of the applicant.

ARTICLE XV APPEALS AND VARIANCES

15.1 Appeals

Any person may appeal to the Zoning Board of Appeals when it is alleged that there is an error in any order, requirement or decision made by the Commission or the Zoning Enforcement Officer related to the enforcement of these regulations.

15.2 Variances

Any person seeking a variance from the literal enforcement of these regulations may apply to the Zoning Board of Appeals for a variance. Said Board may, after consideration

of a variance application in accordance with Sections 8-6 and 8-7 of the Connecticut General Statutes, approve or deny a variance.

**ARTICLE XVI
AMENDMENTS**

16.1 Procedure

Amendment of these regulations, including the Zoning Map, may be petitioned by any person or person, or may be initiated by the Commission. Amendments may be made by the Commission after public notice and hearing in accordance with Section 8-3 of the Connecticut General Statutes. The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve months.

16.2 Notice

No fewer than ten days prior to any hearing concerning a petitioned change of any zone boundary, a copy of the legal notice relating to the hearing shall be mailed to owners of record at the last address known to the tax collector, of lands adjoining and directly across the street from the area of the proposed zone change. Responsibility for mailing notices shall be the applicant's, and mail receipts shall be presented to the Commission or to the Zoning Enforcement Officer prior to or at the hearing.

**ARTICLE XVII
SEPARABILITY**

17.1 Validity

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**ARTICLE XVIII
EFFECTIVE DATE AND LIST OF SUBSEQUENT AMENDMENTS**

18. These regulations supersede regulations adopted by the Commission on September 1, 1992, revised and reformatted to May 28, 2008, and amended to June 16, 2011, and amended to March 15, 2015.