

# ***ZONING REGULATIONS***



***EAST HADDAM***

***CONNECTICUT***

***Revised to: April 1, 2023***

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## INTRODUCTION

The original Zoning Regulations were adopted on September 12, 1961. Since then, numerous revisions to the regulations have been made. These revisions have been written in such a manner as to make them clear and concise. It is the hope that this will make the regulations easier to use for our citizens and taxpayers and any others who may desire to use them.

Addition listing of amendments can be found in Appendix I

### SECTION 1

### PURPOSES

Pursuant to the power and authority invested in it by the Connecticut General Statutes as amended, the Planning and Zoning Commission of the Town of East Haddam hereby adopts the following regulations.

**1.0 PURPOSES:** There is hereby established a comprehensive zoning plan for the Town of East Haddam, Connecticut (hereinafter referred to as the "Town") which plan is set forth in the text, maps, and schedule, which constitutes these Regulations. Said plan is adopted for the purposes set forth in Chapter 124 of the Connecticut General Statutes, as amended, for the protection and promotion of the public health, safety, and welfare.

1.1 Such regulations shall encourage the most appropriate use of the land in accordance with the comprehensive zoning plan, with the purpose of: to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to character of the district and its peculiar suitability for particular uses with a view to conserving property values and encouraging the most appropriate use of land throughout East Haddam.

Zoning regulations may be made with reasonable consideration for the protection of historic factors and for the protection of existing and potential public surface and ground drinking water supplies; proper provisions be made for sedimentation and erosion control. The regulations also encourage energy- efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

### SECTION 2

### ADMINISTRATION AND ENFORCEMENT

**2.1. Zoning Enforcement Officer(s).** These Regulations shall be administered and enforced by such Zoning Enforcement Officer or Officers as the Commission shall, by resolution, designate, including members and alternate members of the Commission.

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

- 2.3. Certificate of Zoning Compliance.** Upon the request of any property owner, or the Building Official, the Zoning Enforcement Officer is hereby authorized to issue a Certificate of Zoning Compliance in the following cases:
- (a) For any site, building, or structure which has been reviewed and approved by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Certificate shall be evidence that such site, building, or structure has been developed in conformance with these Regulations and to the requirements and conditions attached to any variance, Site Plan Approval or Special Exception issued hereunder.
  - (b) For any legally existing use, building or structure for which no variance, Site Plan Approval, or Special Exception is required under these Regulations. Such Certificate shall be evidence that such use, building or structure conforms to all applicable provisions of these Regulations, or is a valid nonconforming use, building or structure, as defined in these Regulations.
  - (c) For any addition to, or expansion of, a legally existing single-family dwelling, and/or any permitted accessory buildings, uses or structures located on a non-conforming lot, which lot equals or exceeds one-half (1/2) acre in area. Such Certificate shall be evidence that such use, building, or structure conforms to all applicable provisions of these Regulations, other than required lot area or other required lot dimensions.
  - (d) For any single-family dwelling and permitted accessory buildings, structures and uses, on a conforming lot. Such Certificate shall be evidence that such single-family home and permitted accessory buildings, structures and uses conform to all applicable provisions of these Regulations.

Any use of land, buildings, or structures, or any expansion of such use, or the erection, extension, or alteration of any building or structure, for which a Certificate of Zoning Compliance is not required under this Section or for which a Special Exception is not required by these Regulations, shall require Site Plan Approval pursuant to Section 14A of these Regulations.

Except as provided below, prior to the issuance of any Certificate of Zoning Compliance in coordination with a Certificate of Occupancy, the property owner shall provide a plan accurate to the Standards of A-2 Classification as defined in the Code of Practices for Standards of Accuracy of surveys and maps adopted December 10, 1975 as amended by the Connecticut Association of Land Surveyors, Inc. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited, new buildings, structures, parking areas, sanitary disposal systems, wells, wetlands, flood plains and other information required to determine compliance with these Regulations, the East Haddam Subdivision Regulations, or the East Haddam Inland Wetlands and Watercourses Regulations, or any permit issued thereunder. Corner boundary pins are to be set prior to the issuance of the final Certificate of Zoning Compliance. Such plan shall not be required for any addition to an existing single-family residential building or structure, nor for any permitted residential accessory building or structure.

No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the East Haddam Subdivision Regulations, or the East Haddam Inland Wetlands and Watercourses Regulations, the Town of East Haddam Ordinance Book, or any permit issued thereunder, is proposed or exists. In accordance with Connecticut General Statutes Section 8-3(f), no Building Permit or Certificate of Occupancy for any building, use or structure shall be issued by the Building Official without the prior issuance of a Certificate of Zoning Compliance.

**2.4. Building Permit.** No Building Permit shall be issued for any activity or use which is not in conformance with the provisions of these Regulations, and no such Permit shall be issued unless and until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance indicating the plans submitted to the Building Official conform to these Regulations and any Special Exception, Site Plan Approval, or variance issued hereunder. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Exception, Site Plan, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of these Regulations or any Special Exception, Site

Plan Approval or variance issued hereunder may be ordered to cease and desist, at the sole discretion of the Zoning Enforcement Officer or Building Official. In order to carry out the provisions of this Section, the property owner shall allow any official of the Town of East Haddam free access to the site.

**2.5. Certificate of Occupancy.** No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until the issuance of a Certificate of Occupancy by the Building Official of the Town of East Haddam. Such Certificate of Occupancy shall not be issued unless the subject site, building(s), and structure(s) conform to any Special Exception, site plan approval, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as-built plan of any septic system design reviewed by the Commission, pursuant to Section 14A of these Regulations, has been submitted to the Town Sanitarian. Said as-built plan shall certify that the preparer thereof personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the approved design. If the subject septic system was designed by a Connecticut Registered Professional Engineer, said as-built plan shall be certified by such and Engineer. All non-engineer designed systems shall have as-built plans prepared and certified by either the system installer or a Connecticut Registered Professional Engineer. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth herein below.

As set forth in Section 2.3 of these Regulations, no Certificate of Occupancy shall be issued without the prior issuance of a Certificate of Zoning Compliance if such Certificate is required by these Regulations.

**2.6. Special Exceptions, Site Plan Approval, and Variances; Deviations, Amendments, Misrepresentations.** In accordance with Section 8-3d of the Connecticut General Statutes, no Special Exception shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the Regulation which is varied in its application or to which a special exception is granted, and stating the name of the owner of record, is recorded in the land records of the Town of East Haddam. No person who has obtained a Special Exception, Site Plan Approval, or variance shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations, provided, however, that the construction of open unroofed porches and decks attached to a residential dwelling may be added without application for, or amendment of, a Site Plan Approval. Likewise, no person who has obtained a Special Exception, Site Plan Approval, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said Special Exception, Site Plan Approval, or variance, and to take such other legal action as may be required to secure compliance with said Special Exception or variance and the conditions attached thereto. The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Special Exceptions and Site Plan Approvals. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances.

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

1. Increased the parking demand of the use; or
2. Increase or change the hours of operation of the use; or
3. Increase the noise generation of the use or change the octave band frequency of such noise; or

4. Increase or change the emission of smoke, dust or other contaminants into the air, including both point sources and fugitive emissions; or
5. Increase or change the demand for outdoor storage, truck or equipment traffic (type or volume), water consumption, or effluent disposals; or
6. Involve the use of different equipment, processes, chemicals, or materials; or
7. Increase the amount of lighting.

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

**2.7. Completion of Construction.** For any Special Exception the construction of any building or structure, or the establishment of any use, shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within thirty-six (36) months of the effective date for such approval. For any Site Plan Approval, the construction of any building or structure, or the establishment of any use, shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within sixty (60) months of the effective date for such approval. Any such approval not completed within the time limits contained in this section shall be void.

**2.8. Performance Bonds.** As a condition of the approval of any Special Exception, Site Plan Review, or Variance the Commission or the owners of the subject property post a bond, in such form and with such sureties as the Zoning Enforcement Officer may prescribe, in an amount sufficient to cover the cost of construction of any street improvements, drainage, septic facilities, erosion control measures, water supply, and any other improvements required by the Commission/Board in connection with any such Special Exception, Site Plan Approval, or variance. Such requirement for bonding shall be determined on the basis of the importance of the completion of such improvements to compliance with the criteria of these Regulations, the extent and expense of such improvements, and the potential for occupancy of the site or building in the absence of such improvements. All such improvements shall be completed prior to the issuance of a Certificate of Zoning Compliance and/or Certificate of Occupancy, except as provided herein below.

In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may require a performance bond, in such amounts, form, and surety as he/she may deem necessary, to insure the completion of such improvements in not more than six (6) months following such occupancy. In the event that the improvements described herein above shall not be completed within the time limits contained herein, the Commission, Zoning Board of Appeals, or the Zoning Enforcement Officer, as the case may be, shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.

A Performance Bond may be required to be posted by the Applicant/Owner prior to the commencement of construction of any improvement or work on any lot to ensure the completion of required improvements and utilities in the event the Applicant/Owner shall fail to install same within six (6) months from the date of the occupancy. The term of the Performance Bond may be extended by the Commission upon approval of a petition from the developer to the Commission requesting an extension subject to agreement of such extension by the Surety.

In computing the amount of the Bond, the Commission shall include the construction cost of the following items:

- a) The construction cost of all required improvements, including storm drainage system, erosion and sedimentation control measures, roads and pavements, sidewalks, and curbs, trees, plantings, grading,

setting of monuments, and any other requirements made as a condition for Site Plan or Special Exception approval or depicted on the endorsed Final Plan, Plan and Profile, Erosion and Sedimentation Control Plan or any other plan as approved by the Commission.

b) Estimated costs shall be those that would allow for the Town advertising, bid evaluation, and awarding a contract for construction of the improvements along with the cost for engineering inspections of the construction.

c) Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the bond total.

d) The total estimated cost of the Performance Bond shall also include a 10% addition to cover contingencies and Commission's engineering.

e) Where a Site Plan or a Special Exception is to be developed in phases, the Applicant/Owner shall petition the Commission in writing for permission to post a Performance Bond covering the costs itemized in paragraphs (6.a) through (6.d) above, related to those improvements and utilities located within or required to serve one or more phases rather than for the entire development. Similar permission shall be obtained by the owner prior to commencing development of any or all additional phases. Where the owner bonds in phases as authorized in this paragraph, no improvement, as that term is defined in these Regulations, shall be commenced in any phase for which no bond has been posted.

f) As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Site Plan or Special Exception Improvements:

1) Cash in the form of a certified check, or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in either Middlesex, Hartford, or New London Counties. The check must be issued to: Town of East Haddam, 1 Plains Road, Moodus Ct 06469. The amount of the performance bond must match the amount of the bond requirement set forth by the Commission.

2) A Letter of Credit in favor of the Town in the form prescribed by the Commission, after review by its legal counsel. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut and governed by the law of the State of Connecticut. The issuing bank ("Surety") shall be one maintaining offices in Middlesex, Hartford, or New London Counties. The letter of Credit must be issued to: Town of East Haddam, 1 Plains Road, Moodus, Ct 06469. The amount of the performance bond must match the amount of the bond requirement set forth by the Commission.

3) A surety bond that meet the following requirements:

A. The surety company must be rated "A" or above by Standard and Poor's, Moody's or equivalent rating agency and shall be one approved by the Commission based upon the current Department of Treasury Listing of Approved Sureties (Department Circular 570), with modifications based upon whether a particular surety company has previously failed to honor bonds presented by the Town of East Haddam in the past.

B. The surety company shall maintain permanent office within Middlesex, Hartford, or New London Counties of the State of Connecticut.

C. The performance bond must be issued to: Town of East Haddam, 1 Plains Road, Moodus, Ct 06469

D. The amount of the performance bond must match the amount of the bond requirement set forth by the Commission.

E. The surety bond agreement shall contain the following provisions, at a minimum: (i) that payment shall be made in full within sixty-five (65) days of written demand by the Commission or its agent; and (ii) that failure to make full payment within such time shall automatically and without further demand result in a penalty of one (1%) of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand; and (iii) that if litigation is required to collect the said surety bond, the surety company shall pay to the Commission the costs and expenses of such litigation; and (\*iv) the surety company shall agree to indemnify and hold harmless the Commission and the Town of East



Haddam against any and all claims of damage or injury sustained upon, or as a result of, the incomplete public improvements during the period following the demand for payment on said surety bond, and for restoration of any damage or deterioration (including, but not limited to, erosion and sedimentation damages) resulting from such delay in payment; and (v) such other provisions as the Commission's legal counsel shall require.

F. The performance bond shall not expire until the project completion date. For subdivisions, the performance shall not expire before the entire five-year period in which to complete the subdivision pursuant to Connecticut General Statutes Section 8-25 or the subdivision is completed and all public improvements accepted. If the subdivision approval is extended for an additional five-year period under Connecticut General Statutes Section 8-25, the performance bond must be extended for that time period.

G. A sixty (60) day advance notice by the surety company of an expiration or non-renewal of the performance bond must be provided to the Town of East Haddam.

4) A restrictive covenant, in a form prescribed by the Commission's legal counsel, to be filed on the Land Records of the Town of East Haddam, prohibiting the issuance of a certificate of occupancy of any building until such time as all improvements are completed in accordance with these Regulations, or until the incomplete portions of such improvements are bonded by one of the methods in the preceding two (2) paragraphs.

The above referenced forms shall be as provided by the town and shall be the only ones acceptable to the Commission. The amount of the bond shall be the sum which the Commission shall require. The completion date of all required improvements shall be as required by the Commission, but in no event, longer than the period set forth in Chapter 126 of the Connecticut General Statutes.

For all performance bond documents: If the Applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.

If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact; or may void the site plan or special exception following a public hearing with notice to the applicant and property owner(s).

**2.9. Amendment.** These Regulations, or the boundaries of any zone or district, may be amended by the Commission, after public notice and public hearing, in accordance with Section 8-3 of the General Statutes. Such amendment may be at the initiation of the Commission, or by the petition of any person. If petition shall be by any person, such petition shall be:

- (a) In writing;
- (b) Signed by the property owner or owners requesting such a change;
- (c) Outline specifically, by map or otherwise, the boundary changes and/or text changes which are requested;
- (d) Fee as presented in the Town of East Haddam Ordinance Book under Fee Schedule.

In addition to any other requirement contained in these Regulations, the Commission may require that the applicant provide additional information to establish that the proposed zoning regulation or zoning map amendment will protect or enhance the public health code, safety, and welfare. Such additional information may include, but is not limited to, the following:

For text amendment applications: Detailed or conceptual site plans of proposed uses, including points of access, proposed uses, and other information which depicts and details the nature of the use designation sought for the parcel in question, its density or intensity, and how it will be designed and built: where

applicable, sample deed restrictions, easements, or other legal documents which would be used to implement any restrictions, proposed by the applicant, required to implement the development as proposed, or otherwise forming an inseparable part of the proposal; studies analyzing the potential impacts of the proposed change on the public health, safety, and welfare, such as traffic, environment, drainage, sewage disposal, water supply and quality, noise, dust, and similar impacts.

In approving any application for change of zone, the Commission may impose conditions or modifications which protect the public health, safety, and welfare, including on-or off-site improvements which will prevent, mitigate, or compensate for adverse impacts created, in whole or in part, by the development sought by the applicant; or may condition the approval upon the granting of other permits or approvals, or taking or other required actions, by other State or local agencies having jurisdiction. In the case of an affordable housing development sought pursuant to Connecticut General Statutes 8-30g, the Commission may condition the approval of any change of zone upon development in accordance with the requirements of that Section and with the applicant's representations on the record relative to the proposed development.

### **SECTION 3 SEVERABILITY AND VALIDITY**

- 3.0 Each and every separate part of the regulations adopted by this Commission is hereby declared to be separate from each and every other part, to the end that if any part should be declared invalid for any reason whatsoever, such decision shall not affect any other part of these regulations, which shall remain in full force and effect. This paragraph is intended to apply to the present regulations and previously adopted, and to all such additional regulations and amendments as this Commission may adopt from time to time in the future.

### **SECTION 4 EFFECTIVE DATE**

- 4.0 These regulations are effective as of September 5, 1961. Revisions or amendments and their effective dates are noted in Appendix I.

## SECTION 5

## DEFINITIONS

**5.0 Intent and General Rules of Construction.** In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all the purposes of these Regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or the plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application.

**Abutting:** Separated by no intervening private property.

**Accessory Building or Structure:** Accessory Building includes buildings such as garages, sheds, gazebos, and barns. Accessory structures include swimming pools, detached solar panels, windmills, and similar structures. Accessory buildings or structures shall be subject to the general requirements as to distance from the lot lines. Accessory buildings are permitted but are clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building. Accessory buildings may be used for dwelling purposes provided that the total number of family units is not greater than permitted by these regulations and provided also that the living space, floor area and lot area per family unit shall not be less than permitted by these regulations. An accessory building includes a small building or cabin which is accessory to a commercial farming enterprise, and which is used by one or more full time hired hands for sleeping only. In the East Haddam Village District, Accessory Buildings need not be located on the same lot as the Principle Building when both buildings are submitted as a single development proposal.

**Accessory Use:** A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use. In the East Haddam Village District, Accessory Uses need not be located on the same lot as the Principal Use when both Uses are submitted as a single development proposal. Accessory uses, as defined in these Regulations, are permitted in all zones, provided, however, that if the principal use requires Site Plan Review, Special Exception, variance, or other review under these Regulations, then the accessory use will require the same review.

**Agriculture:** Means “agriculture” as defines in the §1-1(q) of the Connecticut General Statutes as amended: Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or clearing land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operation, or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes. See Section 30.

**Accessory Uses to Agriculture:** The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation.

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape. See Section 30

**Aisle:** The driving portion of the Parking Area. The aisle provides access to each Parking Space.

**Acre:** An acre shall be defined for these Regulations as an area of 43,560 continuous square feet of land.

**Aggregate Maximum Lot Average:** The total acres to be sold as building lots divided by the number of such lots.

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

**Angled Parking:** Any Parking Space that is not parallel to the curb or perpendicular to the Aisle.

**Antiques Sales:** Establishment engaged in selling goods or merchandise classified as antiques to the general public for personal or household consumption and render services incidental to the sale of such goods. Storage of antiques shall be confined to the interior of the designated building.

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

**Auto Court:** A building or group of two or more detached or semidetached buildings containing rooms or apartments with automobile parking or storage space serving such rooms or apartments provided directly or closely in connection therewith, which buildings or group of buildings is designed, intended, or used primarily for the providing of sleeping accommodations for transient automobile travelers including buildings designated as auto cabins, motels, motor lodges and similar designations.

**Awning:** A roof-like cover that is temporary and collapsible in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**Basement:** The floor in a building below the principal floor, having its lowest level wholly or partly below the finished grade adjacent to said building.

**Barber Shop:** Premises Used for cutting and dressing hair which is licensed under Chapter 386 of the General Statutes.

**Bed and Breakfast:** A building, or existing group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which building(s) is/are designed or used for the short-term rental of not more than eight (8) guest rooms for 16 transient persons and limited to the first or second floor of the structure, and capable of, as an accessory use, the serving of breakfast and such related food service

only, and exclusively to persons occupying the facility and their guests, and is subject to approval as a Special Exception Review and is permitted in the Residential Districts (R-4, R-2, R-1, R, R-1/2, & LR) and Commercial Districts (C-1, C-3, & C/B/IG) The provisions of the Special Exception Review in respect to Appropriateness of Use, Architectural Character, and Historic Preservation will be major components of any application.

**Bedroom:** Bedroom means those areas within a residential building that have the potential to be utilized as a sleeping area on a consistent basis. In order to be deemed a bedroom the room must meet all of the following standards:

1. Be habitable or planned habitable space per the Building Code requirements. Planned habitable space would include those areas which contain the appropriate “rough-in” mechanicals, such as, heating ducts, hot water lines, plumbing waste lines, etc., but are not currently “finished” to meet Building Code requirements for habitable space.
2. Provide privacy to the occupants.
3. Full bathroom facilities (containing a bathtub or shower) are conveniently located to serve the bedroom served.
4. Entry is from a common area, not through a room already deemed a bedroom.

**Beauty Shop:** A Premises Used for hair dressing, facials, and manicures are done, including hairdressers and cosmeticians licensed under Chapter 387 of the General Statutes.

**BMPs(Best Management Practices):** structural, vegetative, or managerial practices designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff and snow-melt.

**Board:** Wherever the term “Board” shall appear in these Regulations, it shall refer to the East Haddam Zoning Board of Appeals.

**Boardinghouse:** A building where lodging and/or meals for no more than four (4) persons are provided to long-term residents, only, for compensation, utilizing one central kitchen facility. A boardinghouse shall be occupied by the owner of the building, and all elements of the boardinghouse use shall be confined to the principal building on the lot.

**Buffer / Buffer Strips:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisance or serve as a filter to protect natural resources from potential adverse impact of adjacent land uses.

**Building:** Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. Any other structure more than eight (8) feet high shall be considered a building, including a fence or wall, but excluding an electric transmission line, an electric light, power, or telephone pole, a highway or railroad bridge, or flagpole.

**Building Area/Building Coverage:** The area of the ground beneath a building (i.e., drip line), including the area of all covered porches, eaves, and similar roofed portions of the building.

**Building Height:** See Section 10.1.4,

**Building Line:** A line parallel to a street at a distance equal to the required front yard for the subject zone, or at a greater distance when otherwise established.

**Building Official:** The Building Official, also known as the Building Inspector, of the Town of East Haddam.

**Building Permit:** A permit for construction issued by the Building Official pursuant to the East Haddam Building Code and these Regulations.

**Building, Principal:** That single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

**Building Supplies** - Materials used for the construction and repair of structures. This does not include cement or asphalt plants or facilities that manufacture or produce raw supplies.

**Building Trade:** Persons who are involved in the construction, repair or supervises the construction or repair of structures.

**Camper Coaches or Travel Trailers:** Any self-propelled or portable unit, whether or not currently operable, originally designed and constructed to be mounted on wheels and to be used for recreation, travel, camping, vacationing, temporary office, or other shelter for one or more persons.

**Campground:** A plot of ground used for recreational purposes which can accommodate camping units and accessory buildings in which individual sites or locations are rented for a period of time to transient individuals or groups that primarily set up their own camping units is permitted. Campgrounds may conduct organized activities, including but not limited to recreational activities, sports, water-based recreational, “arts and crafts”, team building activities, outdoor pursuits, adventure-type activities, group activities, communal eating, and other activities associated with recreational camping.

**Camping Unit:** “Camping Unit” means a portable structure, shelter, or vehicle having a gross trailer area not exceeding 400 square feet designed and intended for occupancy by persons engaged in recreational camping. Camping units include but are not limited to recreational vehicles, recreational park trailers, camping cabins, housekeeping cabins, tents, tepees, yurts, and other rental accommodations.

**Cemetery:** Land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums, and mortuaries, established and operated by an ecclesiastical society or cemetery association.

**Child Day Care Services:**

1. Child day care center: A facility which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their homes on a regular basis for part of the twenty-four hours in one or more days in the week. Also see Section 7
2. Group day care home - A residential home which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for part of the twenty-four hours in one or more days in the week. Also see Section 7
3. “Family day care home” - A residential home which consists of a private family home caring for not more than six children, including the provider’s own children not in school full time, where the twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider’s children shall be permitted. Also see Section 7

**Club, Lodge, or Community House:** Land, buildings and facilities owned or operated by a non-profit entity for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

**Commercial Self-Storage Building:** A commercial Principle Use where a Building is divided into individual spaces which are rented or otherwise made available to Persons for the storage of household, business, or other articles, but excluding the storage of any live animals, any explosive, toxic, radioactive, or hazardous substance; or any material which would require insurance at higher than standard commercial rates. Also see Section 7.

**Commercial Trailer:** Any vehicle designed to serve exclusively as a temporary office or storage area for any construction project for which a building permit has been issued, for any period up to an including 18 months.

**Commission:** The Planning and Zoning Commission of the Town of East Haddam, Connecticut.

**Conservation Area:** Environmentally sensitive areas with characteristics such as wetlands, floodplains, unprotected elements of the natural landscape such as steep slopes, mature or productive forestland, contiguous open space or connective green belts, prime farmland, land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection, areas that have recreation value as recommended in the Recreation and/or Open Space Plan component of the Plan of Development, wildlife habitats, and cultural features such as historic and archeological sites, and scenic views.

**Conservation Development** A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a Conventional Subdivision, and the remaining land is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

**Conservation Easement** Conservation Easement shall mean the grant of a property right transferred to a non-profit or government entity where the landowner retains the legal title and all rights associated with the land except where the land shall remain in its natural state and preclude future development as set forth in the standard “Conservation Easement” approved by the Town of East Haddam, including easements preserving agricultural and forestry rights.

**Conservation Zone:** is defined in Section 25-102e of the Connecticut General Statutes as it now exists or may there after be amended. Such zone is governed by the standards promulgated by the Gateway Standards. See Section 9.9 and 10 of these Regulations.

**Conventional Development** A form of development that permits the division of land in the standard form provided by the Town for the District in which it is located, other than Planned Residential Development and Conservation Developments.

**Country Inn:** A building, a portion of which is occupied by the owner thereof as a permanent residence, and which building is designed or used for the short-term rental of not more than fourteen (14) guest rooms for up to 28 transient persons and limited to the first or second floor of the structure. Country Inn shall not include any facilities for cooking in rooms but may include meals served by the owner to guests. Meals for dinner and Sunday brunch can be offered to the general public as an accessory use. A Country Inn shall be designed so that normal access and egress are from a centralized point, as distinguished from Auto Court. The application is subject to a Special Exception Review and is permitted in the C-1, C-3, R Districts. The provisions of the Special Exception Review in respect to Appropriateness of Use, Architectural Character, and Historic Preservation will be major components of any application.

**Cul De Sac:** A proposed street, or any extension of an existing street, or any combination or pattern of streets or extensions thereof having only one outlet to a through State or Town road.

**Cutting, Commercial:** Any cutting or removal of forest tree species which is not covered under the definition of non-commercial cutting contained in these Regulations.

**Cutting, Non-Commercial:** The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure, and/or cutting for customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such non-commercial cutting shall not, in and of itself, constitute commercial cutting. The cutting of firewood for the personal consumption of the owner(s) of the lot shall also be deemed to be non-commercial cutting.

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

**District:** See “Zone.”

**Drive-In:** A use, or an establishment designed or operated for such use, where a patron is served while seated in an automobile parked in an off-street or on-street parking area.

**Dwelling:** Any building designed and/or used for human habitation.

**Dwelling, Single Family (1-F):** A single detached building on one lot used for residential purposes designed and/or used for occupancy by one family living independently of any other family on this same lot. See Section 10.2.3. Accessory Dwelling Unit.

**Dwelling, two-family (2-F):** A single detached building on one lot used for residential purposes designed and/or used for occupancy by two families living independently of each other.

**Dwelling, three family (3-F):** A single detached building on one lot used for residential purposes designed and/or used for occupancy by three (3) families living independently of each other.

**Dwelling, four family (4-F):** A single detached building on one lot used for residential purposes designed and/or used for occupancy by four (4) families living independently of each other.

**Dwelling, multiple family:** A single detached building on one lot, used for residential purposes designed and/or used for occupancy by five (5) or more families living independently of each other, having separate or joint entrances, services and facilities.

**Dwelling Unit:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking, sleeping, and toilet facilities.

**Easement:** A right, established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

**Earth Material Operations:** Earth Material Operations shall include (1) Any operations involving excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of East Haddam, and (2) The transportation of such products in such operations across private property located in the Town, regardless of whether the operation itself is within the Town or in adjacent Town. See Section 19 of these Regulations.

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

**Eightmile River Watershed:** The Watershed is defined as all water and land surfaces that drain into the Eightmile River, the boundary of which is delineated on a map in Appendix X.

**Erosion and Sedimentation Control Plan:** A plan which sets forth measures to be undertaken for the control of erosion and sedimentation, in accordance with Section 14A.2.C of these Regulations.

**Eaves:** The projecting lower edge of a roof overhanging the wall of a building.

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

**Family:** (a) An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or (b) A group of not more than five (5) persons, not so related by blood, marriage, or adoption, living together as a single housekeeping unit.

**Farm:** see Agriculture – Section 30

**Farm Stand:** see Accessory Uses to Agriculture – Section 30

**Feed and Grain:** Food for livestock, mixtures prepared for livestock

**Fence:** A structure for enclosure or screening, including a wall.

**Finance, Insurance, and Real Estate (Fire):** Establishments such as banks and savings and loans associations, investment companies, and offices for brokers and dealers of securities and commodities, insurance agents, and travel and real estate agents, and real estate developers.



**Fire Marshall:** The legally designated head of the East Haddam Fire Department or his authorized representative(s).

**Flood (or Flooding):** See Definition in Section 18.3.10 of these Regulations.

**Floor Area:** The sum of the areas of the several floors of a structure, as measured by the exterior faces of the walls, including covered porches and the like as measured at the exterior limits thereof, but excluding garage space which is in the basement of a building or, in the case of garage space which is accessory to a dwelling unit, is at grade.

**Floor area ratio (FAR)** The “floor area ratio” of a building or buildings on any parcel is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

**Grade:** The finished ground level adjoining the building at all exterior walls.

**Grade Plane:** A reference plane representing the average of the finished ground level adjoining the building of the exterior walls as measured at the corners. The lowest finished grade measurement shall be no higher than the existing natural grade. (The Commission will not consider platforms built above the natural grade as a valid low point measuring point)

**Grocery:** Establishment engaged in selling goods or merchandise classified as grocer items (food staples, meats, produce, dairy products, and the usual household supplies) to the general public for personal or household consumption and render services (such as butcher, baker) accessory the sale of such goods. “Grocery” may include, as an accessory use, the sale of sandwiches, soups, and other prepared foods for consumption off premises, provided: (a) there is no seating or table space for patrons; (b) there is no separate entrance for such use; (c) the area dedicated to such use does not exceed 10% of the square footage of the grocery use.

**Gross Floor Area:** The total Floor Area of a Building, including those spaces excluded from the definition of “Floor Area.”

**Habitable Space:** An area within a building used for living, sleeping, eating or cooking is considered habitable space. For zoning purposes when calculation habitable space square footage, habitable space would include bathrooms, closet, laundry rooms, finished storage rooms, and like finished rooms. Utility rooms are not considered as habitable space.

**Hardware:** Materials such as tools, utensils, fittings, or cutlery.

**Height, Story:** The vertical distance from the top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**Health and Fitness Club:** An entity, duly licensed by the State of Connecticut, such as a fitness center, gymnasium, health and athletic club, which may include any of the following: cardio-training facilities, weight training facilities, dance studios, swimming pools, exercise pools, saunas, spa or hot tub facilities, basketball, indoor handball, racquetball, and / or other sport courts, and other similar indoor sport activities.

**Health Officer:** The legally designated health authority of the Town of East Haddam or his authorized representative(s).

**Home Occupation:** Accessory uses of a building or lot which are carried on within a dwelling or an accessory building and which are: (a) permitted by Special Exception or as a matter of right under Section 27 of these Regulations; or (b) existing with the approval of the Planning and Zoning Commission under any provisions of these regulations in effect prior to the effective date of said Section 27; or (c) otherwise legally existing on the effective date of these regulations.

**Hotel:** A building or buildings designed and used primarily for temporary occupancy by short term rental of not less than six (6) rooms for transient persons. Hotels shall not include any facilities for cooking in rooms but may include meals served by the owner to guests and the general public. A hotel shall be designed so that normal access and egress are from a centralized point. Rooms for public assembly, conference facilities and recreational facilities may be included. The application is subject to a Special

Exception Review and is permitted in the EHVD High, Moderate, & Main Street Districts. The provisions of the Special Exception Review in respect to Appropriateness of Use, Architectural Character, and Historic Preservation will be major components of any application.

**Illegal Use Of Land, Building or Structure:** Any use, whether of a building or other structure, or of a tract of land; or, the erection of any building or structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined.

**Impervious surfaces:** Impervious surfaces are any paved, hardened or structural surfaces that substantially prevent the natural capture and storage of rainwater.

**Inland Wetland:** Those areas designated and defined as inland wetlands by the East Haddam Inland Wetlands and Watercourse Commission, pursuant to its Regulations, as the same may be amended from time to time.

**Intermittent watercourse:** An intermittent watercourse shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

**Invasive plants:** Invasive plants are those listed on the most recent version of the Connecticut Invasive Plant List (as authorized by CT Public Act 03-136). Listed species as of January 2004 are found in Appendix IX.

**Land-disturbing activity:** A land-disturbing activity is any use or activity that causes significant changes in vegetation or soil structure. These activities may include, but are not limited to, grading, scraping, excavating, filling of land, clearing or cutting of vegetation, and any construction, rebuilding, or significant alteration of structures.

**Landscaping and Landscaping Products:** A use involving the sale of goods or merchandise classified as landscaping supplies to the general public for business or households use and rendering services accessory to the sale of such goods. "Landscaping supplies" are those used to enhance the natural setting of a premise including the creation of lawns, walls, fences, patios, gardens, and the like using natural material such as trees, plants, shrubs, rock, soil, and wood chips and decorative features including sculptures, walkways, fountains, and outdoor furniture.

**Light Industrial** - light manufacturing; processing; assembly; storage or warehousing; product testing; research and development; laboratory; distribution; and accessory office and other uses customarily accessory to the principal use, provided, however, that this definition shall not be construed to permit any use which is dangerous by reason of fire or explosion hazard, injurious or detrimental to the community or neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, radiation, or any other objectionable element. Further, no use within this definition shall be permitted to store, process, or otherwise locate or use any product or material except in an enclosed building.

**Logging:** See "Cutting".

**Live Theater Support Personnel (LTSP) Housing:** Housing designed for congregate living arrangements to support the needs of a Live Theater.

**Liquor Store:** A place of business that primarily sells alcoholic beverages for off site consumption and licensed in accordance with Chapter 545 of the General Statutes.

**Lot:** One or more adjacent parcels of land under unified ownership, and separately described in a deed of record, which is occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations, and which, in addition, meets the minimum area, width, and other applicable requirements of

these Regulations for the zone in which such parcel is located, or is a legal non-conforming parcel, as defined in these Regulations. In the case of multiple or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term “lot” includes the terms “plot” and “parcel”, but those terms do not include the term “lot”.

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot lines.

**Lot Coverage:** The ratio between the Building Area and the Lot Area, expressed as a percent.

**Lot Frontage:** The lot line adjoining the street line.

**Lot Impervious Surface Coverage:** The ratio between the Building Area plus the Paved Area, and the Lot Area, expressed as a percent {i.e.,  $(\text{Building Area} + \text{Paved Area}) / \text{Lot Area} = \text{Lot Impervious Surface Coverage}$ .}

**Lot interior:** A lot that does not have the required minimum lot width for the District as required in the Zoning Regulations but does have street frontage and is situated generally behind a lot or lots fronting on the street. See Section 10.1.4.

**Lot, Interior Access Strip:** a fee simple parcel of land connecting an interior lot to the road frontage from which it obtained access. See Section 10.1.4.

**Lot width:** shall be measured at the required building setback line which line shall be measured parallel to and at the distance from the street right-of-way line which establishes the minimum required front yard.

**Lot of Record:** A lot for which a deed has been recorded in the office of the Town Clerk of the Town of East Haddam, which lot met the requirements of these Regulations and of the East Haddam Subdivision Regulations, as the same were in force at the time of such recording.

**Lot Width:** See Sections 10.1.1, 10.1.2, and 10.1.3 of these Regulations.

**Lumber yard:** A use where stocks of Building Supplies are kept for sale.

**Manufacturing Buildings or land:** May be used and buildings may be erected or altered for the manufacture, processing, assembling, repair, remanufacture, or storage of products as long as such use is not dangerous by reason of fire or explosion hazard, nor injurious, noxious or detrimental to the community or neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature. Such uses shall be subject to approval of the Planning and Zoning Commission as a Special Exception.

**Mean Roof Height:** The average of the highest roof eave height and the height to the highest point on the roof surface, except that for roof angles equal to or less than 10 degrees, the highest surface of the eave shall be deemed to be the “mean roof height”.

**Mill Shop:** A building provided with machinery for manufacturing of finished building products such as custom windows, doors, and cabinets.

**Minimum Lot Width:** shall be measured at the required building setback line which shall be measured parallel to and at the distance from the street right-of-way line which establishes the minimum required front yard. For signage, see Section 12.3.12

**Mixed Use:** A development that provides multiple compatible Uses in close proximity to one another; and/or a land use pattern that seeks to increase concentrations of population and employment in well-defined areas with a mix of diverse and compatible land uses.

**Museum:** An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

**Non-Conforming Building:** A building legally existing on the effective date of these Regulations, which met all requirements of the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current

requirements of these Regulations; or a building legally existing on the effective date of any amendment hereto which caused such building to cease to meet the requirements of these Regulations.

**Non-Conforming Lot:** A Lot of Record, subject to the requirements of Section 8.1 of these Regulations.

**Non-Conforming Use:** The actual use of land, buildings, or premises which is not a use permitted by these Regulations for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations.

**Nursery:** Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

**Observation Test Pit:** A hole dug for the purpose of observing the depth to the seasonal water table, and the depth to ledge, below the existing natural grade of the land. Such Observation Test Pits shall be in accordance with the Connecticut Public Health Code, and the Technical Standards for Subsurface Disposal Systems published pursuant thereto, as the same shall be amended from time to time, and as the same shall be administered by the Town Sanitarian.

**Occupant(s):** Individual or individuals residing in a premise. (Resident(s))

**Occupy:** To take possession or enter upon for the purpose using. When applied to a trailer or camper coach/travel trailer, to use for sleeping and dwelling purposes.

**Off-Street Parking:** Parking Spaces provided outside of the right-of-way of a Street

**On-Street Parking:** Parking Spaces provided within the right-of-way of a Street.

**Parcel:** Any contiguous piece of land, including one or more contiguous lots of record, unified under the same ownership whether or not every said piece of land was acquired at the same time; excluding, however, any parcel which is a “lot”, as that term is defined in these Regulations.

**Park:** An area set apart for recreation of the public, to promote its health and enjoyment, and owned and operated by a public or non-profit agency; excluding, however, the term “Resort”, as defined in these Regulations.

**Parking Area:** That portion of a Lot set aside, marked, posted, or intended for parking, including total of circulation areas, loading and unloading areas, parking spaces and aisles, landscaped areas, bikeways, and walkways.

**Parking Stall or Space:** A space in which a single car is parked.

**Parking Structure:** A Building or Structure consisting of more than one level and Used as a Parking Area.

**Paved Area:** An area covered with an impervious material such as concrete, asphalt, packed gravel, or bituminous concrete to be used for the storage, passage, or conveyance of products, motor vehicles or pedestrians, including, but not limited to, streets, parking lots, driveways, loading areas, sidewalks, outdoor storage areas or impervious surface drainage swales.

**Percolation Test Pit:** A hole dug, and a test performed, to determine the permeability of soils for on-site effluent disposal. Such Percolation Test Pits shall be in accordance with the Connecticut Public Health Code, and the technical Standards for Subsurface Disposal Systems published pursuant thereto, as the same shall be amended from time to time, and as the same shall be administered by the Town Sanitarian.

**Person:** An individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

**Premises:** Any lot or combination of contiguous lots held in single ownership, together with the development thereon; a condominium complex constitutes one premises.

**Principal Use:** The primary purpose or function for which a premise is used, designed, or intended to be used.

**Professional Office:** The place of business of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interests or welfare, including, but not limited to, businesses in which the primary person providing the service is required by law to acquire a governmental license or permit as a pre-condition of activity.

**Public:** Used or controlled exclusively by any department or branch of a governmental unit; excludes clubs, associations, and other private entities which may serve a public purpose.

**Public Facilities and Services:** Any activity or use, carried out by the Town of East Haddam or its duly authorized agents, such as public utilities, refuse disposal areas, schools, pollution control plants, highway garages, Town Halls, Town Office Buildings and other similar uses.

**Religious Use:** A Building or Premises in which worship, ceremonies, rituals, and education pertaining to a particular system of religious beliefs are held.

**Refuse:** Waste, junk, garbage, debris, rubbish, or trash, but not including sewerage collected or disposed of in facilities duly licensed by the State of Connecticut or any agency thereof.

**Recreational Camp:** Recreational camping shall include the following activities, when undertaken under the supervision of, and with support services provided by, paid staff members and conducted primarily for the enjoyment of persons who register for a term of occupancy: living in “cabins” or other structures for temporary periods, conducting organized camping activities, including but not limited to recreational activities, sports, water-based recreational, “arts and crafts”, team building activities, outdoor pursuits, adventure-type activities, group activities, communal eating, and other activities associated with supervised recreational camping, and shall include both over-night or day camping.

**Resort:** Buildings, structures, and land designed, arranged, and used or to be used for recreational, athletic, educational, or social activities on a non-profit or profit basis. “Resort” may include as accessory buildings and uses, restaurants, banquet facilities, stables, meeting rooms, pavilions, houses of worship, lodging for transients, or other similar facilities for the use of persons attending principal resort activities. “Resort” shall not include carnivals, fairs, circuses, live concerts or shows, gambling, horse- or car-racing, or other special events advertised and open to the public at large, except as a Special Exception in accordance with Section 14B of these Regulations. (See Section 7.8 of these Regulations.)

**Restaurant:** The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. A restaurant shall not include drive-in, window counter, or other outdoor service, other than outdoor tables.

**Retail of crafts and products associated with East Haddam’s traditional agricultural heritage:** A Principle use, or an Accessory Use to Farm, for the retail sale of hand-made products at least twenty-five (25%) of which shall be produced on the premises from raw material locally grown or produced, or comparable to raw materials available in East Haddam, such as wood, plants, plant products, minerals, clay, wool, natural dyes, or animal products. Such crafts and products may include, by way of illustration, ornamental planters, ornamental iron work, sign carving, and woodworking.

**Right of Way:** A servitude imposed by law or by convention, and by which one has a right to pass through the real property of another.

**Seasonal:** Any use of land, buildings, or structures which was originally designed or intended to be used exclusively during the 200-day period extending from April 15th through October 31<sup>st</sup> and for which no approval required by these Regulations has been granted to permit year-round use.

**Seasonal Cottage:** A dwelling which was originally designed or intended to be used for residential purposes only during the 200-day period extending from April 15th through October 31<sup>st</sup> and for which no approval required by these Regulations has been granted to permit year-round use. (See Section 7.27)

**Service Building:** A building housing separate toilet and bathing facilities for men and women and also having laundry facilities and a slop water closet.

**Short Term Rentals** Short-term rental means a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee. They are commonly referred to as vacation rentals.

**Sign:** Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction or advertisement for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term “sign” shall not include the flag of any nation, state, or other political unit.

**Sign face or Area:** The plan defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the wall on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs shall be considered to have only one sign face.

**Site:** Same as lot.

**Soil Conservation Service:** The Soil Conservation Service of the United States Department of Agriculture, the Middlesex County Soil and Water Conservation District, the Agricultural Extension Service, or any comparable successor agency or agencies

**Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Story Above Grade:** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet above grade plane.
2. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet above the finished ground level at any point.

**Street:** An improved right-of-way or fee simple parcel of land accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.

**Street Line:** The line separating a street from the abutting non-public property.

**Structure:** Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas to attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece or work, artificially built up or composed of parts and joined together in some definite manner, including fences or walls in excess of eight (8) feet in height, a wharf or dock, an above-ground tank, or a detached solar panel.

**Studio:** The workshop of an artist, sculptor, photographer, or craftsman.

**Subdivision:** The definition of the term “subdivision” as used in these Regulations shall be the same as that term is defined in the East Haddam Subdivision Regulations.

**Substantial Improvement** – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period.

**Tag Sale:** The temporary use of land or the buildings thereon for the purpose of the public sale of personal household goods by the owner or resident thereof in conjunction with the cleaning-out or vacating of residential premises. In no way does the term “tag sale” encompass the sale of any goods brought to the premises for the purpose of public sale except where more than one family may cooperatively enter into such a sale at one location. The term “tag sale” shall include garage sale, yard sale, barn sale, attic sale, and similar term or activity.

**Tavern:** A Premises Used primarily for the serving of liquor by the drink to the general public and where food is sold as an Accessory Use to the Principal Use, and licensed under Chapter 545 of the General Statutes

**Tract:** See “Parcel”.

**Tenancy:** The use, possession, occupancy, or habitation of land or buildings, regardless of the legal form thereof, as a separate, identifiable residential or commercial use. In identifying and calculating the area of a Tenancy, the following factors shall be considered, but shall not be determinative: Partitions between uses within the same building with no connecting doorways or passageways; separate building with no common wall; separate name and signage for each use, differences in the type of products or services sold; separate business names, advertising, hiring, and management; separate property tax accounts with the Assessor’s Office; separate Federal and State taxpayer identification numbers; and separate corporate entities with different officers, directors and shareholders, and each with its own leasehold or other property interest. The purpose of this definition is to implement maximum square footage of each tenancy where the regulations require such limitations.

**Theater, Movie:** A Building or Premises Used for the showing motion pictures to the general public for an admission fee.

**Theater, Live: A Building or Premises Used:** For dramatic, dance, musical, or other live performances open to the general public for an admission fee.

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

**Warehouse:** A facility whose predominant use is in the storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding truck terminals and bulk storage of materials that are explosive or that create hazardous or commonly recognized offensive conditions and whose structure is designed principally to accommodate such use. “Warehouse” shall also exclude so-called “self storage” facilities where storage is offered to the general public, as opposed to commercial and industrial patrons. **See “Commercial Self-Storage Buildings – Buffering Requirements.”**

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

**Watercourse Boundary:** The boundary of regulated watercourses is determined by the established stream bank. Specifically, the boundary is located where the presence and action of water are so common as to produce soil and/or vegetation types which are distinct from that of the abutting upland.

**Wetland:** See “Inland Wetland”.

**Wholesale Associated with a Farm:** An Accessory Use on a Farm for the wholesaling of agricultural products produced on a Farm, including, but not limited to, dairy products, vegetables, fiber, poultry, beef, and other customary agricultural products; but excluding the sale of agricultural equipment, rendering of fat or lard, or other industrial processing of agricultural products not customarily carried on a Farm. The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that in normal operation all stock slaughtered is raised on the Farm.

**Yard:** An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except for projections expressly permitted by Regulations.

**Yard, Front:** A yard between any building and the front lot line, extending the full width of the lot, measured by the minimum horizontal distance between any building and the front lot line; or, in the case of a corner lot, a similar open space extending along all streets. The front lot line shall be that property along an adjacent street, or on the side of the lot nearest to the street from which the lot obtains access.

**Yard, Rear:** A yard extending across the full width of the lot between the rear-most portion of any building and the rear lot line, measured by the minimum horizontal distance between any building and the rear lot line; or, in the case of a corner lot, a similar yard extending across the side of the lot opposite the street on which the building has its street address, or is otherwise the designated front of the lot.

**Yard, Side:** A yard between the side lot line and any building, extending on both sides of the lot from the front lot line to the rear lot line; or, in the case of a corner lot, a similar yard extending across the side of the lot opposite the street on which the building does not have its street address, or is otherwise not the designated front of the lot.

**Youth Camp:** Any parcel or parcels of land having the general characteristic of a camp as the term is generally understood, used wholly or in part for recreation or educational purposes and accommodating five or more children under eighteen years of age for a period of, or portions of, two days or more and including a site that is operated as a day or as a residential camp but excludes a Family Day Care Home, Group Day Care Home, or Day Care Center. Compare to "Camp Ground".

**Zone:** An area within which certain uses of land and buildings are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Exception or Special Permit from the Commission or the Board; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for all property located within the zone to which they apply.



## SECTION 6

## ZONING DISTRICTS AND ZONING MAPS

For the purpose of these Regulations, the Town is hereby divided into various types of Districts and Zones, and to be known, and designated as follows: See maps in Appendix V

### RESIDENCE DISTRICTS

R-4 District	R-1/2 District
R-2 District	R District (Resort)
R-1 District	L District (Lake)

### COMMERCIAL DISTRICTS

East Haddam Village District EHVD	formerly C-1 District
Moodus Center District	formerly C/B/IG and C-2 District
C-3 District (Moodus Plains Road Area)	

### INDUSTRIAL DISTRICTS

IG District IG-1, IG-2, IG-3  
Moodus Center District (Light Industrial)

### RESEARCH AND DEVELOPMENT DISTRICT

R & D District

### OVERLAY ZONES

Conservation Zone  
Flood Plain Zone  
Eight Mile River Zone

- 6.1 The boundaries of the various districts/zones except as indicated in other parts of and amendments to these Regulations, are hereby established as shown on the map entitled "Zoning Map of the Town of East Haddam, Connecticut" dated October 1, 2021 and is hereby declared to be a part of these Regulations.
- 6.2 The district boundary lines are intended generally to follow the center lines of streets, and similar rights-of-way, rivers, lot lines, or Town boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expression its distance in feet from a street line of other boundary or lot line as indicated.
- 6.3 In case of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Zoning Enforcement Officer. An appeal may be taken to the Zoning Board of Appeals.
- 6.4 Conservation Zone In accordance with Section I of Public Act No. 73-349, as amended, "an act concerning the Preservation of the Lower Connecticut River Area", the "Conservation Zone" is designated as shown on the Town of East Haddam, Connecticut, Zoning Map, dated February, 1966, as revised July, 1974. The "Conservation Zone" is in addition to and superimposed upon those zone(s) and district(s) into which the Town is divided under Section 6.0 of the East Haddam Zoning Regulations.

## SECTION 7

## GENERAL REQUIREMENTS

**Accessory Buildings or Structures:** Accessory buildings or structures shall be subject to the height and yard requirements for the zone in which such building or structure is located. Accessory buildings are permitted but are clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building. Accessory buildings may be used for dwelling purposes provided that the total number of family units is not greater than permitted by these Regulations for the subject zone, and provided also that the living space, floor area, and lot area per family unit shall not be less than permitted by these Regulations for the subject zone. In addition, occupancy of an accessory building which is accessory to a commercially operated farming enterprise and which is used by one or more full-time hired hands for sleeping only shall be allowed, as per Section 10.1.4.9 of these Regulations.

**Accessory Uses to Agriculture:** The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation.

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape.

**Auto Courts:** No auto court shall be constructed or set up unless prior approval is received from the Commission as a Special Exception.

**Buildable Area:** For the purpose of determining minimum lot area or parcel size, maximum lot coverage, and maximum building coverage in all zones and districts, including floating zones, the following shall be excluded: the highwater level of areas covered by water (such as lakes, rivers, streams, ponds and swamps), as opposed to areas designated as inland wetlands by the East Haddam Inland Wetlands and Watercourses Regulations, but not covered by water.

**Building Coverage:** No building or buildings shall occupy in the aggregate a greater percentage of lot area than indicated under the heading "Building Coverage" in the tables applicable to the district or zone in which such building is located.

**Camper Coaches or Travel Trailer:** No camper or travel trailer shall be used as a permanent or seasonal dwelling unit.

**Child Day Care Center** - Subject to the approval of the Planning and Zoning Commission as a Special Exception following Site Plan Review and meeting the following criteria: (1) A minimum of one space for every three children shall be provided with a minimum of ten spaces provided for any site. (2) Site requirements should show access road and adequate loading and turn around area in the parking area. (3) If any nourishment is going to be provided it should be stated on the site plan. (4) Play area and accessory uses shall be located to the rear of the building and screened from the highway. (5) The site plan shall state all other uses. (6) Days and hours of operation shall be stated on the plan.

**Commercial Radio and Television Towers:** Commercial radio, television and radio towers, and other transmitting or relay antenna towers, and towers designed for wind energy conversion systems, when permitted, shall be set back from all abutting streets and adjacent properties a distance of not less than one and one-half times the height of the tower.

**Commercial Self-Storage Building:** A commercial Principle Use where a Building is divided into individual spaces which are rented or otherwise made available

to Persons for the storage of household, business, or other articles, but excluding the storage of any live animals, any explosive, toxic, radioactive, or hazardous substance; or any material which would require insurance at higher than standard commercial rates.

The term “commercial” is used in order to create a clear separation between the use the committee is describing, and a business or homeowner that has a building for storage of its own materials. The essence of the “self- storage” use is that it is conducted as a commercial enterprise in its own right, and not as an accessory to some other existing use.

Note that the term “Person” is defined in this section to include corporations, partnerships, etc. Thus, the “person” renting a space at a “commercial self-storage building” could be another business, not just a private individual.

The use of real property as a “Self-Storage Facility” may not include any of the following activities: outdoor storage; outdoor parking of vehicles for other than self-storage patrons and facility employees; human or animal habitation; patron activity other than that reasonably necessary for the storage or removal of personal property, including the repair, maintenance, improvement, and sale or creation of personal property. This listing of excluded activities is intended to be illustrative only and not exhaustive.

No service or repair shall be permitted in the storage units or on the property.

Patron access to a self-storage facility shall only be permitted between the hours of 6:00 a.m. and 10:00 p.m.

No self-storage facility unit may be interconnected with any other unit except via a common hallway or other common access way.

No water supply or drainage plumbing shall be installed or used in any self-storage unit, except as reasonably necessary to provide climate control in climate-controlled units.

All storage in a Commercial Self-Storage Building shall be fully enclosed within the Building. “See Warehouse”

Self-storage units shall have a setback of one hundred and fifty (150) feet from the road frontage.

Access lanes shall be twenty-six (26) feet wide with one side of unit doors along the access way and thirty (30) feet wide with unit doors on each side of the access lane.

The site plan for a self-storage facility shall include depictions and/or samples of architectural, landscaping, fencing and other design elements and photometric drawings and cut sheets for lighting fixtures.

**Buffering Requirements for Commercial Self-Storage Units and Warehouses:** The Commission may require a buffer strip as deemed necessary. Where such a strip is required, the Commission may determine the size, width, or height of the buffer and it shall be properly seeded with grass and/or planted with trees and shrubs and/or fencing to insure an adequate screening between other commercial and residential uses. Plans showing the proposed landscape work to be done, with a planting and maintenance schedule, shall be filed with and approved by the Planning and Zoning Commission before such lot or portions thereof may be used for Commercial Self-Storage Units or Warehouses. Where such a buffer strip is required by the Commission, the buffer strip shall be located on the lot devoted to Commercial Self-Storage Units or Warehouses. Failure to maintain such a buffer in good condition shall constitute a violation of these regulations.

**Conflicting Regulations:** When any provision of these Regulations imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other existing ordinance, statute or law, or the approval of any other governmental agency, including other agencies of the Town of East Haddam, the provisions of these Regulations shall apply and govern.

**Construction Prior to Adoption of Regulations:** Nothing in these Regulations shall require any change in the plans, construction or designated use of a building for which the construction shall have been commenced prior to the adoption of these Regulations or of any pertinent amendment thereto, provided that such building shall be completed within one year of the adoption of such regulation or amendment.

**Conveyance of Land:** The Town Clerk shall be requested to promptly advise the Commission or its Zoning Enforcement Officer of any conveyance of land submitted to him or her for recording in which the grantor conveys less than the entirety of any tract or parcel than owned by such grantor. The designation by a landowner or any person, surveyor or official of portions of any tract or parcel as so-called separate "lots" shall be ineffective for the purposes of these Regulations with the exception of lots included in any subdivision plan which shall have been duly filed and approved by the Commission, or any lots exempt from the East Haddam Subdivision Regulations and complying in all respects with the requirements of these Regulations.

**Corner Traffic Safety.** On a corner lot, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained between the building line and the street line so as to create a traffic hazard by obstructing the view. On a corner lot in any district hereafter designated as a residential district, no fence, wall hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are fifty (50) feet distant from the point of intersection, measured along said street lines. When strict enforcement of this section would work genuine hardship upon the owner of a lot which may be legally used under all other provisions of these Regulations, the Zoning Board of Appeals may grant a variance to the extent that such variance does not create a public hazard. Such hardship must be substantial and not concerned merely with convenience or aesthetic preference. In all decisions under this section, the public interest shall be paramount.

**Covenants Not Annulled:** These Regulations are not intended, and shall be construed, to abrogate or annul any easement, covenant, or other private agreement which may touch and concern the land within the Town of East Haddam.

**Division or Conveyance of Land:** No lot or parcel of land, as defined in these Regulations, existing on the effective date of these Regulations shall be divided, nor shall any easement be granted to any private person, which has the effect of creating a new parcel which will be non-conforming under the provisions of these Regulations. Similarly, no lot or parcel shall be decreased in size, by sale, gift, devise, descent or otherwise, so that it or any part of it will be non-conforming under the provisions of these Regulations. (See Section 8)

**Double Frontage.** In the case of a lot with frontage on more than one street, a building or structure thereon shall be set back the required distance from each of said streets.

**Frontage and Access** - No building shall hereafter be built on any lot unless such lot has a frontage of at least twenty-five feet on either a public street, or, on a private street approved by the Commission to serve such lot as part of a subdivision approved pursuant to the East Haddam Subdivision Regulations; unless, in the case of a lot of record, it has an unobstructed easement of access or private right-of-way at least twenty-five feet wide to a public street. In the case of an existing lot, under separate ownership as of March 14, 1961, which has no frontage on a public street and which has access to a public street only by a private street which is less than twenty-five feet in width, and where the widening of such street would entail genuine hardship, the Zoning Board of Appeals may authorize the permit-issuing agent to waive the requirement as to the width of said road, but in no case shall such access way serve more than one single-family or one two-family residence or one non-residential building.

**Group Day Care Home and Family Day Care Home** - In residential zones subject to site plan review in Section 14A. Site plan should show parking, screening, and road access. Applicant shall follow the requirements of the Connecticut General Statutes Section 19a-77 as amended.

**Helistops.** Private-use helistop may be permitted as a Special Exception use for the landing and takeoff of helicopters and restricted to use by the owner or by persons authorized by the owner. Helistops means a designated land area or roof structure used for the pickup or discharge of passengers and cargo, which does not provide helicopter maintenance and repair facilities or fueling services.

- a. The application can be made for all zones and districts except the Conservation Zone (Gateway). The minimum acreage to have a helistop is twenty (20) acres.
- b. The design of the helistop shall meet the criteria provided in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-2B dated September 30, 2004 as revised or amended. Fire protection measures and equipment shall meet recommendations as enumerated in the FAA Heliport Design Guide and all expense associated with such measures and equipment shall be borne by the helistop owner. The helistop receives any and all licenses required for such facilities by applicable State or Federal law or regulation. All licenses received must be kept current.
- c. The plans shall include all mapping criteria listed in Section 14A and 14B of the East Haddam Zoning regulations. The plans shall also include helistop elevations, safety area size, distance from the safety area perimeter to the property edges, location of the nearest buildings within 500 feet of the proposed site, and approach/departure paths showing locations of buildings, trees, fences, power lines, and other obstructions. The plans shall also include any proposed lighting.
- d. The entire helistop facility shall be located entirely on the applicant's site and shall be at least one hundred (100') feet from any property line and 400 hundred (400') feet from any existing occupied structures other than the applicants. The Commission shall review the density of the neighborhood as one of the considerations
- e. No maintenance or supply facility or facility for the storage of fuel shall be permitted on the site.
- f. The hours of operation above shall be between 7:00 am and 10:00 pm with the exception of an emergency.
- g. In addition to the hours of operation, the maximum landing and takeoff shall be two per day exclusive of any emergency landing and takeoffs. The Commission may permit more flights at any authorized helistop.
- h. The sound pressure level of helicopters landing or taking off from helistops shall not exceed the decibel level of ninety-six (96) measured at the property line nearest to the helistop. Sound pressure level shall be measured with a standard "A" scale sound level meter (slow response) manufactured according to the United States of America National Standards Institute (USANSI) standards S 1.4-1961, as revised, which has been calibrated in accordance with USANSI standards. The microphone used to measure the loudness of a noise shall be placed at any point on the property line, but no closer than five (5') feet from any wall and not less than three (3') feet from the ground. The Commission shall require the submission of such sound test data as it deems appropriate to support any application for a helistop.
- i. The heliport shall be limited to personal, noncommercial use. The facility shall be used only by the owner and his/her guests.

- j. As required by Connecticut General Statutes 8-7d(f)(1) - The zoning commission shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site which (1) "Any portion of the property affected by a decision of such commission, board, or agency is within five hundred feet of the boundary of the adjoining municipality."
- k. As part of this approval, permission is granted to the Federal, State and local emergency services to use the heliport as needed for emergency situations (Life Star, State Police, etc.).

**Home Occupations** - shall be subject to processes set forth in Section 27 of these regulations.

**Liquor Permits:** (1) The following liquor permits are permitted in any district and/or subject to the State Liquor Commission approval; Temporary Permit for beer only, Charitable Organization Permit; Temporary Alcohol Permit; (2) Nightclub permits are prohibited in all districts and/or zones; (3) Additionally, the consumption of alcoholic liquors is addressed in Section 9 of these Regulations (Uses Permitted in Districts and Zones).

**Lots in More Than One District:** In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over thirty feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district. In any case in which the strict application of this thirty-foot limitation would result in a substantial hardship, the affected owner may apply to the Zoning Board of Appeals for a variance as provided in the Connecticut State Statutes.

**Minimum Floor Area:** Every building designated or intended for human habitation, hereafter erected, moved or reconstructed, shall have living space according to Section 10.1 chart figures. Living space shall be included in the computation only if it has minimum headroom of seven feet, and where located above the first floor, only if accessible by a permanent inside stairway. Porches, basement rooms and any part below the grade, garages and other attached accessory structures shall not be computed in the living space.

**Minimum Lot Width** shall be measured at the required building setback line which line shall be measured parallel to and at the distance from the street right-of-way line which establishes the minimum required front yard. For signage, see Section 12.3.12

**More Than One Principle Use:** There may be more than one principle use in principle building in the R, EHVD, Moodus Center District, C-3, IG and R&D Districts subject to the approval of the Planning and Zoning Commission as a Special Exception. [See Section 22 for addition regulation pertaining to towers]

**Permitted Area, Yards or Lot Coverage; Building Projections.** No building or structure shall be erected or enlarged except in conformity with the area, yards and lot coverage regulations for the zone in which the building or structure is located, except as provided in Section 8 (Conformance and Non-Conformance) of these Regulations. Nothing in these Regulations shall prohibit the projection not more than one foot into a required open space of pilaster, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping or such open spaces.

**Permitted Uses:** No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in such a manner as to be designed, arranged, or intended for any purpose other than the uses permitted in the zone in which the building or structure is located, except as provided in Section 8 (Conformance and Non-Conformance) of these Regulations. Likewise, no parcel of land shall be used, designed, or arranged for any purpose other than the uses permitted in the zone in which that parcel of land is located, except as provided in Section 8 of these Regulations.

**Prohibited Uses:** Any use of land, buildings, or structures not specifically set forth in these Regulations as a permitted use, shall be deemed to be a prohibited use.

**Resort Dimensions:** Any resort hereafter established shall be located only upon a lot having a minimum frontage of two hundred (200) feet, a minimum depth of two hundred (200) feet, and such resort shall have no structure less than one hundred (100) feet from the center of any adjacent street.

**Restoration of Unsafe Buildings:** Nothing in these Regulations shall be construed to prevent the strengthening or restoring to a safe condition of any part of any building or structure declared to be unsafe by the Building Official or where required by any lawful order.

**Seasonal Cottage:** Seasonal cottages or other seasonal dwelling or seasonal uses shall be occupied exclusively during the 200-day period extending from April 15th through October 31<sup>st</sup>

**Special Requirements for Nursing/Rest Home:** No home for the aged, nursing home, or rest home shall hereafter be established unless the lot area thereof shall be equal to at least 2,500 square feet per patient capacity and unless all buildings so used are not less than 100 feet from any property or street line.

**Trailers.** The trailer ordinances which were adopted by the Town of East Haddam at a Town Meeting held June 27, 1957 and amended at a Town Meeting held June 28, 1971, and amended again on January 29, 2019 are hereby adopted into these Regulations and continued in full force and effect, in addition to other provisions of these Regulations relative to trailers. See Section 13 - Trailers

**Use Variance Prohibited:** Pursuant to Connecticut General Statutes Section 8-6, as amended by Public Act 77-509, Section 5, the East Haddam Zoning Board of Appeals is prohibited from granting any variance which would permit a use in any zone not set forth in Section 9, Uses Permitted in Districts and Zones, as a permitted use in the subject zone. The term "permitted use" as used herein shall include a use which is permitted by special exception, site plan review, or permitted by right.

**Waiver of Front Yard Setback:** Where two or more occupied dwelling houses already stand on the same side of and face the same street, and wherever a new dwelling is to be erected on a site between any two such existing dwelling houses neither of which is more than seventy-five feet distant from the proposed new dwelling, the Zoning Board of Appeals may waive the required setback and front yard standards to such extent as to permit the new dwelling to be so located that its front yard will have a depth no less than that of the front yard of the adjacent dwelling which has the larger front yard or setback.

**Yards and Open Space:** Except as specifically provided herein, no part of any yard or open space required about any building may be counted as part of a yard or other space required for any other building.

## SECTION 8 CONFORMANCE AND NON-CONFORMANCE

**Intent.** It is the intent of these Regulations to reduce all non-conforming uses, lots, buildings, and structures to conformity as quickly as possible and in no way to allow the extension or enlargement of the non-conformity unless specifically authorized in these Regulations. It is also the intent of these Regulations, however, to minimize undue hardship for those whose purchase, ownership, or use or property predated applicable provisions of these Regulations.

### **8.1. Existing Non-Conforming Lots:**

**8.1.1. No Increase in Non-Conformity.** No lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any structure or building thereon, shall fail to comply with these Regulations or shall increase the extent of any non-conformity.

**8.1.2. Use of Non-Conforming Lots, Merger.** The construction of a permitted building or structure, or the establishment of a permitted use, on a non-conforming lot or parcel may be allowed by the Commission, following Site Plan Approval in accordance with Section 14A of these Regulations; provided, however, that whether or not any application for Site Plan Approval or any other type of permit has been sought, if title to a non-conforming parcel or lot, whether improved or not, was, at anytime after the adoption of zoning regulations in the Town of East Haddam (September 5, 1961), or is now, vested in any person(s) that own(s) any parcel or parcels of land contiguous to it, then so much of said contiguous land (including the non-conforming parcel) as is required to conform to these Regulations shall be deemed to be a single parcel for zoning purposes, and thereafter may not be divided, sold, transferred, or improved in any manner which would create or result in a non-conformity or in an increased or further non-conformity. In the event that all contiguous lands of said person(s) are together insufficient to meet the minimum requirements of these Regulations, then all said contiguous land shall be considered as a single non-conforming parcel for the purposes of this Section. The designation by a landowner or any person, including a surveyor or Town official other than the Zoning Enforcement Officer, of any one tract or parcel as so-called separate "lots" shall be ineffective for the purpose of these Regulations, with the exception of lots included in any subdivision which shall have been approved by the Commission under the Subdivision Regulations then in effect and duly filed with the Town Clerk.

**8.1.3. Identification and Notice of Merged Lots/Parcels by Zoning Enforcement Officer:** The Zoning Enforcement Officer identified in Section 2.1 of these Regulations is hereby authorized to undertake a program, as time and personnel permit, to systemically identify parcels and lots which have merged pursuant to the preceding Section 8.1.2 Upon determining that any parcel(s) and/or lot(s) have so merged, the Zoning Enforcement Officer may issue a written ruling to that effect to the owner(s) of record, which ruling shall advise the recipient of the right of appeal to the East Haddam Zoning Board of Appeals, per Conn. Gen. Stats. 8-6. Upon a failure to appeal such ruling to the Board within the Statutory time limits, or upon the affirmance of the ruling by the Board, the Zoning Enforcement Officer shall provide written notice to the property owner(s); and shall also use his/her best efforts to provide notice of merger of the subject lot or parcel to prospective purchasers. Such notice to prospective purchasers may be provided by amendment to the records of the Town Assessor, with the consent of the Assessor; by suitable notation in the records in the East Haddam Land Records; by notification of real estate professionals, land surveyors, engineers, and attorneys; and/or by any other means determined by the Zoning Enforcement Officer to fulfill the purposes of this Section. The absence of any such notice shall merely indicate that no determination has been made by the Zoning Enforcement Officer and shall not be deemed to be evidence that any lot or parcel has not merged with any other lot or parcel. In the absence of any ruling under this Section, any property owner may request such ruling and the Zoning Enforcement Officer shall comply with such request as time permits.

**8.1.4 More Than One Dwelling On A Parcel.** In any situation in which there are two (2) or more dwellings on one parcel of land, both or all of which have existed prior to March 14, 1961, which are so situated that they cannot be sold separately in conformity with these Regulations as to lot areas and other requirements, the Commission may, by Special Exception pursuant to Section 14B of these Regulations,



permit the separate sale of such dwellings; provided, however, that such division provides adequate provision of water and effluent disposal, in compliance with the State Health Code, as the same may be amended from time to time, and provided further that all standards set forth in Section 14B of these Regulations are met.

#### **8.1.5 Voluntary Merger of Lots Separated by a Street or Other Roadway**

The Commission may by Special Exception Application in accordance with Section 14B of these Regulations, permit the merger of Lots or Parcels which are separated only by a Street (as defined in Section 5 of these Regulations as a public highway) or by a private roadway, specifically including roadways located upon rights of way or owned in fee simple by a public or private entity. Such merger may be allowed in conformance with the procedures and standards of Section 14B and, in addition, the following requirements:

- a) The lots or parcels to be merged shall have at least twenty-five (25) feet of their respective frontages directly opposite each other, separated only by the intervening Street or other roadway.
- b) For purposes of determining compliance with the Schedule of Conforming Lots and Buildings in Section 10 of these Regulations, the following shall apply:
  - i) The required side and rear yards setbacks of Section 10 shall apply to the side and rear lots lines of both lots or parcels individually, notwithstanding their merger.
  - ii) The required front yard setbacks of Section 10 shall apply to the side of each lot or parcel having frontage on the intervening Street or other roadway.
  - iii) For new construction, the maximum Lot Coverage and maximum Lot Impervious Surface Cover of Section 10 shall be applied to the entire, merged parcels; provided, however, that neither of the component lots or parcels shall exceed 25% Lot Coverage nor 45% Lot Impervious Surface Cover.
  - iv) For the purposes of implementing and enforcing these provisions, the map or plan of the proposed merger shall depict the Street or roadway and its boundaries; the area of the individual component lots or parcels and their cumulative area; the setbacks required by this Section, and other information in order to conform compliance with the provisions of these Sections.
- c) Upon approval of a merger in accordance with this Section, the applicant shall file a Declaration of Covenants and Restrictions, in a form acceptable to the Commission's legal counsel, which shall prohibit, in perpetuity, the severance of title of the merged lots or parcels, or any reduction in the area thereof, without the prior approval of the Commission as a modification of the Special Exception.
- f) The Commission may impose additional conditions, or may modify any proposed merger under this Section, where the Commission deems such conditions or modifications to be necessary for the public health, safety, and welfare and to further the purposes of these Regulations as contained in Section 1. Such conditions and modifications may include, but are not limited to: limitations on building height below those permitted in the subject zone; limitation of the number or size of accessory buildings; limitation of the size of the principal building; limitation on curb cuts or relocation thereof; improvements to sight lines or the existing Street or roadway; buffering or screening from adjoining properties by landscaping, fencing, berms, or other measures; installation, elimination, or modification of lighting; and submission of easements or other documents to confirm the rights for utilities to cross the intervening Street or roadway.

## **8.2. Non-Conforming Uses:**

**8.2.1. No Extension or Enlargement.** Any Non-Conforming use, as defined by these Regulations, shall be permitted to continue, notwithstanding any other provision of these Regulations or any amendment hereof, provided, however:

- a). Such use was lawfully existing at the time of its establishment, and has not been abandoned, as defined herein.
- b). Such use shall not be enlarged or extended, as those terms are defined in these Regulations;
- c). Such use shall not be altered, as that term is defined in these Regulations, in such manner as to increase the non-conformity of such use.
- d). No non-conforming use shall be moved to any portion of a building, structure, or any part of a parcel of land where such use did not previously exist.

**8.2.2. Restoration and Repair of Buildings Containing Non-Conforming Use.** A building or structure containing a non-conforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by normal wear and tear or deterioration. Any building or structure containing a non-conforming use, which has been destroyed or damaged by fire, explosion, flood, or any act of God or public enemy may be restored to the same dimensions, floor area and cubic volume lawfully existing immediately prior to such damage or destruction.

**8.2.3. Substitution.** Any non-conforming use may be replaced with another non-conforming use, as a Special Exception in accordance with Section 14B of these Regulations, provided that such replacement use is consistent with the public health, safety and welfare; with the character of the neighborhood, adjacent properties and zones; with the appropriate and orderly development of the neighborhood, adjacent properties and zones, in terms of parking, volumes and types of traffic, property values, hours of operation, exterior appearance of the building, structure, or lot, or any other factors to be considered by the Commission pursuant to Section 14B of these Regulations.

**8.2.4. Change or Use.** Any non-conforming use shall lose its non-conforming status if it is altered to a conforming use.

**8.2.5. Voluntary Abandonment.** A person who has the right of re-establishment or reconstruction as provided in this Section 8 may elect voluntarily to abandon such right, in which case the right shall cease to exist. Such abandonment must be evidenced by a document filed in the Land Records of the Town of East Haddam, and / or the Building file, and / or the Land Use file.

## **8.3. Non-Conforming Buildings and Structures:**

**8.3.1. No Enlargement or Alteration.** Any non-conforming building or structure existing as the effective date of these Regulations shall be permitted to continue notwithstanding any provision of these Regulations or any amendment hereof, provided, however, that such non-conforming building or structure shall not be enlarged or altered in such manner as to increase the non-conformity of such building or structure.

**8.3.2. Restoration and Repair of Non-Conforming Buildings and Structures.** Nothing in these Regulations shall be deemed to prohibit the repair and maintenance of a non-conforming building or structure, provided such repairs or maintenance do not increase the non-conformity of such building or structure. Any non-conforming building or structure which has been destroyed or damaged by fire, explosion, flood, or any act of God or public enemy may be restored to the same dimensions, floor area, cubic volume, density, and site location as existing immediately prior to such damage or destruction.

**8.4. Illegal Use.** Nothing in these Regulations, including the provisions of this Section 8, shall be interpreted as authorization for or approval of the continuation of the use of land, buildings or structures which are in violation of any zoning regulations in effect prior to the effective date of these Regulations.

**8.5. Special Exceptions and Site Plan Review.** Nothing in these Regulations or any amendment hereof, nor any change in zoning classification, shall be deemed to require any change in the plans, construction, or designated use of any building, structure, or property for which a Site Plan Approval, Special Exception, or variance has been obtained and filed as required by these Regulations or the Connecticut General Statutes, as the case may be, prior to the effective date of these Regulations or such amendment or change in zoning classification, provided, however, that the construction of said building or structure, or the start of the establishment of such use, shall have been completed within three (3) years from the issuance of such Special Exception, and within five (5) years of issuance of a Site Plan Review.

**Please note a portion of Connecticut General Statutes 8-2 reads as follows:**

“Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations or require a special permit or special exception for any such continuance. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Such regulations shall not terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure.”

## **SECTION 9 USES PERMITTED IN DISTRICTS AND ZONES**

**Intent:** No building or structure shall be erected, moved, converted, enlarged or altered, nor shall any building or structure or land be used for any purpose other than the uses permitted in the districts or zones in which the building, structure or land is located, except as provided in Section 9 of these regulations. (Non-conforming lots Section 8 of these regulations.)

### **9.1. Flood Plain Zone**

**9.1.1.** Agriculture, farming – See Section 30 - Agriculture and Agricultural Uses for specific details.

**9.1.2.** Parks and playgrounds operated by a governmental unit, non-profit corporation, or community association.

**9.1.3.** Accessory uses customarily incidental to a permitted use on the same lot; except home occupation in accordance with Section 9.1.8.

**9.1.4.** Dwelling, single family, subject to the approval of the Commission as a Site Plan Review and with additional criteria as found in Section 18.

**9.1.5.** Parking area, Commercial, subject to the Commission approval as a Site Plan Review and with additional criteria as found in Section 18.

**9.1.6.** Aircraft landing field, subject to the Commission approval as a Special Exception and with additional criteria as found in Section 18.

**9.1.7.** Marina, subject to the Commission approval as a Special Exception and with additional criteria as found in Section 18.

**9.1.8.** Customary Home Occupation, subject to the Commission approval as a Special Exception and with additional criteria as found in Section 27.

**9.1.9.** Retail Trade of Marine Craft, Aircraft and Accessories subject to the Commission approval as a Special Exception and with additional criteria as found in Section 18.

**9.1.10.** Public Facilities and Services, subject to the approval of the Commission as a Special Exception and with additional criteria as found in Section 18.

**9.1.11.** Tag Sales, subject to the requirements as found in Section 9.2.15.1 through 9.2.15.5.  
9.2 Uses Permitted in Residence, R-4, R-2, R-1, R-1/2 Districts.

### **9.2. Uses Permitted in Residence, R-4, R-2, R-1, R-1/2 Districts**

**9.2.1** A Single Family Dwelling, except for conversion to year-round dwellings of seasonal cottages which are non-conforming lots, which conversion shall be subject to Section 24 of these Regulations.

**9.2.2** A dwelling for two, three or four families in accordance with the following table:  
Note: 2-F = two family dwelling, 3-F = three family dwelling, etc.

#### **R-1/2**

**2 - F = 1 acre**

**3 - F = 1-1/2 acres**

**4-F = 2 acres**

#### **R-2**

**2-F = 4 acres**

**3-F = Not Permitted**

**4 - F = Not Permitted**

**R-1**

**2-F = 2 acres**

**3-F = Not Permitted**

**4-F = Not Permitted**

**R-4**

**2-F = 8 acres**

**3-F = Not Permitted**

**4-F = Not Permitted**

All 2, 3, and 4 dwellings units require Special Exception approval in accordance with Section 14B of these Regulations.

All accessory dwelling units require a Special Exception Review. See Section 10.2 – Accessory Dwelling Units

Existing interior lots require double the acreage of the underlying district.

Examples of minimum acreage requirements

Frontage lot R-1 District                      Single Family Dwelling = 1 acre, Two Family Dwelling = 2 acres

Existing Interior lots                      Single Family Dwelling = at least 2 acres, Two Family Dwelling = at least 4 acres]

**9.2.3. Home Occupations** - shall be subject to processes set forth in Section 27 of these regulations.

**9.2.4. The letting of rooms** or furnishing of board by the resident of the premises to not more than four persons provided that no accessory building is used for this purpose.

**9.2.5. Educational, religious or philanthropic** use by a non-profit corporation or government unit. Such use shall be subject to approval of the Planning and Zoning Commission as a Special Exception.

**9.2.6. A bonafide club, lodge or community house** not operated for profit. Such use shall be subject to approval of the Planning and Zoning Commission as a Special Exception.

**9.2.7. Accessory uses** customarily incidental to a permitted use on the same lot, including buildings used for permitted home occupations (Section 27.2.3). Accessory buildings may be used for dwelling purposes provided that the total number of family units is not greater than permitted by these regulations and provided also that the living space, floor area and lot area per family unit shall not be less than permitted by these regulations.

**9.2.8. Parks and playgrounds** operated by a governmental unit, non-profit corporation or community association.

**9.2.9 Agriculture and farming** provided it meets the requirements of Section 30 – Agriculture and Agricultural Uses. See Section 30 for specific details.

**9.2.10 – Farm and garden produce:** The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not over twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

**9.2.11. A cemetery** established and operated by an ecclesiastical society or cemetery association located in Town. Such use shall be subject to approval of the Planning and Zoning Commission as a Special Exception.

**9.2.12. Home for the Aged, Nursing Home, Rest Home.** Such use shall be subject to approval of the Commission as a Special Exception.

**9.2.13. Public facilities and services.** Such use shall be subject to the approval of the Planning and Zoning Commission as a Special Exception.

**9.2.14. Historical Park.** Such use shall be subject to a special permit under Section 16 of these regulations.

**9.2.15. Tag Sales**

1. Such a sale shall: total no more than 8 days per owner in one calendar year; and occur no more than 4 times per owner in one calendar year.
2. Any sale exceeding these limits shall be considered a permanent business and subject to all regulations regarding such.
3. Signs advertising tag sales are subject to Section 12.1.2 of the East Haddam Zoning Regulations and Section 23-65(a) of the State of Connecticut Statutes. Signs shall indicate the dates of sale and shall be removed upon termination of the sale.
4. Permits for such a sale shall be obtained from the Zoning Enforcement Officer and such application shall outline off-street parking which is mandatory. No fee is to be charged.
5. These regulations regarding tag sales are not intended to limit the duration of frequency of religious, fraternal, or other non-profit organization's sales, bazaars, auction, etc. for the purpose of raising funds. State tax laws shall apply.

**9.2.16. Private Schools:** subject to the approval of the Planning and Zoning Commission as a Special Exception.

**9.2.17. Kennel, Commercial,** subject to the approval of the Commission as a Special Exception, and subject to the additional requirements that all structures be located at least 100 feet from the street line and 100 feet from the nearest lot line under separate ownership.

**9.2.18. Veterinary Clinic or Hospital.** Subject to approval of the Commission as a Special Exception, and subject to the following additional requirements.

- a). Minimum 250' frontage and access to and exit from the Veterinary facility must be on State maintained highway with a minimum paved width of 24', and that the lot contain at least 5 acres. Maximum building coverage 5%.
- b). All structures be located at least 100' from all lot lines.
- c). That at least one parking space be provided for every 150 square foot of building area.
- d). If kennel facilities are going to be offered to healthy animals, the applicant must also apply and obtain approval under Section 9.2.17.
- e). If outdoor runs are proposed for animals under treatment, allowable hours are from 8:00 A.M. to 6:00 P.M.
- f). The volume of noise shall be so controlled as to prevent objectionable and excess noise emanating from the premises.
- g). The applicant must be a Connecticut State Licensed Veterinarian, and furnish the Commission with proof of a State license to operate a Veterinary Clinic or Hospital.
- h). A suitable buffer strip for purposes of visual and auditory screening shall be provided. Normally, this would be a strip of 100 feet from the nearest public highway or land under other ownership, but in cases where there is natural or planned screening, a narrower strip may be adequate.

**9.2.19. Bed & Breakfast:** Subject to Special Exception Review in the R-4, R-2, R-1, R-1/2, R, LR, EHVD, C-3, & C/B/IG See Section 5

**9.2.20. Helistops:** Subject to Special Exception review – See Section 7.16a criteria

### **9.3. R District (Resort)**

**9.3.1.** Any use permitted in other Residence Districts except that no activity which gives rise to objectionable smells shall be conducted between June 15<sup>th</sup> and September 15<sup>th</sup>.

**9.3.2. Resorts as defined in these regulations.** Use shall be subject to approval of the Planning and Zoning Commission as a Special Exception.

**9.3.3.** Auto courts as defined in these regulations.  
Such use shall be subject to approval of the Planning and Zoning Commission as a Special Exception.

**9.3.4. Campground.** Such use shall be subject to the approval of the Planning and Zoning Commission under Section 15 of these regulations.

**9.3.5. Public Facilities and Services.** Such use shall be subject to the approval of the Planning and Zoning Commission as a Special Exception.

**9.3.6. Planned Recreational Development.** Such use shall be subject to the approval of the Planning and Zoning Commission under Section 17 of these regulations.

**9.3.7 Sale of Alcoholic Liquor For On-Premises Consumption,** as an accessory use, by Special Exception approval of the Commission.

**9.3.8. Studios and Associated Shops -** To be used by craftspeople for the production and sales of, and classes in, handmade arts and crafts. Such use shall be subject to the approval of the Planning and Zoning Commission as a Special Exception.

**9.3.9. Bed and Breakfast:** Subject to Special Exception Review - See Section 5

**9.3.10. Country Inn:** Subject to Special Exception Review - See Section 5

**9.3.11. Helistops:** Subject to Special Exception review – See Section 7.16a criteria

**9.3.12 Agriculture and farming** provided it meets the requirements of Section 30 – Agriculture and Agricultural Uses. See Section 30 for specific details.

**9.3.13 – Farm and garden produce:** The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not over twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

#### **9.4. Uses Permitted in Residence L District (Lake)**

**9.4.1. Dwelling, single family.** Subject to Commission approval as a Site Plan Review.

**9.4.2. Dwelling, seasonal cottage,** as defined in these regulations. Such use shall be subject to the approval of the Commission as a Site Plan Review.

**9.4.3. Dwelling, two family.** Subject to the approval of the Commission as a Special Exception Review and with the additional requirement that the subject parcel be two acres in area.

**9.4.4. Home Occupation -** Home Occupations shall be subject to processes set forth in Section 27 of these regulations.

**9.4.5. Letting of rooms** or furnishing of board by the resident of the premises to not more than four persons provided that no accessory building is used for this purpose.

**9.4.6. Educational, religious or philanthropic** use by non-profit corporation or governmental unit. Such use shall be subject to the approval of the Commission as a Special Exception.

**9.4.7. A bonafide club, lodge or community house** not operated for profit. Such use shall be subject to the approval of the Commission as a Special Exception.

**9.4.8. Parks and playgrounds** operated by a Governmental unit, non-profit corporation or community association.

**9.4.9 Agriculture and farming** provided it meets the requirements of Section 30 – Agriculture and Agricultural Uses. See Section 30 for specific details.

**9.4.10 – Farm and garden produce:** The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not over twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

**9.4.11. Cemetery** established and operated by an ecclesiastical society or cemetery association located in Town. Such use shall be subject to approval of the Commission as a Special Exception.

**9.4.12. Home for the Aged, Nursing Home, Rest Home.** Such use shall be subject to approval of the Commission as a Special Exception.

**9.4.13. Public Facilities and Services.** Such uses shall be subject to the approval of the Commission as a Special Exception.

**9.4.14. Historical Park.** Such use shall be subject to a Special Permit under Section 16 of these regulations.

**9.4.15. Tag Sales.** Subject to the requirements as found in Section 9.2.15.

**9.4.16. Seasonal commercial uses** are permitted as a Special Exception of the Commission. The rental of rowboats and canoes, summer camps, commercial enterprises of a seasonal nature such as gift shops, souvenir shops, soda fountains and refreshment stands.



**Additional Requirements:**

**9.4.16.1.** The rental of boats, soda foundations, and refreshment shops and variety or general stores are the only seasonal commercial uses permitted.

**9.4.16.2.** No seasonal or other commercial uses are permitted within 2500 feet of another seasonal or commercial uses.

**9.4.17.** Accessory uses with the exception of those to be used for dwelling purposes.

**9.4.18. Bed and Breakfast:** Subject to Special Exception Review See Section 5

**9.4.19. Helistops:** Subject to Special Exception review – See Section 7.16a criteria

## **SECTION 9.5 East Haddam Village District (Formerly the C-1 District and areas of R-1)**

**9.5.1 Boundaries** The East Haddam Village District is defined as follows;

### **Southern Boundary**

Beginning at a point on the southerly side of the property now or formerly identified as Assessor's Map 17, Lot 8 at the Connecticut River, thence crossing easterly along the property line and across Lumberyard Road and including the properties that front Lumberyard Road and crossing Whippoorwill Terrace. The line continues south on Whippoorwill Terrace and includes the southern edge of a property identified as Assessor's Map 17, Lot 77.

### **Eastern Boundary**

Continuing at the southeast point of Assessor's Map 17, Lot 77, the line runs north and includes the properties that front Whippoorwill Terrace and Creamery Road. The line follows the eastern edge of Assessor's Map 17, Lot 48 until it reaches Ray Hill Road, then continues north to the intersection of Ray Hill Road and Norwich Road. The line moves across the street and southwest behind the properties fronting Norwich Road and crossing west on the north side of a property identified as assessor's Map 17, Lot 37. The eastern border continues north along the backside of the lots fronting Main Street until the line meets Bonfoey Road. The line runs east along Bonfoey to the intersection of Bonfoey and Porges Road and continues north along Porges Road until it crosses Porges Road and runs behind the first four properties on Landing Hill Road.

### **Northern Boundary**

From the Northeast point of the fourth property, now or formerly identified as Assessor's Map 26, Lot 28, up Landing Hill Road the line runs directly west across Landing Hill Road and Route 149 to the Connecticut River.

### **Western Boundary**

The line runs south from the above point along the Connecticut River to the original start point.

Please refer to the map entitled East Haddam Village District to determine the Sub-sets of the village.

### **9.5.2 Description of East Haddam Village**

East Haddam Village was originally settled as two separate villages, Goodspeed Landing and Upper Landing, which competed for commercial enterprises. Historically, the area has always supported mixed/commercial/residential use and was the location of ship building yards, docks, lumberyards, and warehouses as well as stores, shops and residences. Overtime, the separate villages grew together as one and the village supported mills along Lumberyard and Creamery Roads and east up Succor Brook to Boardman Road, and a large music school (Maplewood). Hotels and banks grew up around the merchant activity along the river as steamships and trains brought commerce, visitors and new residents to town. Ferry service operated between Haddam and East Haddam until the opening of the Swingbridge in 1913. The village once supported two local schoolhouses, and several churches and meeting halls. Many of East Haddam's influential families built grand houses in the Village District. With the decline of the river based commerce and the decline of the mills, the village, while still encouraging mixed use, went through a period when it was more residential in character. Today, with the resurgence of the Opera House and the Gelston House, the village is poised to once again become an area of vibrant economic and cultural activity.

Architecturally, the village reflects its long history including within mill buildings, framed sheds and outbuildings, and more formally, Federal, Georgia, and Greek revival, various Victorian styles (Second Empire, Carpenter Gothic, Italianate) and contemporary post World War II structures. Many structure exhibit characteristics from several periods. Archaeologically, the village retains evidence of its history in

the extensive underground storm drains in the upper landing area, and the many dry rock walls and foundations of former structures which indicate that the village was more densely populated in the past.

East Haddam Village is situated on the east bank of the Connecticut River south of the mouth of the Salmon River and just north of Chapman's Pond. The Village is framed to the east by steep hills and the property from the east shore of the Connecticut River to the peaks of these hills is part of the Connecticut River Gateway Conservation Zone. This Conservation Zone consisting of 25,000 acres spread over eight towns was created to protect the natural, historic, and aesthetic values of the lower Connecticut River Valley. The lower Connecticut River is part of one of the richest and most complex ecological systems in the northeastern United States. In 1993, the International Chapter of the Nature Conservancy designated the Lower Connecticut River Tidelands as one of the "Last Great Places" in the world. The Lower Connecticut River area was designated at The Ramsar Convention as a "Wetlands of International Importance", and especially important for migratory waterfowl habitat and bald eagles. In 1998, the US Fish and Wildlife also designated the Connecticut River and its tributaries as the Silvio O. Conte National Fish and Wildlife Refuge. The United States Council on Environmental Quality selected the Connecticut River as one of the ten "American Heritage Rivers" in the United States. The multiple designations awarded to this watershed area emphasize the unique and abundant natural resources around East Haddam Village.

### **9.5.3 Intent**

These regulations shall protect the distinctive character, landscape and historic structures within the district and may regulate, on and after the effective date of such regulations, new construction, substantial reconstruction and rehabilitation of properties within such district and in view from public roadways, the Connecticut River, and public pedestrian walkways, including, but not limited to,

- (1) The design and placement of buildings,
- (2) The maintenance of public views,
- (3) The design, paving materials and placement of public roadways, and
- (4) Other elements that the Commission deems appropriate to maintain and protect the character of the village district.

In adopting this regulation, the Commission shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view.

### **9.5.4 Permitted Uses, Lot Coverage, Lot Impervious Surface Coverage, Side yard, and Height**

Any new use of premises, buildings, or structures, or any Substantial Reconstruction or Rehabilitation of an existing premises, building, or structure shall require review by the Commission, the type of review being in accordance with the following table. For the purposes of this Section 9.5, the phrase "Substantial Reconstruction and Rehabilitation" is in accordance with: the meaning and use of the terms 8-2j(b) of the Connecticut General Statutes, and shall be defined as the threshold at which any and all reconstruction or rehabilitation becomes of such a degree as to likely noticeably affect the character of the structure in relation with the East Haddam Village District, as reflected through the Objective and Guidelines enumerated in Section 9.5.6 and Appendix VI.

The Use areas indicated in the table below are illustrated on East Haddam Village District Map, Appendix X to these Regulations.

	Highest Use Theater/Town Office Restaurant	Moderate Use EH Village/Norwich Rd Section of Main	Lower Use Main Street	Lower Use Creamery Lumberyard
Permitted Uses				
Single Family Home	SP	SP	SP	SP
2 family home	SE	SE	SE	SE
3 family home	SE	SE		
4 family home	SE	SE		
PRUD-LTSP housing	SE	SE	SE*	SE
Antique Sales	SE	SE	SE	SE
Bed and Breakfast	SE	SE	SE	SE
Country Inn	SE	SE	SE	SE
Hotel	SE	SE	SE	
Beauty and Barber Shop	SE	SE		SE
F.I.R.E.	SE	SE	SE	SE
Groceries	SE	SE		
Liquor Store	SE	SE		
Museum	SE	SE	SE	SE
Professional Offices	SE	SE	SE	SE
Public Facilities	SE	SE	SE	SE
Public/Private parking	SE	SE		SE
Religious use	SE	SE	SE	SE
Restaurant	SE	SE		
Retail Trade	SE	SE		
Studio Artist/Crafts	SE	SE	SE	SE
Tavern	SE	SE		
Theater, Movie	SE			
Theater, Live	SE	SE		
Accessory to permitted use	SE	SE	SE	SE

\* EHVD - PRUD housing - not actor housing

	Highest Use Theater/Town Office Restaurant	Moderate Use EH Village/Norwich Rd Section of Main	Lower Use Main Street	Lower Use Creamery Lumberyard
Lot Size	.25 acre	.25 acre	1 acre	.25 acre
Building Coverage	**	**	15%	20%
Lot Impervious Surface Coverage	**	**	30%	30%
Maximum Building Height	***	***	***	***

Front, side, and rear yard requirements for Live Theaters: Live Theater Uses - Five percent (5%) of the lot shall be assigned to the front, side, or rear yard setback area.

Front, side, and rear yard requirements for Uses other than Live Theaters: The yard requirements is that any building shall have yard dimensions sufficient to ensure proper design and placement of a building as

determined in the site plan review process and shall generally adhere to the setbacks of the surrounding properties which are in keeping with the historic layout of the neighborhood.

\*\* - Lot and Building coverage shall have dimensions sufficient to ensure proper design and placement of buildings and other surfaces (parking, patios, walkways, etc.) as determined in the site plan review process and shall generally be in keeping with the historic layout of the neighborhood. For Live Theaters, Lot Impervious Surface Coverage shall be (95 %) and Building Coverage shall be (95 %).

SE = Requires Special Exception Review      See Section 14B

SP = Requires Site Plan Review                      See Section 14A

\*\*\* Maximum Building Height: See Section 10.1.4. For Live Theaters, Maximum Building Height shall have a maximum peak height elevation of 92.5 feet based on National Geodetic Vertical Datum (NGVD).

#### **9.5.5. Historic Preservation**

These regulations shall encourage the conversion, conservation, and preservation of existing buildings in a manner that maintains the historic or distinctive character of the district. New construction shall also incorporate in the design elements that will maintain the historic or distinctive character of the district.

The conversion, conservation, and preservation of existing buildings and sites shall be consistent with:

(A)      The “Connecticut Historical Commission - The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”, revised through 1990, as amended:

Available at <http://www2.cr.nps.gov/tps/tax/rhb/stand.htm> , the Historic District Commission, or the East Haddam Land Use Office

**Please note:** For those Buildings, Structures, or Lots located within the Village District which are also within the boundaries of the East Haddam Historic District, the Planning and Zoning Commission may decline to regulate such items and will accept all aspects of a development which are within the legal jurisdiction of the Historic District Commission. Evidence of approval by the East Haddam Historic District Commission shall be provided at the time of application to the Planning and Zoning Commission, which shall not over rule or modify any aspect of a development plan which has been approved by the Historic District Commission and is within the jurisdiction of that Commission.

#### **9.5.6. Site Design and Compatibility Objectives**

Applications shall provide a narrative, site plans, and design that demonstrate that the application is in compliance with subsections 9.5.5 and 9.5.6, including the approval of the East Haddam Historic District Commission where applicable, per Section 9.5.5. All development in the village district shall be designed to achieve the following compatibility objectives to the greatest extent possible. It is recognized that not all applications may be able to achieve each and every objective or in some cases a particular objective may not be applicable to the project. In cases where there is no change in the exterior appearance to the building or landscape the application shall still include a narrative and site plan of the existing conditions. These objectives are further defined in Appendix VI “*Site Design and Compatibility Objectives and Guidelines*”

1. that proposed buildings or modifications to existing buildings be harmoniously related to their surroundings and to the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification,
2. that all spaces, structures, and related site improvements visible from public roadways, the Connecticut River, and public walkways be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification,
3. that the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments, and landscaping, and

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

**9.5.7. Architectural Review and Landscape Design**

All special exception and site plan review applications for new construction and substantial reconstruction within the district and in view from public roadways, the Connecticut River, and public pedestrian walkways shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners selected and contracted by the Commission and designated as the village district consultant for such application. (Note-see fee schedule)

The village district consultant shall review an application and report to the Commission within thirty-five days of receipt of the application.

Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.

Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations.

**9.5.8. Additional Reviews and Recommendations**

The Commission may seek the recommendations of any town or regional agency or outside specialist with which it consults, including but not limited to the East Haddam Historic District Commission, the Midstate Regional Planning Agency, the East Haddam Historical Society, the Connecticut Trust for Historic Preservation, and the University of Connecticut College of Agriculture and Natural Resources.

**9.5.9. Compliance with Regulations**

If a Commission grants or denies an application, it shall state upon the record the reasons for its decision.

If a Commission denies an application, the reason for the denial shall cite the specific regulations under which the applicant was denied.

Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality.

An approval shall become effective in accordance with subsection (b) of section 8-3c.

**9.5.10. Endorsement and Filing**

Within sixty-five (65) days of the Commission/Board approval, the applicant shall submit one (1) set of the final plan(s) on mylar, reflecting all conditions or modifications required by the Commission, with the approval letters of the Planning and Zoning Commission, Zoning Board of Appeals, and Inland/Wetland and Watercourse Commission printed on them and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission, except for the depiction of modifications and conditions required by the Commission in approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission /Board shall find them to be in accordance with the final approval, they shall be endorsed by the signature of the Chairman or Secretary of the Commission. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed Mylar plans in the office of the Town Clerk, and two paper copies in the Office of the Zoning Enforcement Officer. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Exception shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Exception site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman or Secretary shall likewise be void.

## Section 9.6 Moodus Center District (Former C/B/IG and C-2)

**INTENT** - Moodus Center was once a walkable village lined with shops and stores that served the residents and visitors and it had a much narrower street that calmed traffic. The long-range plan is to bring back these elements to reinvigorate a community orientated commercial center.

The intent is to create a district that allows the combined uses of businesses, light industrial, and residential uses and promote the re-creation of a village atmosphere with new structures intended to enhance the nearby historic residential structures located on Falls and Plains Road. The goal is to also develop a streetscape on Falls Road (Rte 149) that slows the existing traffic speeds.

**This newly revised regulation breaks the existing commercial district into two sections. In the Main Commercial Center of Moodus, the intent to provide for a mix of uses with ground floor retail activity in key locations and upper stories as residential or office uses. The rest of the district, Moodus Village, still has a multiple of mixed uses which include commercial, residential, and light industrial.**

In adopting these regulations, the Commission shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. Each application will go through a Special Exception application process that requires architectural design review, signage criteria, landscaping, traffic pattern changes and impacts, and emergency services accessibility. The intent of these regulations shall be applied to new construction, substantial reconstruction, and rehabilitation of properties within this district including, but not limited to,

1. The design and placement of buildings including building setbacks and build-to lines, the buildings are intended to be moved closer to the street emphasizing the pedestrian and retail nature of the frontage.
2. The proposed buildings or modifications to existing buildings be harmoniously related to their surroundings and to the terrain in the district and to the use, scale, and architecture of existing desirable buildings in the district that have a functional or visual relationship to a proposed building or modification. New buildings or structures should be in harmony with and contain elements of buildings constructed between 1820 and 1940.
3. The maintenance of public views,
4. The design, paving materials, and placement of public roadways, and
5. Parking setback lines and parking plans which include boundary screening and landscaping, landscaped islands, parking sites, traffic circulation patterns, loading areas, storm drainage facilities, and traffic access and egress including driveways.
6. Other elements that the Commission deems appropriate to maintain and promote the re-creation of a village center.

No Special Exception approval is required for roof mounted solar panel units that are not visible from any street or highway and no Special Exception approval is required for roof mounted solar panel units that are mounted flush and match the roof pitch. Mounting bracket shall be no higher than twelve inches above the roof. If the building is on the National Historic Register or in a Historic District, approval will be required by the Historic District Commission.

### 9.6.1. Permitted uses:

Dwelling, Single or Multi-Family only if in existence on the effective date of this amendment,

Dwelling, Single Family, only as an accessory use to Permitted or Special Exception Use.

**All new residential uses shall be on the upper stories of a building in the district.** Home Occupations accessory to permitted single family dwellings and as permitted under Section 27 of these Regulations.

Agriculture – Accessory to Residential Uses. See Section 30 for specific details for agricultural uses.



**9.6.2. The following uses are permitted by Special Exception approval of the Commission**

SP EX = Special Exception Review, NP = Not Permitted

<b><u>Permitted Uses</u></b>	<b><u>Main Commercial Center</u></b>	<b><u>Moodus Village</u></b>
<b>Adult Day Care Services</b>	<b>NP</b>	<b>SP EX</b>
<b>Automobile Service Station</b>	<b>NP</b>	<b>SP EX</b>
<b>Automobile and Machinery Repair</b>	<b>SP EX (Rear Lot Only)</b>	<b>SP EX</b>
<b>Beauty and Barber Services</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Child Day Care Services</b>	<b>NP</b>	<b>SP EX</b>
<b>Dance Studio &amp; Health &amp; Fitness Club</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Financial Institutions / Banks Drive-through Windows</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Greenhouse and Nurseries (No outside storage on front lots in the Main Comm. Center.)</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Retail Trade - Hardware, Lumber, Apparel &amp; Accessories, Jewelry, Book, Groceries, Bakeries, Antique Shop (No outside Storage in the Main Comm Center.)</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Funeral Homes</b>	<b>NP</b>	<b>SP EX</b>
<b>Laundry and Dry-Cleaning Services</b>	<b>NP</b>	<b>SP EX</b>
<b>Light Industrial</b>	<b>NP</b>	<b>SP EX</b>
<b>Medical Facility</b>	<b>NP</b>	<b>SP EX</b>
<b>Residential or Multi-family in upper story sections of a proposed commercial building.</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Package Store</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Pharmacy Drive-Through Window</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Photographic Services</b>	<b>SP EX</b>	<b>SP EX</b>

<b>Place of Worship, Religious Institutions</b>	<b>SP EX</b>	<b>SP EX</b>
	<b>Main</b>	
<b><u>Permitted Uses</u></b>	<b><u>Commercial Center</u></b>	<b><u>Moodus Village</u></b>
<b>Professional Office</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Public Facilities and Services</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Publishing &amp; Printing Facilities</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Real Estate Office</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Repair Services - Electric, Furniture, Small engine</b>	<b>SP EX (Rear Lot Only)</b>	<b>SP EX</b>
<b>Restaurants, Brewery / Brew Pub</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Restaurant w/ drive-through</b>	<b>SP EX NP</b>	<b>SP EX SP EX</b>
<b>Commercial Self Storage Buildings 150 ft setback from the front line.</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Theaters</b>	<b>SP EX</b>	<b>SP EX</b>
<b>Wholesale Trade</b>	<b>NP</b>	<b>SP EX</b>
<b>Accessory uses customary with a permitted use.</b>		

**MOODUS CENTER DISTRICT - Bulk Requirements**

	<b>Main Commercial Center</b>	<b>Moodus Village</b>
Minimum Lot Area	½ acre	½ acre
Minimum Lot Width	100 feet	100 feet
Front Yard Setback / Build to line	Min 10 ft Max 30 ft	30 feet
Minimum Side Yard	<b>0**</b>	10 – 40 feet*
Parking line setback from the street frontage	50 feet	20 feet
Minimum Building Size	1800 sq ft	1800 sq ft
Maximum Building Coverage	40 percent	20 percent
Maximum Lot Coverage	75 percent	60 percent
Second Floor Occupancy ie residential / office	<b>PREFERRED</b>	<b>PREFERRED</b>
Building Height (See Section 10.1.4.1)	35 feet mean roof height	35 feet mean roof height
Building Height	45 feet to the peak	45 feet to the peak
Maximum Number of Stories	2 ½ stories	2 ½ stories
Maximum Building Footprint For a Single Building	15,000 sq ft on Frontage lots	NA
Floor Area Ratio (FAR)	1.0	NA

\* Side yard setback is an aggregate of 40 feet with the narrowest being 10 feet except when it bounds a residential zone or Town road, the setback is a minimum of 20 feet. A landscape strip will be required when facing or abutting a residential area.

**\*\* For proposals consider using a side yard setback of less than 10 feet will require cross easements with adjoining properties for construction, repair and maintenance of buildings and properties.**

## **C-3 MOODUS PLAINS ROAD COMMERCIAL AREA**

### **9.7 Uses Permitted In Commercial C-3 District:**

In order more adequately to maintain and perpetuate the historic character which contributes so much to East Haddam's charm, there hereby is established a special type of Commercial District as C-3.

#### **9.7.1.1. Dwelling(s) Units**

Dwelling, Single Family (1F) - ½ acre

Dwelling, two, three and four family

(provided the lot area for 2F – is at least 1 acre - max. 4 bedrooms

( “ “ “ “ “ 3F – is at least 1 ½ acre - max. 6 bedrooms)

(provided the lot area for 4F – is at least 2 acres - max. 8 bedrooms)

Any additional bedrooms require area of ¼ acre per bedroom.

All 2, 3, & 4 family dwelling units require a Special Exception Review Approval in accordance with Section 14B of these Regulations.

Agricultural Uses – Accessory to Residential Uses. See Section 30 for specific details for agricultural uses.

#### **9.7.1.2. The following uses are permitted by Special Exception approval of the Commission:**

Professional Offices

Insurance and Real Estate

Retail Trade - Apparel & Accessories, Jewelry, Antique Shops

Business Services - such as Advertising, Employment

Bed & Breakfast

Country Inn

Restaurant

Child Day Care Center

Accessory uses customary with or accessory to a permitted use.

Education, religious or philanthropic - use by a non-profit corporation or government unit.

#### **Additional Standards:**

In order to further the Intent and purpose of the C-3 District, the Commission shall consider the following criteria, in addition to those set forth in Section 14A and 14B of these Regulations, when reviewing any Special Exception application in the District and the Town of East Haddam:

- a.** The extent to which the application preserves or restores an existing building or buildings which reflect(s) and enhance the architectural and historic character of the District and the Town of East Haddam;
- b.** The extent to which the application proposes new buildings(s) and site improvements which reflect(s) and enhance the architectural and historic character of the District and the Town of East Haddam;
- c.** The extent to which the application preserves existing large trees, stone walls, topography, and other natural or man-made features which provide character to the site and District;
- d.** The extent to which the application proposes amenities, such as walkways, plazas, benches, ornamental lighting, and other improvements to both public and private spaces which reflect(s) and enhance the streetscape, architectural and historic character of the District and the Town of East Haddam, and provide opportunities for pedestrian circulation, rest, and relaxation by persons living or working in and around the District.

## **9.8. IG District**

**9.8.1. Purpose:** The original, single IG District has evolved as an area where potentially incompatible uses have become intermingled without any comprehensive plan or adequate consideration for how the various uses and parcels will function. The District now contains residential, agricultural, industrial, office, personal service and commercial uses. The District is intended to allow as a diverse center of employment opportunities that will enhance the tax base of the Town of East Haddam and provide space for the products and services which Town residents require. The Commission has created three (3) separate IG Districts designed to form a unified pattern of development, and has imposed special architectural and site guidelines to balance the need for economic growth, diversity of uses, and protection and enhancement of the Town's historical, architectural, and environmental quality.

**9.8.2. Requirements for All IG Districts:** The following shall apply to all IG Districts:

**9.8.2.1. Bulk Requirements:** Bulk requirements for each of the IG Districts is as set forth in Section 10.1 of these regulations.

**9.8.2.2. Special Exception Requirement:** All uses in the IG District shall be permitted only by Special Exception in accordance with Section 14B of these Regulations, except for the Principle Use of a Farm, which shall be a Permitted Use. Where a Use requires a Special Exception when conducted as a Principal Use, it shall also require a Special Exception when conducted as an Accessory Use, including Accessory Uses to a Principal Use as a Farm.

**9.8.2.3. Additional Standards:** In order to further the Intent and purpose of the New District, the Commission shall consider the following criteria, in addition to those set forth in Section 14A and 14B of these Regulations, when reviewing any Special Exception application in the District:

- a. The extent to which the application preserves or restores an existing building or buildings which reflect(s) and enhance the architectural and historic character of the District and the Town of East Haddam;
- b. The extent to which the application proposes new buildings(s) and / or site improvements which reflect(s) and enhance the architectural and historic character of the District and the Town of East Haddam; Existing structures located within and immediately adjacent to the District typify East Haddam's historic and architectural character. New buildings or structures should be in harmony with buildings constructed between 1700 and 1900 and enhance these existing buildings and the historic character of the Town. Architectural Guidelines for all IG Districts are contained in Appendix II of these Regulations, and are incorporated herein by reference.
- c. The extent to which the application preserves existing large trees, stone walls, agricultural features, topography, and other natural or man-made features which provide character to the site and District;
- d. The extent to which the application proposes amenities, such as walkways, plazas, benches, ornamental lighting, and other improvements to both public and private spaces which reflect(s) and enhance the streetscape, architectural and historic character of the District and the Town of East Haddam, and provide opportunities for pedestrian circulation, rest and relaxation by persons living or working in and around the District.
- e. To the extent in which the application proposes the use of appropriate vegetation (trees, plants, shrubs, bushes) and / or natural fencing (rock walls, embankments, wood fencing) and / or existing structure(s) to screen the proposed addition and / or new structure(s)
- f. Those properties on Matthews Drive which do not have frontage on Route s 82 and 151 have already been developed in a pattern which does not reflect the more traditional and historic character of other properties in the District. Therefore, the Commission may permit greater design flexibility for new buildings or structures on those properties, and may allow more diversity and contemporary designs;

provided, however, that design quality of these sites, buildings, and structures shall otherwise comply with the goals of Section 14A and 14B, and these Additional Standards

g. No Special Exception approval is required for roof mounted solar panel units that are not visible from any street or highway and no Special Exception approval is required for roof mounted solar panel units that are mounted flush and match the roof pitch. Mounting bracket shall be no higher than twelve inches above the roof. If the building is on the National Historic Register or in a Historic District, approval will be required by the Historic District Commission.

**9.8.3 IG Districts, Uses by subsection (See map for property boundaries)**

**9.8.3.1 IG-1 District, Uses (Special Exception unless indicated otherwise)  
No changes in the language for IG-1**

Light Industrial  
Manufacturing, sales/repairs  
Warehouse  
Commercial Self Storage Buildings  
Health and Fitness Club  
Retail as an accessory use.

**Architectural Review and Landscaping Required  
See Appendix VII – Standards for Construction in  
the IG District**

**9.8.3.2 IG-2 District, Uses (Special Exception unless indicated otherwise)  
Former IG 2, 3, 4, 6, 7, 9, 11, and a portion of 10.**

Professional Office  
F.I.R.E. – Financial, Insurance, Real Estate  
Health Care – products and service  
Health and Fitness Club, Dance Studio  
Restaurant  
Bed & Breakfast, Country Inn  
Retail Sales, Antique Sales  
Retail of Crafts and Products Associated with East Haddam’s Traditional Agricultural Heritage Arts  
Craft & Art Galleries  
Farm (Permitted use), Greenhouse, Nursery, Wholesale Associated with a Farm, Farm Stand  
Landscaping Product  
Grocery, Bakery, Liquor Store  
Beauty and Barber Shop  
Public Facilities and services  
Light Industrial  
Manufacturing sales/repairs  
Sales & repair of Industrial Machinery  
Warehouse  
Commercial Self Storage Buildings  
Recreational / Open Space

**Architectural Review and Landscaping Required  
See Appendix VII – Standards for Construction in  
the IG District**

*Dwelling, Single or multi family only if in existence on the effective date of this amendment,  
Dwelling, Single family, only as an accessory use to Permitted or Special Exception Use.*

No single building area shall exceed 10,000 sq. ft ]

**9.8.3.3 IG-3 District, Uses** (Special Exception unless indicated otherwise)

**Former IG 8 and a portion of IG-10** Same language as existing IG-8 except for single & multi-family homes

Building Trade and storage, repair, and office Accessory to Building Trade.

Retail sales accessory to Building Trade (cabinets, plumbing fixtures, and other consumer products capable of owner installation).

Retail Sale of Landscaping Products.

**Architectural Review and Landscaping Required**

Light Industrial

**See Appendix VII – Standards for Construction in the IG District**

Warehouse

Public Facilities and Services

Commercial Self Storage Buildings

Retail as an accessory use

Agriculture Accessory to residential uses See Section 30 for specific details for agricultural uses.

*Dwelling, Single or multi-family only if in existence on the effective date of this amendment,*

*Dwelling, Single family, only as an accessory use to Permitted or Special Exception Use.*

**9.9 R & D District (Research & Development)**

**9.8.1** The following uses are permitted subject to approval by the Planning and Zoning Commission as a Special Exception:

Research and Development Facility

Laboratory

Consumer Product Testing

Public Facilities and Services.

Buildings or land may be used and buildings may be erected or altered as long as such use is not dangerous by reason of fire or explosion hazard, nor injurious, noxious or detrimental to the community or neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature.

Accessory uses clearly subordinate to, and customarily incidental the principle use.

## **9.10 Conservation Zone (Gateway) OVERLAY ZONE**

### **9.10.1 Setback**

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

### **9.10.2 Signs**

No sign shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner so as to move or rotate mechanically or be illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, nor shall any sign be permitted which calls the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located.

### **9.10.3 Building Height**

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height of thirty-five (35) feet. However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten(10) percent of the building footprint and not designed or used for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special exception by the Commission, provided that the architectural features will not have a significant visual impact on the River scene. **Exceptions to the height limitations within the East Haddam Village District will be by Special Exception, and governed by the standards of the District.**

### **9.10.4 Cutting of Timber**

#### **1. Required Vegetative Buffer**

Within the Conservation Zone, there shall be no cutting of vegetation within a strip of land extending fifty(50) feet in horizontal distance inland from the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this section.

a. There shall be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than three (3) feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.

b. There shall be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe or dead tree results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees shall be made to the zoning enforcement officer by a public or consulting forester.

c. In no event shall an opening be cleared for development, including but not limited to surface regrading, stormwater drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.



- d. A footpath not to exceed five (5) feet in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
- e. Stairs or similar structures may be allowed with a permit from the Inland Wetlands and Watercourses Commission to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five (5) feet in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- f. A vegetated buffer shall not be required for areas within the Conservation District which have been mapped and designated by the Planning and Zoning Commission as “developed areas”. In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the River scene. Developed Area; An area adjacent to the Connecticut River or its tributaries and associated wetlands within the Conservation Zone which has, within the 50 foot riparian area immediately landward of the high tide line as defined in Section 22a-359(c) CGS, been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50 foot riparian area shall also be considered "developed" if clearing and or construction activities have occurred in such a manner so as to make the retention or replacement of vegetation within the 50 foot riparian area impractical, infeasible, or undesirable.

(Note: Developed areas are identified in appendix IX)

## 2. Non-Commercial Cutting

A non-commercial cutting plan shall be submitted as part of the supporting documentation filed with a required site plan or as one of the required exhibits to be submitted for land subdivision approval.

## 3. Commercial Cutting - See Section 20 – Commercial Cutting of Timber

## 4. Burning of Undergrowth

The burning of undergrowth shall be in accordance with those regulations of the Connecticut Department of Environmental Protection which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

### **9.10.5. Removal of Soil and Earth Materials**

The removal of soil and earth materials shall be prohibited except for (1) valid non-conforming uses in existence as of May 14, 1974; (2) those exceptions set forth in Section 19.2 of these Regulations. See Section 19, Regulations of Earth Material Operations

### **9.10.6. Dumping and Storing of Refuse**

No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition nor shall any new public solid waste disposal facility be established or an existing facility be expanded in area.

### **9.10.7. Additional Requirements for Residential Structures over Four Thousand (4000) Square Feet in Gross Floor Area**

A special exception is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined Gross floor area in excess of four thousand (4000) square feet of total floor area (all floors). The purpose of this requirement is to assure that large scale residential structures and significant site

modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional river scene.

1. Exception: A special exception under this Section may be waived by the Commission for residential structures over four thousand (4000) square feet in gross floor area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.

2. Submission: In addition to other town requirements for special exception applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

3. Special Exception Criteria:

a. Proposed site development shall maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.

b. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.

c. Structures located above the crest of hillsides facing the River shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural condition.

d. Vertical architecture elements shall not be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.

e. Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.

f. Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape, are preferred.

g. Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation Zone.

h. Development shall be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during development and the length of exposure should be kept to the shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.

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

4. Findings: A Special Exception approval shall not be granted until the Commission has determined that all of the following conditions have been satisfied.

- a. Proposed structures and site work have been designed to fit the hillside, rather than altering the hillside to fit the structure and site design.
- b. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- c. The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material to buffer the mass of the building from the River or its tributaries in the Gateway Conservation Zone.
- d. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the River scene.

## Section 9.11 – Eightmile River Watershed Overlay District

### 9.11.1 Purpose and Intent

The Town of East Haddam desires to protect its natural resources and to control development's deleterious effects on its watersheds. The riparian and wetland features of the Eightmile River Watershed are a key component of the largely intact watersheds and natural character of East Haddam. In order to preserve a fully functioning aquatic system in the Eightmile River Watershed, and to prevent damage to the critical buffer zone around its water bodies, the Eightmile River Watershed Overlay District is hereby established. Please note that this does not replace any obligation of the applicant to have a determination made by the East Haddam Inland Wetlands and Watercourses Commission or any other regulatory agency as whether additional reviews and permits are necessary.

Protection of a buffer around water bodies and wetlands is crucial for public health, safety, and welfare because it protects water quality, regulates flow, preserves wildlife habitat, and maintains important cultural and historical features of the Town. This buffer serves many specific functions:

Regulation of water flow:

- a. Promotes water infiltration and groundwater recharge.
- b. Reduces flooding.
- c. Reduces streambed scour.

Preservation of wildlife habitat:

- a. Provides a unique habitat that supports a diverse species assemblage.
- b. Shades, filters, and moderates stream flow, improving habitat for fish and other aquatic organisms.
- c. Provides an effective travel corridor for terrestrial wildlife.

Protection of water quality:

- a. Reduces sedimentation.
- b. Filters out pesticides, heavy metals, and biocontaminants.
- c. Removes excess nutrients that lead to eutrophication, including nitrogen and phosphorus.
- d. Prevents erosion through bank stabilization by vegetation.

Preservation of views:

- a. Provides a screen that protects privacy of riverfront landowners
- b. Enhances landscape diversity resulting in improved aesthetics

The purpose of this Eightmile River Watershed Overlay District is to maintain a continuous buffer of native forest and shrubs around all watercourses and wetlands. The most effective riparian buffers should include a mix of trees, shrubs and herbaceous plants native to the region and appropriate to the environment in which they are to be planted.

### 9.11.2. Eightmile River Watershed Overlay District - Buffer Area

**Major Rivers and Streams** within R-2 and R-4 Districts of the Eightmile River  
(Not the (L) Lake Zone)

The buffer from all major watercourses within the Eightmile River Watershed shall be one hundred feet measured horizontally from all boundaries of the watercourse. The major watercourses are defined by the official Eightmile River Watershed Overlay District Map and includes the Eightmile River, the East Branch of the Eightmile River, Cranberry Meadow Brook, Hedge Brook, Burnham Brook, Early Brook, Muddy Brook, Strongs Brook, Malt House Brook, and Lake Hayward Brook and three unnamed brooks labeled as A, B, and C. See Appendix X

For all other streams and intermittent streams within R-2 and R-4 District the buffer from these watercourses within the Eightmile River Watershed shall be fifty feet measured horizontally from all boundaries of the watercourse. The official map does not include all intermittent streams.

### **9.11.3 Zoning District overlap**

The Eightmile River Watershed Overlay District overlaps other zoning districts and federal, state, or municipally regulated areas and in all cases the more restrictive regulation will take precedence.

### **9.11.4 Prohibited Activities**

Within the buffer specified in Section 10.1.3.2.2, all land-disturbing activity not specifically allowed as exceptions in subsection (d) below are prohibited unless approved following Special Exception review, in accordance with Section 14B of these Regulations. The standards and requirements of this Section 10.1.3.2 shall be in addition to those of Section 14B of these Regulations. "Land-disturbing activity" shall include any activity which involves the alteration of the surface of the earth as it existed on the effective date of these Regulations, including but not limited to; filling, removal, or regarding of earth; placement, construction, removal, or alteration of building or structures; establishment, removal, or alteration of uses of land; or planting or removal of vegetation; but not including those activities listed as exceptions in subsection (d) below.]

#### **a. Planting of invasive species**

The planting of invasive plants within the District is prohibited.

#### **b. Native plantings encouraged**

In all areas where preexisting uses or new activities result in a buffer that does not meet the standards of this regulation, native landscaping is preferred. Specifically, landowners are encouraged to create, enhance, or restore native vegetation and soil grades appropriate to the water resource being buffered. A list of suggested native plants for riparian buffers can be found in Appendix X

#### **c. Exceptions**

The following are as-of-right uses and activities within the Eightmile River Watershed Overlay District. Please note that this does not replace any obligation of the applicant to have a determination made by the East Haddam Inland Wetlands and Watercourses Commission or any other regulatory agency as whether additional reviews and permits are necessary.

1. Existing structures or continuing activities, such as agriculture, that were legally in existence before the effective date of this regulation.

2. The building of new structures, modification of existing structures, or commencement of activities that were granted all applicable permits before the effective date of this regulation.

3. Vegetation management

In general, vegetation is to be left in a natural state wherever it existed within the District before the effective date of this amendment. The exceptions to this requirement are as follows:

- a. Mowing and maintenance of lawns, gardens, or agricultural crops is allowed in the District if these uses were already in place on the effective date of this amendment.

- b. The removal or pruning of dead, dying, diseased, or invasive plants is allowed. Replanting with native trees or shrubs is encouraged if natural regeneration is not sufficient to restore vegetative cover. Leaving some downed and standing woody debris is also preferable, to provide a greater variety of wildlife habitat unless the spread of plant diseases is a concern.

- c. The clearing of one footpath per property, 5 feet wide or less is allowed. In order to prevent erosion and the creation of a channel of surface runoff, the path cannot create a straight line of

sight from the outer boundary of the District to the water resource. The property owner must use erosion control measures such as waterbars or mulch to prevent erosion on slopes.

4. Emergency operations necessary for public safety or protection of property.

5. State, municipal, and utility improvements and operations for which activity within the Eightmile River Watershed Overlay District is unavoidable and necessary. This includes activities such as the replacement, rehabilitation, or creation of infrastructure such as sewer, water, and power lines, bridges, highway maintenance, drainage facilities. Any activity within the District must be undertaken only if there is no practical and feasible alternative for provision of these services, and only if all measures will be taken to minimize any adverse impacts to natural features and the functions of the watershed. These activities are subject to all other applicable regulations.

6. Surveying and boundary posting for the purpose of marking boundary lines, subject to any other applicable regulations.

7. Septic system maintenance such as pumping, inspections or repair as directed by the local health official / town sanitarian. This does not include expansion of systems for addition to structures.

8. Fish and wildlife conservation activities that does not require removal of native vegetation or alteration of stream beds or banks.

#### **9.11.5. Activities and Uses which Special Exception Review can be applied for.**

No land-disturbing activity, as set forth in Section 10.1.3.2.4 above, shall be commenced within the buffer specified in Section 10.1.3.2. unless and until a Special Exception for such activity has been granted by the Commission. In all cases of the granting of such Special Exception, the permittee is encouraged to expand the vegetative buffer in another area abutting the setback area to compensate for the total area of encroachment. Please note that this does not replace any obligation of the applicant to have a determination made by the East Haddam Inland Wetlands and Watercourses Commission or any other regulatory agency as whether additional reviews and permits are necessary.

a. If the size of a lot is such that the Eightmile River Watershed Overlay District regulations prevent the placement, expansion, or alteration of a structure in compliance with all other zoning regulations, owners may request a special exception review and approval to encroach on the District setback. Every reasonable effort must be made to minimize impacts on the functions of the watershed, and a permit will only be granted for the minimum encroachment necessary. No Building or Structure shall be permitted within 30 feet of a major watercourse boundary, as defined in this Section.

b. Conservation activities, non-commercial thinning, and commercial timber harvesting practices that aim to restore natural ecosystems or enhance wildlife habitat are allowed by special exception. As part of the application for a special exception review, the appropriateness of the vegetation removal must be verified in a written statement to the Commission by a certified forester or other expert opinion accepted by the Commission.

c. Structures used for shoreline access (docks, boathouses, stairs, etc.) may be built after granting of a special permit. The permit application must demonstrate that the construction and installation of the proposed structure does not contribute to significant flow alteration, channel modification, or create any other deleterious effects on the watercourse.

### **9.11.6. Permitting process**

#### **a. Application for permits**

The applicant shall submit a Special Exception Application, as defined in Section 14B, and provide documentation demonstrating the need for a special exception approval, the efforts made to minimize disturbance to the functions of the buffer and water resources, or other documentation that may be reasonably requested by the Commission. Applicants should look at the criteria for consideration of waiver of a Special Exception hearing if they believe the impacts will be insignificant when measured by the standards of this regulation. Such waiver shall only be granted if the Commission determines the impacts are insignificant when measured by the standards of this regulation.

#### **b. Application fee**

Each application for a Special Exception in the Eightmile River Overlay District to be considered by the Commission shall be accompanied by a fee payable to the Town of East Haddam in accordance with the schedule adopted by the Commission.

#### **c. Standards**

The Commission shall consider the following standards when reviewing an application for a Special Exception Approval within the setback area:

1. The compatibility of the permitted activity with the purposes of the District, shall have an insignificant impact on the purpose of the overlay district (See Section 10.1.3.2), the Plan of Conservation & Development, and the health, safety and welfare of the public.
2. Whether strict application of the Eightmile River Watershed Overlay District regulations would deny the applicant reasonable use of the property, or whether these regulations would render the property unusable or unsuitable for development.
3. Whether there is a feasibly or prudent alternative through plan modification that will lessen the impacts and protect the buffer as intended in these regulations.
4. That the relief granted is the minimum necessary and does not conflict with other municipal, state, or federal regulations.

### **9.11.7 Enforcement**

Violations of the Eightmile River Watershed Overlay District regulations shall be punishable as defined in Section 2.2 of these Zoning Regulations.

### **9.11.8. Severability**

Should any section, subsection, or provision of this amendment be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the amendment in whole or any part thereof other than the part so declared to be invalid.

**SECTION 10 Section 10.1 - Schedule of Conforming Lots and Buildings**

<u>District</u>	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side & Rear Yard (each)	Maximum Lot Coverage	Lot Surface Impervious Cover
R-4	4 acres	250 ft.	40 ft.	50 ft.	5%	<u>10%</u>
R-2	2 acres	200 ft.	40 ft.	40 ft.	5%	<u>10%</u>
R-1	1 acre	150 ft.	30 ft.	25 ft.	10%	<u>20%</u>
R	1 acre	150 ft.	30 ft.	25 ft.	10%	<u>20%</u>
R-1/2	½ acre	100 ft.	30 ft.	20 ft.	15%	<u>20%</u>
L	1 acre	150 ft.	25 ft.	25 ft.	10%	<u>15%</u>
MC	½ acre	100 ft.	30 ft.	10-40 ft.***	20%	<u>60%</u>
C-1	½ acre	100 ft.	30 ft.	20 ft.	20%	<u>60%</u>
C-3	½ acre	100 ft.	30 ft.	20 ft.*	20%	<u>60%</u>
R & D	10 acres	250 ft.	100 ft.	100 ft.	20%	<u>30%</u>
IG-1	1 acre	<u>150 ft.</u>	<u>30 ft.</u>	<u>**</u>	35%	50%
IG-2	1 acre	<u>150 ft.</u>	<u>30 ft.</u>	<u>**</u>	20%	50%
IG-3	1 acre	<u>150 ft.</u>	<u>30 ft.</u>	<u>**</u>	20%	50%

East Haddam Village District See Section 9.5.4

- 1. Maximum building height** - See Section 9.9.3 Gateway/Conservation Zone, Section 9.5.4 East Haddam Village District, or 10.1.4 for the rest of the Districts.
- \* Rearyard** setback is 30 ft, and **sideyard** increases to 30 ft. when it bounds a residential zone.
- \*\* Sideyard** setback is an aggregate of 60 ft. with the narrowest side being 20 ft. except when it bounds a residential lot or Town road, the setback is a minimum of 40 ft.
- Agriculture, farming, forestry**, truck or nursery gardening, including greenhouses incidental thereto, provided that all buildings designed for those uses shall be built not less than 100 feet from the street line and 75 feet from the nearest line of a lot under separate ownership (Section 9.2.9)
- Setback from water** In any zone, the setback from a lake, pond, river, perennial stream or other body of water shall be a minimum of 50 feet from the high water mark. In the Conservation Zone the setback shall be 100 feet from the Connecticut River. (Section 10.1.3) In the Eightmile River Watershed, the buffer requirements are defined in Section 10.1.3.2.2
- Wetland Review Area** Please note, the East Haddam Inland / Wetlands Commission regulations require review of any activity proposed within 100 feet from any wetlands soil, flood plain, or watercourse or 400 feet from an identified vernal pool.



## **Section 10.1 continued**

**10.1.1. Minimum lot width** shall be measured at the required building setback line which line shall be measured parallel to and at the distance from the street right-of-way line which establishes the minimum required front yard.

**10.1.2. Minimum front yard**; If there is no established street right-of way line, then the minimum front yard shall be determined by adding 25 feet to the requirement shown in the above schedule and measuring from the centerline of the existing road pavement.

**10.1.3 Setback from waterbodies**: In any zone, except the Conservation Zone and the Eightmile River Watershed Overlay District, the setback from a lake, pond, river, perennial stream, or other body of water shall be a minimum of 50 feet from the highwater mark.

### **10.1.4. Building Height - Special Provisions**

**10.1.4.1. Building Structures- Height and Occupancy**. The maximum height of any building structure shall be thirty feet, measured from the grade plane to the mean roof height (see new building height definition). In no case shall any peak or other building feature exceed forty feet when measured from the grade plane to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. On any structure a cupola or cupolas maybe constructed as long as the base(s) do not exceed two (2) inches per foot of ridgeline. The height shall not exceed three times the length of the base at the ridge line and measured to the peak of the cupola. This is not intended to include weather vanes and decorative features.

There shall be no habitable space (see new definition) on the third story above grade; provided, however that in connection with the issuance of a Certificate of Zoning Compliance, the Planning and Zoning Commission may permit the occupancy of the third story above grade of a residential building where in the review of the building plan and site plan, it is demonstrated that the health, safety, and welfare of the potential habitants is not put to risk. This shall be determined by demonstrating, in the sole discretion of the East Haddam Fire Marshal that access from an East Haddam Fire Department ground ladder can be provided to at least 50% of the egress openings (windows of adequate size or doors) for the habitable space located on the third story above grade. No Certificate Zoning Compliance for third story above grade occupancy shall be issued without a written report from the East Haddam Fire Marshal indicating compliance with the standards with of this Section. The site plan submitted shall contain final grading plans to allow proper review. The building plans shall contain views from all sides and floor plans of all stories. In addition, the Planning and Zoning Commission may require a lesser building height, or the provision of special site or building improvements, after consideration of written reports from the Building Official and/or the East Haddam Fire Marshal concerning the adequacy of fire protection measures, emergency access, and the Town's capacity to deal with anticipated public safety challenges. See Appendix VIII

For those stories of a building that have been determined incapable of providing a Fire Department ground ladder access in accordance with this Section, a permanent stairway to such story shall be prohibited, and such story shall not be used for habitable space.

#### **Exception in Lake Districts (L)**

In consideration of the residential character and architectural style of the existing houses and cottages, the confined spacing between structures, the general steepness of slopes around the lakes, and narrow street access, structures in the L Districts shall have a maximum building height of twenty-four feet measured from the grade plane to the mean roof height. In no case shall any peak exceed thirty-two feet when measured from the grade plane to that peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. See Appendix VII

#### **Exceptions in the Conservation Zone**

In consideration of the residential character and architectural style of the existing houses and cottages, the confined spacing between structures, the general steepness of slopes around the lakes, and narrow street access, structures in the Conservation Zone shall have a maximum building height of twenty-four feet

measured from the grade plane to the mean roof height. In no case shall any peak exceed thirty-five feet when measured from the lowest point of the building which is visible above existing natural grade to that peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time. In the East Haddam Village District these exceptions and height limits do not apply. See Appendix VIII

### **Exceptions in the Commercial Districts**

See Section 9.5 East Haddam Village District and Section 9.6 Moodus Center District for height limitations. Written reports from the Building Official and the Fire Marshal concerning the adequacy of fire protection measures, emergency access, and the Town's capacity to deal with anticipated public safety challenges will be needed with each application proposing third floor occupancy.

**10.1.4.2. Exceptions to Height Limits.** A greater height may be authorized by the Commission as a Special Exception, and may be of such reasonable height as may be necessary to accomplish the purpose to be served by the structure. Where the structure is the principal structure on the lot, the height limits for the subject zone shall apply, except as provided for Wireless Telecommunications Facilities. See Section 22 of these Regulations.

**10.1.5. Double Frontage:** In the case of a lot with frontage on more than one street, a building or structure thereon shall be set back the required distance from each of said streets.

**10.1.6. Frontage and Access** - No building shall hereafter be built on any lot unless such lot has a frontage of at least twenty-five feet on either a public street, or, on a private street approved by the Commission to serve such lot as part of a subdivision approval pursuant to the East Haddam Subdivision Regulations; unless, it has an unobstructed easement of access or private right-of-way at least twenty-five feet wide to a public street. In the case of an existing lot, under separate ownership as of March 14, 1961, which has no frontage on a public street which is less than twenty-five feet in width, and where the widening of such street would entail genuine hardship, the Zoning Board of Appeals may authorize the permit-issuing agent to waive the requirement as to the width of said road, but in no case shall such access way serve more than one single-family or one two-family residence or one non-residential building

**10.1.7. Yards and Open Space:** Except as specifically provided herein, no part of any yard or other open space required about any building may be counted as part of a yard or other space required for any other building.

**10.1.8. Building Projections:** Nothing in these regulations shall prohibit the projection not more than one foot into a required open space of pilaster, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such open spaces.

**10.1.9. Waiver of Front Yard Setback:** Where two or more occupied dwelling houses already stand on the same side of and face the same street, and wherever a new dwelling is to be erected on a site between any two such existing dwelling houses neither of which is more than 75 feet distance from the proposed new dwelling, the Zoning Board of Appeals may waive the required set back and front yard standards to such extent as to permit the new dwelling to be so located that its front yard will have a depth no less than that of the adjacent dwelling which has the larger front yard set back.

### **10.2. Accessory Uses and Buildings For a Dwelling**

**10.2.1 Accessory Building or Structure:** Accessory Building for a Dwelling includes buildings such as garages and barns. Accessory structures for a Dwelling include swimming pools, sheds, gazebos detached solar panels, wind mills, and similar structures. Accessory buildings or structures shall be subject to the yard requirements for Principle Buildings. Accessory buildings may be used for dwelling purposes provided that the total number of family units is not greater than permitted by these regulations and provided also that the living space, floor area and lot area per family unit shall not be less than permitted by these regulations. An accessory building includes a small building or cabin which is accessory to a commercial farming enterprise and which is used by one or more full time hired hands for sleeping only. In

the East Haddam Village District, Accessory Buildings need not be located on the same lot as the Principle Building when both buildings are submitted as a single development proposal.

**10.2.2. Accessory Use:** Accessory uses, as defined in these Regulations, are permitted in all zones, provided, however, that if the principle use requires Site Plan Review, Special Exception, variance, or other review under these Regulations, then the accessory use will require the same review.

### **10.2.3. Accessory Dwelling Units**

**10.2.3.1. Purpose and intent** - The intent of these regulations is to allow the creation of “as of right” accessory apartment regulation in accordance with recent legislation which revised CGS 8-2 through Public Act No. 21-29 in 2021. This section allows an accessory apartment within residential zones with the purpose of providing housing for the elderly, single persons, or small families. This regulation is designed to ensure that in creating an accessory apartment, the single-family design of the existing principal dwelling and the neighborhood shall be retained.

#### **10.2.3.2. Standards:**

1. An accessory apartment may be used for dwelling purposes provided that the property contains the required area and meets the conditions noted below. All accessory apartment construction is subject to the required yard and building heights of these Regulations, the Connecticut Building Code, and the Connecticut Public Health Code. All applications will be reviewed by the Chatham Health District, the Building Official, and the Fire Marshall for code compliance.
2. An accessory apartment may have one or two bedrooms.
3. An accessory apartment may have a maximum net floor area for an accessory apartment of not less than thirty percent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less as long as the lot has the minimum acreage of the District in which it is located.
4. An accessory apartment that has greater than 1000 square feet of habitable space and up to the maximum of 1250 square feet of habitable space will require an additional one-half acre above the minimum acreage of the District in which it is located.
5. In all cases, the maximum square footage of habitable space in the accessory apartment is to be no more square footage than of the primary structure’s first floor habitable space.
6. For accessory apartments which will be constructed within the existing single-family dwelling and accessory structures a competent floor plan drawings of the dwelling and apartment, and suitable sketches, architectural drawings and/or photographs sufficient to show the design and extent of exterior building and façade construction including any alterations.
7. For accessory apartments that will require construction of additions or accessory structures, the application will require a submission following the mapping criteria of Section 14a – Site Plan Review to ensure the site will be able to meet the requirements of zoning and the Ct Public Health Code.
8. Detached Accessory Apartment: The exterior materials, roof form, and window spacing, and proportions of the accessory dwelling unit shall be in harmony with those of the existing or proposed principal single family dwelling unless the new structure is designed in a traditional New England form such as a barn or other historic structures in the neighborhood. For an accessory dwelling unit located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement for new structures.
9. The site plan shall demonstrate off street parking for a minimum of three (3) vehicles in the driveway or garage to accommodate both the principal dwelling and the accessory apartment of the premises and shall

otherwise conform with Section 11 of these Regulations. Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No parking space shall be located within the boundary of a street right-of-way.

10. Either the single-family dwelling or the apartment unit shall be permanently occupied by the owner of the premises. An affidavit of ownership signed by the owner(s) of the premises and affirming intent of an owner(s) to occupy either the single-family dwelling or accessory apartment in required at the time of application and will be filed in the Town Land Record.

11. In complying with the intent of Public Act 21-29 to provide housing, accessory apartments or the single-family dwelling are prohibited from being used for short term rentals such as Air B&B, weekly or monthly rentals, and the like.

**10.3. Schedule for Non-Conforming Lots** In case of any construction on lots, which with respect to area and dimensions, were non-conforming as of March 14, 1961 or where made non-conforming by any subsequent amendment, the following side yard requirements shall be observed:

**10.3.1. Lots 99 feet or less in width:** In the case of any lot 99 feet or less in width, the minimum combined width of both side yards and the minimum width of the narrowest side yard shall be respectively as follows, except in cases where either side yard fronts on a lake, river, perennial stream or body of water. In such cases a set back of 50 feet from the waterfront is required.

LOT WIDTH	COMBINED WIDTH OF SIDE YARDS	MINIMUM WIDTH OF NARROWEST SIDE YARD
Under 50 feet	20 feet	8 feet
50 feet to 55 feet	22 feet	10 feet
56 feet to 59 feet	25 feet	10 feet
60 feet to 69 feet	30 feet	15 feet
70 feet to 79 feet	34 feet	17 feet
80 feet to 99 feet	40 feet	20 feet
100 feet to 125 feet	40 feet	20 feet
126 feet to 150 feet	50 feet	25 feet

**10.3.2. Lots 99 feet or less in depth:** In case of any lots, with respect to area and dimensions, were non-conforming as of March 14, 1961, and which are 99 feet or less in depth, the minimum depth required for front yards and rear yards respectively shall be reduced to 20 feet except in cases where either yard fronts on a lake, river or perennial stream or body of water. In such cases a setback of 50 feet from the waterfront is required.

**10.3.3.** If the above table does not apply, refer to Schedule of Conforming Lots, Section 10.1

**10.4. MINIMUM BUILDABLE LAND REQUIREMENTS**

**Scope of Requirement**

No proposed plan of a new Subdivision in any district except the R1/2, C/B/IG, and C3 districts shall hereafter be approved unless the proposed lots equal or exceed the minimum size, width, and criteria requirements set forth in the various districts of these Regulations except as may otherwise be specifically provided in a Conservation Subdivision. Each proposed lot shall include an area of minimum buildable land which complies with all of the criteria as defined in the section below. Lots constructed in the past that have not met these requirements have demonstrated undesirable effects such as unnecessary and excessive blasting, flooded basements, ground water management problems, stormwater management issues, questionable long term septic viability, ground water contamination, and erosion control problems.

Additional testing in the field may be required as directed by the Town of East Haddam representative to verify compliance with the Minimum Buildable Land Area.

**Minimum Criteria of Buildable Land**

Each lot shall meet the following criteria:

- (a) In the R2 and R4 Districts an area of at least ¾ acre (32,670 square feet) shall be delineated, having at least four sides with the shortest side being no less than 130 linear feet. The shape of such an area shall generally resemble a rectangle, pentagon or other like geometric figure. In the R and R1 District an area of at least 2/3 acre (28,750 square feet) shall be delineated, having at least four sides with the shortest side being no less than 115 linear feet. The shape of such an area shall generally resemble a rectangle, pentagon or other like geometric figure.

(Hereinafter the “MBL Area”)

- (b) Within the MBL Area, naturally occurring topography not exceeding twenty percent (20%) slope in grade, as measured in 40 foot increments throughout the MBL Area. Topography exceeding 20% slope shall only be permitted to comprise 20% of the MBL Area. Areas exceeding twenty percent (20%) slope shall be shaded on the proposed plans.

- (c) Lots where testing indicates that there is less than twenty four inches (24”) of naturally occurring soil to ground water shall not to be included in the MBL Area.

- (d) Ledge rock no higher than four (4) feet below the natural ground surface as observed during soil testing shall not be included in the MBL Area.

- (e) No Inland or Tidal Wetlands or Watercourses, determined by a professional soils scientist, who is certified by the Society of Soils Scientists of Southern New England or Upland Review Areas as defined by the East Haddam Inland Wetlands and Watercourses Commission, shall be contained in the MBL Area.

- (f) No MBL Area shall contain areas of vehicular travel easements, right of ways, utilities, drainage easement areas, restrictive cutting easements or conservation easements used a in lieu of Stormwater Management, and other easements for public or private facilities.

**10.4.2 Alternative Minimum Buildable Land Regulations - Alternative Soil Based Subdivision Review**

Intent – for existing lots which cannot meet the minimum lots criteria in Section 10.4 of the Zoning Regulations and Section 4.06 of the Subdivision Regulations but with additional land area may be able to meet the Stormwater Management Criteria in Section 4.02 of the Subdivision Regulations and the Public Health Code.

For an existing parcel which is unable to meet the Subdivision Regulations under the current minimum buildable land area regulations (Section 10.4 and 4.06), an alternative soil based investigation may be explored and implemented if the following conditions are met. As with all subdivisions, it is recommended that all subdivisions be reviewed on a preliminary layout. See Section 3.01 through Section 3.03 of the East Haddam Subdivision Regulations.

- a. In the R2 and R4 Districts an area of at least ¾ acre (32,670 square feet) shall be delineated, having at least four sides with the shortest side being no less than 130 linear feet. In the R and R1 District an area of at least ½ acre (21,780) shall be delineated, having at least for sides with the shortest side being no less than 90 linear feet. The shape of such an area shall generally resemble a rectangle, pentagon or other like geometric figure. (Hereinafter the “MBL Area”). This MBL Area is to be within the Proposed Lot Development area.

- b. One acre of additional land will be required in each District, but the proposed lot and the additional acreage should be comprised of soils designated as Class A, B, and C soils. If the addition of one acre of soil does not meet the requirements of these regulations, additional acreage in one (1) acre increments shall

be added to meet the requirements of these regulations.

(See Section d, e, and f below for exceptions and conditions and the soil listings in Appendix II. This exploration is to occur after standard soil testing required in the Subdivision Regulations has occurred. The services of a soils scientist will be required to report on the property's soil characteristics compared to the soil information prepared by USDA Natural Resources Conservation Services (NRCS). For any soils not listed in Appendix XII, the characteristics shall be derived from the soil information prepared by USDA Natural Resources Conservation Services (NRCS).

c. All newly proposed lots will have to meet the Connecticut Public Health Code.

d. All newly proposed lots will have to meet the Stormwater Management criteria in Section 4.02 of the Subdivision Regulations. Stormwater Management shall be contained on each subject lot and will not be subject to restrictive cutting easements or conservation easement to obtain the Stormwater Management goals.

e. Within the proposed lot development area, naturally occurring topography exceeding twenty five percent (25%) slope in the grade, as measured in 40 feet increments throughout the lot area shall be shaded on the proposed plans. Topography exceeding 25% slope shall only be permitted to comprise twenty five percent (25%) of the proposed lot development area.

f. Within the proposed lot development area no more than twenty five percent (25%) of the lot area can contain soils classified as Class D and E soils combined. Areas consisting of Class D and E soils shall be identified on each lot and the percentage of the area of Class D and E soils on each lot shall be noted on the proposed subdivision map. See Appendix XII for soil classifications.

g. No proposed lot area shall contain existing areas of vehicular travel easements, right of ways, underground utilities, drainage easement areas, nor shall restrictive cutting easements or conservation easements be used in lieu of Stormwater Management. Easement areas of overhead electrical wires can be used for the MBL area as long as the plan does not violate any easement prohibitions (ie – buildings/structures).

- e. All proposed lots shall meet the other requirements of the Subdivision and Zoning Regulations. Applicant has to choose one method of subdivision review process for the proposed lot under Section 4.06.1 or Section 4.06.2. Under the filing of an alternative subdivision review under Section 4.06.2 the application can not apply with part of the property as a Conventional of Conservation Subdivision. Existing parcels as the effective date of this regulation shall not be brought in for review in phases to circumvent the intent of these regulations.

## **10.5. Other Bulk Regulations**

**10.5.1. Agriculture, farming, forestry, truck or nursery** gardening including greenhouses incidental thereto, provided that all buildings designed for those uses shall be built not less than 100 feet from the street line and 75 feet from the nearest line of a lot under separate ownership.

**10.5.2. The display and sale of farm and garden produce** raised on the premises. For such purposes one stand not over 200 square feet in area and not more than two signs aggregating not over 12 square feet in area, advertising such produce, may be erected. Such stand or signs shall be on the premises and not less than ten feet from any street line.

**10.5.3. Resort Dimensions:** Any resort hereafter established shall have a minimum frontage of two hundred feet, a minimum depth of two hundred feet, and shall have no structure less than one hundred feet from the center of the street.

**10.5.4. Lots In More Than One District:** In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over thirty feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district. In any case in which the strict application of this thirty foot limitation would result in a substantial hardship, the affected owner may apply to the Zoning Board of Appeals for a variance as provided in the Statutes.

**10.5.5. Construction Prior to Adoption of Regulations:** Nothing in these regulations shall require any change in the plans, construction or designated use of a building for which the construction shall have been commenced prior to the adoption of these regulations or of any pertinent amendment thereto, provided that such building shall be completed within one year of the adoption of such regulations or amendment.

**10.5.6. Reduced side and rear yard for small structures.** Sheds, gazebos, and other accessory structures (except garages) under 150 square feet in floor area and up to 12 feet in height - Side and rear yard in LR, R1/2, R, R-1, R-2, and R-4 may be reduced to 10 feet from the property line.

## **10.6 Interior Lot Regulations**

### Section 1 - Purpose and Intent

The purpose and intent of allowing interior lots is to allow for some flexibility in site design to:

1. allow for the creation of environmentally sensitive, low density, residential development with design requirements that will preserve and protect significant areas of natural resources and historical features;
2. preserve East Haddam's rural character and natural resources;
3. reduce impervious surfaces by avoiding the creation of new roads and reduce the loss of forest canopy; and to reduce long term infrastructure cost,
4. take advantage of unique topographical situations;

All of which are goals of the Plan of Conservation and Development.

### Section 2 – Requirements

1. An interior lot is defined as a lot that does not have the required minimum lot width for the District as required in these regulations but does have street frontage and is situated generally behind a lot or lots fronting the street. The lot must be accessible from the street over an access strip that is owned in fee simple by the owner of the interior lot. A right of way or easement of access shall not satisfy this requirement except where such right of way existed prior to June 1, 1979.
2. Interior lots shall be created as part of a formal subdivision/ resubdivision application, where required by the East Haddam Subdivision Regulations and upon the issuance of a Special Exception application for the creation of interior lots. The intent of this provision is that all remaining parcels of land are to be in compliance with the Zoning and Subdivision Regulations.
3. It is the obligation of the applicant to demonstrate that the use of the interior lots provisions of this Section or the standard road construction method of development are both feasible under the regulations. Once the applicant has demonstrated that both the interior layout and the standard road construction layout are feasible for this location, it shall be the burden of the applicant to prove to the satisfaction of the Commission that the land characteristic and physical site conditions make interior lot development preferable to the standard road construction method of development; and that such interior lot(s) will be in harmony with the Plan of Conservation and Development, and will be in compliance with all applicable Town Regulations and Ordinances.

4. The building setback line for an interior lot shall be measured from the point where the lot meets the minimum lot width requirements for the applicable zone.
5. The minimum street frontage and the minimum width of the access strip shall be twenty-five feet (25') for each lot, except where the Commission deems it necessary to increase the minimum width. When issues concerning the access strip such as, but not limited to, safety, sight lines, and buffering are raised, the Commission may require a width in excess of twenty-five (25') to insure proper design and public safety.
6. The number of adjoining interior lot drive access strips shall not exceed two unless the Commission determines that the creation of more interior lots furthers the intent of this regulation. Adjoining interior lot drives are to be common drives to the furthest greatest extent possible.
7. Driveway Standards. To promote traffic safety, reduce erosion, and to prevent drainage and icing problems, all proposed interior lots shall be designed by a professional engineer and constructed in conformance with the provisions of this Regulation, the Driveway Design Criteria of the Subdivision Regulations, and the Connecticut Stormwater Quality Manual guidelines, except as modified below:
  - a. Interior lot driveways whether single or common shall follow to the greatest extent possible the natural terrain while minimizing regrading, cuts and fill sections.
  - b. Common driveways must be paved for the length of the common drive surface and the common driveway shall be a minimum of fifty feet (50') from the street line.
  - c. Interior lots must be serviced by underground utilities. (The Commission may allow overhead utilities where excessive conditions such as ledge or wetlands exist).
  - d. When common driveways are employed, easement and maintenance agreement language acceptable to the Commission must be used. Said easements and maintenance agreement language shall be filed in the land records of the Town Clerk prior to endorsement of any record map.
  - e. The Commission will seek reviews from the East Haddam Fire Department and the East Haddam Ambulance Association for adequacy of access to ensure that the public health, safety, and welfare of the residents are protected on these driveways.

8. Minimum Lot Size

- a. Each interior lot shall contain twice the minimum lot area required for that zone or district. Two family units on an interior shall require four the times the minimum lot area required for that zone or district.

Frontage lot R-1 District – 1 acre      1 Family = 1 acre, 2 Family = 2 acres

Interior lots      1 Family = 2 acres, 2 Family = 4 acres

- b. Each interior lot for an open space/conservation subdivision under the provisions of Section 23 shall contain twice the Aggregate Maximum Lot Average of the minimum lot area required.

	<u>R-4</u>	<u>R-2</u>
Minimum lot Area	1 acre	.75 acre
Maximum Lot Area	1.5 acres	1.25 acres
Aggregate Maximum		



Lot Average	1.25 acres	1 acre
Interior Lot Size	2.5 acres	2 acres

9. Landscape Requirements – Interior lots and their road frontage access area shall be adequately buffered with suitable native vegetation so as to ensure (a) a scenic and rural appearance from the public way and (b) suitable privacy for occupants of all adjoining properties.

a. A permanent and contiguous landscaped buffer strip shall be provided on the interior lot to buffer existing and potential occupants of the front lot with a minimum buffer of twenty-five feet and buffering may be required for other adjoining properties. Suitable existing trees and shrubs may be preserved or augmented by plantings to provide the required buffer. The landscaping planting requirements may be waived by the Commission if a substantial vegetative buffer exists. The preservation and maintenance of the said buffer strip shall be recorded as a deeded restrictive covenant and the buffer strip shall be maintained by the property owner as required in the restrictive covenant. The restrictive covenant language acceptable to the Commission must be used. Said restrictive covenant shall be filed in the land records of the Town Clerk prior to endorsement of any record map.

b. The access strip of an interior lot shall be maintained in a suitable fashion as to provide safe access to the interior lot and to prevent degradation to the abutting properties. No materials are to be stored and no vehicles may be parked on a regular basis on the access strip.

10. The distance between the nearest point of the access strip frontage serving interior lots shall be a minimum of 300 feet measured along the road right of way. When there are common interior lot access strips serving two or more interior lots, the minimum distance to any other interior lot access strip frontage shall be 600 feet.

11. In the case where an interior lot is situated in two different districts, the area and bulk requirements of the more restrictive district shall be adhered to.

12. The Commission may require open space which includes a variety of landforms, habitat, and vegetation, including wetlands and uplands, steep topography and level areas, vistas and visual screens, riverine areas and hilltops, historic sites, or other natural resources.

See 4.09.02 of the Subdivision Regulations and Section 23.7a of the Zoning Regulations.

## Section 11

## General Parking Requirements

### 11.0 Intent:

Off-street parking shall be provided for the total use in structures hereafter constructed, reconstructed, or enlarged in accordance with the following requirements. Said parking shall be part of the site plan or prepared as a separate plan and shall include boundary screening and landscaping, landscaped islands, parking sites, traffic circulation patterns, loading areas, storm drainage facilities and traffic access and egress including driveways.

### Section 11.1 Number of Parking Spaces

Off-street parking 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 1000 square foot (SF) of Gross Floor Area (GFA):

Land Use	Maximum	Minimum
Bank	5	3
Theater, Movie	1 space per seats	3 space per seats
Theater, Live	2.6	2.2
Retail	5	2
General Office Building	5	2
Light Industrial	8	2
Medical Office Building	10	2
Nursing Home	4	1
Restaurants	12	6
Small Shopping Centers	6	3
Bed and Breakfast & Country Inn	1.2 space per guest room or suite	1 spaces per guest room or suite
Personal Services	3	2
Day Care Centers	1 space per 4 children at max. capacity	1 space per 8 children at max. capacity
Churches and Places of Worship	1 space per 3 seats in the portion of the building used for services	1 space per 5 seats in the portion of the building used for services
Museum and Libraries	2	1
Social, Fraternal Clubs and Organizations	4	3
Elementary, Middle, and High Schools	1 space per 3 seats in the auditorium	1 space per 5 seats in the auditorium
Warehouse	1	1
Home Occupation	4 per dwelling unit plus 1.5 per non-resident employee	2 per dwelling unit plus 1 per non-resident employee
Multi-Family Residences	2.5 per dwelling unit	1 per dwelling unit
Commercial Kennel	3	1
Automotive Sales and/or Rental	3	1
Automotive Repair and/or Service	4	2
Gymnasiums, Physical Fitness Centers, Health Spas, Martial Arts Centers, and Dance Studios	4	2
Indoor Recreation Facilities	5	5
Outdoor Recreation Facilities	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study

Commercial Self-Storage Buildings – No more than five (5) delineated parking spaces shall be required. Temporary parking incidental to the loading and / or unloading of a storage unit may take place in areas of the driveway / access lane proximate to the storage unit being accessed.

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. Loading Areas shall be determined by the proposed use and frequency of deliveries.

**Section 11.2 Handicapped Parking Space Requirements**

All off-street parking areas shall include paved handicapped accessible parking spaces. Pursuant to subsection (h) of section 14-253a of the Connecticut General Statutes, parking spaces for passenger motor vehicles designated for handicapped shall be as near as possible to a building entrance or walkway and shall be at least 15 feet wide including 5 feet of cross hatch and twenty feet long. Handicap accessible parking spaces and access aisles shall be provided in the following amounts relative to the total number of spaces provided in the parking area:

Total Parking Spaces In Lot	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4

Add one handicap parking space for every additional 25 spaces or a portion over the 25 spaces.

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

**Section 11.3. Waivers and Exceptions**

**Section 11.3a. Intent**

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. This section of the regulations is intended to set standards for conditions under which a waiver or exception from the general parking requirements may be allowed.

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.

**Section 11.3.b. Waivers**

Except for buildings used or occupied for residential use, all or part of the off-street parking requirements may be waived by the Commission where the proposed planning, design, and construction includes the following:

1. Sufficient publicly owned or shared parking spaces within 500 feet of the proposed development site.
2. Access to a regularly scheduled transit stop within 500 feet of the proposed development, with service available during the hours necessary to serve the activities of the use for which a waiver is sought.

**Section 11.3.c. Parking Reduction Requests**

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 application process.

**Section 11.3.d. Parking in the East Haddam Village District or C/B/IG Center District**

All requirements for number of off-street parking spaces as listed in Section 11.1 “Maximum” shall be reduced by 25% where the use and associated required parking would be located within the East Haddam Village District or C/B/IG - Moodus Center District.

**Section 11.3.e. Parking for Mixed-Use Developments**

In Mixed-Use developments, or developments where parking is affected by cooperative agreements between 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 thereafter serve as the basis for determination of required parking at the mixed-use site.

**11.3.f. Parking in Excess of the Maximum**

The Commission may approve parking lots with more spaces than the allowed maximum provided that all of the spaces above maximum number are constructed of a pervious surface, and where adequate stormwater management is provided as specified in Section 11.8 of these regulations.

The Commission may also approve parking lots with additional impervious parking spaces above the allowed maximum spaces where the use of pervious spaces would not be environmentally sound and where a stormwater management plan is included with the application and implemented, employing, at a minimum, the stormwater management measures specified in Section SWM of these regulations.

**Section 11.3.g. Parking Space Held on Reserve**

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

**Section 11.4. Parking Lot Design**

Parking lots shall be designed to achieve the greatest efficiency of use of space practicable. In general, the preferred layout should have:

1. 90 degree parking, rather than angled parking;
2. Parking provided around the periphery of the site with no parking located between the building and street.

**11.4.a. Minimum Design Requirements**

At a minimum, all parking lots shall:

1. Have a minimum stall size of 9’ x 18’
2. Have rectangular parking stalls
3. Have aisle widths and parking angles in a minimum ratio as shown as follows:

<b>Parking Angle(degrees)</b>	<b>Minimum Aisle Width</b>	<b>Direction of Flow</b>
45		
50	12’9”	One way
55	13’3”	One way
60	14’3”	One way
65	15’2”	One way
70	16’	One way
75	24’	Two way
90	24’	Two way

4. Have no greater than 5% slope
5. Have a number and location of access drives compatible with traffic circulation patterns both within the site and on the abutting street system
6. Provide sufficient stacking area (area where cars may need to wait in line to exit onto the street or to enter to circulate in the parking lot), and stacking for at least 2 vehicles at the inbound access drives to the site.
7. No parking space shall be designed to allow a vehicle to protrude or overhang sidewalks or any landscaped area.
8. Minimize potential conflict points between pedestrians, bicycles, and motor vehicles. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve.

### **Section 11.5: Pervious Parking Area**

In all districts, off-street parking provided and maintained as paved/impervious surface shall be counted as part of the Lot Impervious Surface Coverage. Parking areas composed of pervious surfaces are encouraged for all land uses and lots, unless there are overriding environmental limitation, and may be provided to meet all or part of any required parking spaces on a lot

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

1. Provide pervious parking stall surfaces
2. Provide pervious overflow parking
3. Provide pervious snow-storage space
4. Conserve existing natural areas, including trees on-site
5. Minimize clearing to the extent practicable while retaining access, sight distance, and safe vehicle flows

### **Section 11.6: Shared Parking**

#### **11.6.a: Shared Parking**

The Commission encourages parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:

1. A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.
2. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking agreement. This information includes but is not limited to a) the type and hours of operation and parking demand, for each use, b) a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot, c) a description of the character of land use and parking patterns of adjacent land uses, and d) an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.
2. Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.
3. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the proposed use to the parking area may be approved by the Commission with written justification and supporting information provided by the applicant.
4. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning

Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.

**11.6.b: Reduction in Parking Space Required for Shared Parking:**

Where shared parking is provided for a Mixed Use of land, the Commission may allow the following, at the applicant's request:

1. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.
2. Up to 75% of parking spaces required for uses such as theaters (Movie and Live), public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominately evening uses may be shared with such uses such as banks, offices, and similar predominately daytime uses.
3. Up to 75% of the parking spaces required for such uses such as Houses of Worship and other uses exclusively in operation during the weekend may be shared with such uses as medical offices, banks, and other similar uses predominately in operation on weekdays.

**Section 11.7: Bicycle and Pedestrian Accommodations**

**Section 11.7.a Intent**

It is the intent of these Regulations to promote and support access by bicycle and walking throughout the community. To this end, all parking lots must be designed to provide safe and convenient pedestrian and bicycle access as a part of any Parking Area or Structure design including safe and convenient pedestrian and bicycle movement to and from public walkways and/or bikeways, streets, or transit stops.

**Section 11.7.b Bicycle Access Design Standards**

A minimum of two bicycle parking space shall be provided for each 40 off-street automobile parking spaces within the East Haddam Village District or C/B/IG District.

At a minimum, all bicycle parking spaces shall be provided in the form of bicycle racks with locking capacity. Bicycle parking facilities shall be designed and installed to include:

1. Spaces that are a minimum of 2 feet by 6 feet per bicycle
2. The minimum number possible of potential conflict points between bicycles and motor vehicles
3. Lighting
4. Provision for locking of bicycles to the rack or bicycle locker
5. Adequate spacing for access to the bicycle and locking device when the spaces are occupied.
6. Where possible, bicycle parking shall be located within view of building entrances or in view of windows, and/or security personnel stations.

**Section 11.7.c Pedestrian Access Design Standards**

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

Any parking Area designed, constructed, and maintained, as part of a development must be designed such that the flow of pedestrians can be directed through a system of convenient routes that bring them to central walkways leading to main entrances. All walkways shall be constructed to provide for:

1. Safe separation of all walkways from motor vehicle traffic shall be done through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/or driving aisles.
2. Safe, well-articulated pedestrian crossings demarcated with pavement markings, pedestrian warning signs, and lighting
3. A minimum of 4 feet in width
4. Inclusion of plantings, benches, and lighting along walkways and at all pedestrian crossings

5. Design, construction and maintenance to accommodate disabled individuals per Americans with Disabilities Act (ADA) requirements.

### **Section 11.8: Design Standards for Stormwater Management and Landscaping in Parking Lots**

#### **Section 11.8.a Intent:**

It is the intent of these regulations to encourage the use of Best Management Practices (BMPs) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from parking. In all districts, all developments shall be designed to the extent practicable with the goal of no increase in peak rate runoff from the site. In addition, the peak volume of runoff from the site after development shall not, to the extent practicable, exceed the peak volume of site run-off prior to the proposed development. In addition, the stormwater management system shall be designed, constructed, and maintained with BMPs to minimize run-off volumes, prevent flooding, reduce soil erosion, protect water quality, maintain or improve wildlife habitat, and contribute to the aesthetic values of the project.

#### **Section 11.8.b General Standards**

Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the *Connecticut Stormwater Quality Manual* (CTDEEP), and to meet the following general standards as described in Section 28 of the East Haddam Zoning Regulations:

1. Infiltration of stormwater shall be accommodated to the extent possible though limitation of land disturbance and grade changes, retention of existing natural drainage area and wetlands, and use or creation of vegetated islands, vegetated medians, and vegetated perimeter buffer strips.
2. All stormwater detention and conveyance structures shall be constructed to control the post-development peak discharge rates from 10, 25, and 100-year storms to the corresponding pre-development peak discharge rates.
3. Site plans must include information regarding all existing and proposed landscaping and stormwater management structured and features.
4. Natural drainage patterns shall be maintained to the extent practicable. The applicant must demonstrate though information provided on and in association with the proposed site plan, the existing and proposed drainage patterns and calculated flows.

#### **Section 11.8.c: Landscaping Standards for Parking Lot Stormwater Management:**

The landscaping requirements in this section are intended to maximize the natural areas retained in any Parking Area in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. In order to accomplish these goals the following standards shall apply:

1. Developments with proposed parking spaces of fifteen (15) spaces or more shall provide a minimum of 15% of the total parking area as landscaped open space. The Parking Area shall be defined as in Section 5 of these regulations. Such landscaped open space may be provided in the form of islands, aesthetic landscape treatments, pedestrian refuge/oasis areas, and may include the perimeter buffer between the Parking Area and adjacent streets, residential/commercial developments, or open space areas. Planting plans shall not include invasive species. This list is available from the Department of Environmental Protection.
2. Developments with proposed Parking Areas of fifteen (15) or more Parking Spaces should provide landscaped islands and perimeter landscaping throughout the parking area planted with a mix of shrubs and trees. Such islands and perimeter plantings should be located:
  - a. At each parking lot entrance
  - b. At the ends of each parking Aisle
  - c. As intermediate islands in long rows of spaces, located every 15 spaces
  - d. As separation between long rows of Parking Spaces where that abut other rows
  - e. As separation between pedestrian walkways and Parking Spaces and/or driving Aisles

3. A minimum of two deciduous or evergreen tree and two shrubs shall be planted on the parking lot islands for every 40 feet of linear measurement of the proposed island or perimeter landscaping. Trees and shrubs shall conform, to the following standards:
  - a. Deciduous trees shall be planted at 2.5 inches in caliper with a mature height of at least 35 feet.
  - b. Evergreen trees shall be coniferous species planted at 6 feet in height.
  - c. Shrubs shall be either deciduous species planted at 2 ½ feet in height or evergreen species planted at 2 ½ feet in spread.
  - d. Trees and shrubs shall be situated such that they do not obstruct vehicle sight lines when at full growth.
4. Failure to maintain any landscaped area or buffer strip shall constitute a violation of these Regulations.



## SIGNS

### 12.1 STATEMENT OF PURPOSE

It is the intent of this section to accommodate the establishment of signs necessary for identification, direction, and reasonable commercial promotion, while assuring compatibility of signs with the surrounding land use and to conserve property values in all zones and districts. Through these regulations, East Haddam's rural and historical character shall be considered in all signs and sign construction. An additional purpose of this section is to permit signs that will not through their proliferation, extension, location, or height be detrimental to the public health and safety by creating signs that confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health and safety.

### 12.2 DEFINITIONS

**Billboard:** A sign which directs the attention of the viewer to a business, commodity service, entertainment, or other use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the lot upon which such sign is displayed, or only incidentally occurring upon such lot, or any sign that is larger than four (4) feet by eight (8) feet.

**Building Facade Area:** The building facade area is calculated by multiplying the linear distance that the building fronts the street by the height to the eaves of the building section that front the street. The building height may vary requiring calculating each section separately for compliance.

**Egress sign:** A sign directing a vehicle out of an area.

**Ingress sign:** A sign directing a vehicle into an area.

**Sign:** Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction or advertisement for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include pennants, flags, and banners but not include the flag of any nation, state, or other political unit.

**Sign Area or Face:** The plane defined by one continuous perimeter of that rectangle, triangle, circle, or other shape having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the wall on which it is located, if such background is designed as an integral part of and relation to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs shall be considered to have only one sign face.

**Sign, Directly Illuminated and Internally Illuminated.:** Any sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such sign, including neon signs.

**Sign, Indirectly Illuminated:** A Sign illuminated by a light source which is remote from the sign structure or is affixed to the sign or sign structure and so shielded that no direct rays there from are visible elsewhere than upon the Sign Face, or the area immediately around it, but in no event shall light rays be directed off the lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign. Lighting is to be mounted to be directed downward onto the Sign Face, and not upwards from the ground or from the sides of the Sign.

**Temporary Sign:** Any sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, erected on a temporary basis.

### **12.3 GENERAL RESTRICTIONS AND CONDITIONS:**

**Attachment:** No sign shall be attached to any tree, fence, highway sign, utility pole or be permitted to be painted directly upon the wall or roof of any building.

**Billboards:** No billboards shall be permitted in any district.

**Dynamic Signs:** No signs shall be of the type that moves or rotates mechanically or is illuminated by a light source, which visibly flashes, oscillates, pulsates, or otherwise automatically changes in intensity or color.

**Elevation:** No free-standing sign shall have a height greater than fifteen (15') feet above the average grade in the area at the base of, or below the sign or extend above the highest portion of the main exterior wall of the structure on the site nearest the street, whichever is less.

**Frontage:** In the case where a building faces two (2) or more public streets or has two (2) or more sides facing one (1) street, only one (1) side shall be considered as having frontage except buildings in Commercial Districts (C/B/IG, C-3, IG-1) may count two (2) of the sides facing a street as frontage. In the C/B/IG, C-3, IG-1 the signage on the face of the building has to correlate with the frontage of that side.

**Government Signs:** Nothing in these Regulations shall prohibit the State of Connecticut or the Town of East Haddam from erecting signs intended for the health and safety of the public provided such signs meet the applicable requirements of these regulations.

**Hazardous Signs:** Any sign which has been found to be hazardous to the public by the Zoning Enforcement Officer or the Building Official shall be repaired, replaced, or removed within ten (10) days after notification of such finding. Failure to comply with such notification shall be deemed a violation of these Regulations, and subject the violator to such penalties as may be provided by law.

**House Identification Signs:** House identification signage shall not exceed three (3) square feet. This signage shall include Historical plaques.

**Illumination: Indirectly illuminated signs** Any sign which includes illumination shall be arranged so that all light is concentrated on the sign and there shall be no direct light cast on the street, sidewalk, or adjacent property.

**Neon and internally illuminated signs** Neon and internally illuminated signs are prohibited in all residential zones, all Historic Districts, the East Haddam Village District, C-3 District, and all IG Districts except for IG-1, IG 4, IG 7, IG 9). Internally illuminated signs (not including neon) are permitted in IG-1, IG 4, IG 7, IG 9 Districts but are limited to one "open sign" 12" X 18" and must be mounted on the building below the first floor ceiling level and is to be illuminated only during business hours.

Internally illuminated and neon signs are permitted in C/B/IG District but are limited to two per establishment, one "open sign" 12" X 18" and one other internally illuminated or neon sign not to exceed 6 square feet. Internally illuminated or neon signs are to be mounted on or in the building and are to be illuminated only during business hours. No internally illuminated sign may be mounted on the building above the first floor ceiling level without an application and approval for second floor occupants.

**Interference with Traffic:** No sign or sign structure shall be permitted at any location where it could interfere with or obstruct the view of traffic or be confused with any authorized traffic signal, sign, or device.

**Maintenance.** All signs shall be maintained in a clean, proper working order, free and clear of rubbish and weeds. Normal maintenance shall include painting, changing, replacing broken light fixtures and lenses, adding, or removing advertising or information on display surfaces and routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and reflecting the current occupancy of the site.

**Non-Conforming Signs:** Signs existing upon the effective date of this Regulation and not conforming to its provisions, or any amendment thereto, shall be deemed a non-conforming sign. No non-conforming sign shall be structurally altered, relocated, or replaced other than changes in content; nor shall any non-illuminated non-conforming sign be illuminated; and no new signs shall be installed on the lot, except those in compliance with these Regulations. See Section 12.4 regarding changes in content or text.

**Obsolete Signs.** Any Sign Face now or hereafter existing which no longer advertises a bona fide business or product sold shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be located within thirty (30) days after written notification from the Zoning Agent. Failure to comply with such notification shall be deemed a violation of these Regulations, and subject the violator to such penalties as may be provided by law. This paragraph shall not require the removal of the Sign structure absent evidence of an intent to abandon a non-conforming sign.

**Obstruction of Egress:** No sign shall be erected or located so that it could prevent free ingress or egress from any window, door, or fire escape.

**Obstruction of Light or Air:** No sign shall be placed in such a position that it could obscure any window or doorway intended for light or air.

**Other Permits Required:** All signs that are considered structures and shall meet the required Electrical and Building Codes of the State of Connecticut. Only materials permitted by the Building Code governing structural materials and equipment as approved by the Building Official, conforming to standard engineering practices, shall be used in the manufacture and erection of signs.

**Projection:** Signs affixed flat or parallel to buildings or other structures shall not project more than eighteen (18") inches there from or project beyond the side of the structure and shall be located so that the highest part of the sign shall not extend above the highest portion of the main exterior wall nearest the street.

**Setback:** Signs shall be set back at least fifteen (15') feet from the edge of any paved roadway, or that portion of a road which is improved, designed or ordinarily intended for vehicular use, or located on the applicant's property, whichever is greater, except that ingress and egress signs may be located on that portion of the applicant's property immediately adjacent to the road right-of-way, provided each such sign shall not exceed one (1) square foot in area and twenty-four (24") inches in elevation and is limited to one such sign per ingress or egress.

**Warning and Traffic Control on Private Premises:** All signs for the purpose of traffic control on private property shall be in conformance with the size, shape, color, and use provisions as specified in the latest revisions of the State of Connecticut, Manual of Uniform Traffic Control Devices.

**Window Signs:** Any sign located on or within two (2') feet of the interior surface of a window, and if intended for viewing from the exterior of the window, shall be considered a sign and subject to the provisions of this Section 12.

#### **12.4 SIGNS NOT REQUIRING PERMITS**

The following signs may be erected without the issuance of a Certificate of Zoning Compliance, and without review by the Commission, provided such signs conform to the requirements set forth below and meet the general restrictions of Section 12.3.

**Change in Text/Content:** A change in the text or content of a sign, with no other change in size, location, color, illumination, or any other aspect of the sign, shall not require the issuance of a new Sign Permit, provided such change in text or content does not change the classification or method of illumination of such sign, as set forth in these Regulations. If the property is within a Historic District, the applicant is still required to have the sign reviewed and approved by the Historic District Commission.

**Non-Advertising Traffic Control Signs.** Directional signs whose purpose is to reduce street congestion by directing traffic flow to entryways and parking areas, provided that such signs are not designed to become an additional form of advertising by displaying company logos, symbols, motif colors, or products.

**Temporary Building Signs:** Temporary building signs located on land where building or buildings are actually under construction limited to a maximum of six (6) square feet. Such signs shall be removed within thirty (30) days of the completion of the activity advertised. Signs may include the names of the contractors, architects, engineers, and similar information about the building under construction.

**Temporary Commercial Signs:** Signs advertising a sale or special event as part of an ongoing business are permitted, will be treated as part of the sign coverage area for the lot (see Section 12.5b.2) and must be removed within 48 hours of the end of the advertised sale or event. One temporary sign per business. Temporary Commercial Signs (portable signs) shall not exceed six (6) square feet per side.

**Temporary For Sale/For Rent Signs:** In any district, two (2) non-illuminated, signs containing not more than six (6) square feet each may advertise the sale or rental of the premises on which the sign is situated and shall be removed within one (1) week of the sale or rental of the premises.

**Temporary Political Signs:** Signs shall not exceed eight (8') feet in height and thirty-two (32) square feet in area, shall be erected no sooner than 90 days before the activity advertised and shall be removed within fourteen (14) days of the completion of the activity advertised.

See Temporary Non-Profit Organization Signs

**Temporary Non-Profit Organization Signs:** Any sign for a civic, charitable, religious, patriotic, or similar non-profit organization event with the permission of the property owner or when placed on property of the Town of East Haddam with the permission of the First Selectman. Such sign shall not exceed eight (8') feet in height and thirty-two (32) square feet in area, shall be erected no sooner than sixty (60) days before the activity advertised and shall be removed within fourteen (14) days of the completion of the activity advertised.

**Temporary Signs for Public Auction, Permits and Public Projects:** Temporary signs required to comply with Town, State, or Federal regulations or orders shall not exceed the minimum size required by statute or regulation. Duration of display shall not exceed the minimum time required by statute or regulation.

**Temporary Sale Signs:** One (1) temporary sign, accessory to a dwelling, not more than two (2) square feet in area, advertising the sale of an item of personal property owned by a person residing on the premises may be displayed.

## **12.5 SIGNS REQUIRING PERMITS:**

### **12.5A RESIDENTIAL DISTRICTS**

The following signs shall require review and approval by the Commission of the proposed location, dimensions, illumination, height, color, and other details of each sign, and an application fee set forth in the Town of East Haddam Town Ordinance Book. All signs in Residential Districts shall be compatible with the rural, New England character of the Town, and, in addition, shall conform to the following requirements:

1. **Home Occupation:** In any Residential District one (1) sign may advertise the business or services legally conducted or offered on the same lot on which the sign is situated. The sign shall not exceed three (3) square feet and shall not be illuminated.

2. **Temporary Signs for Residential Development:** On subdivisions or other residential developments involving six (6) or more lots or units, the developer and/or Realtor may display a non-illuminated sign not to exceed twenty (20) square feet. Such sign shall comply with all other requirements of the Zoning Regulations. Also, such signs shall be removed within one (1) week of the sale or rental of the last lot or structure in the subdivision.

3. **Non-Residential Uses:** On lots containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility facility, or building, use or facility of the Town of East Haddam, or other non-residential use permitted in residential zones by these Regulations, one (1) sign not exceeding twenty (20) square feet

4. **Residential Development:** Signs depicting the name or address of a subdivision, multi-family development, residential common interest community, or similar residential development are limited to one (1) sign of six (6) square feet and shall be permitted only when provisions for its maintenance has been made through a homeowners association agreement or similar device.

## 12.5B COMMERCIAL DISTRICTS

1. **Residential District Signs:** Any sign permitted in the Residential Districts.

2. **Commercial Signs:** Signs may advertise the business or service conducted or offered on the same lot on which the sign is situated. The total sign face or area of all signs shall not exceed 10% of the building facade area for the building for which the sign appears; provided, however that no sign shall exceed 32 square feet. Window signs, temporary signs, and banners are included in the maximum sign face area authorized by this Section. One freestanding sign per lot not to exceed twenty (20) square feet may be permitted. The freestanding sign shall be counted towards the maximum sign face area. For buildings having multiple occupancy, the allowable signage shall be divided based on each occupant's square footage share of the building. Directory signs shall not be counted toward maximum sign face area authorized by this Section.

3. **Directory Signs:** Directory signs are intended to direct attention to various non-residential land uses. Directory signs may display a horizontal area not to exceed four (4) square feet for each unit of occupancy or land use. Maximum height shall be twelve (12') feet, maximum width shall be eight (8') feet. Signs located at strategic points are to be consolidated as directed by the Commission.

4. **Pennants, Flags, and Banners:** Pennants, flags, and banners, such as those made of cloth, aluminum or plastic, if used to advertise goods sold, services rendered, or activities shall be considered and calculated in the total signage allowed and must comply with all applicable sections of these regulations.

5. **Temporary Commercial Signs:** Signs advertising a sale or special event as part of an ongoing business are permitted, will be treated as part of the sign coverage area for the lot and must be removed within 48 hours of the end of the advertised sale or event. One temporary sign per business. Temporary (portable signs) Commercial Signs shall not exceed six (6) square feet per side.

## 12.5C INDUSTRIAL ZONE (C/B/IG and IG-1 through IG-3)

1. **Residences in Industrial Zones:** Any sign permitted in the Residential Districts for uses allowed in Residential Districts.

2. **Industrial Signs:** Signs may advertise the business or service conducted or offered on the same lot on which the sign is situated. The total sign face area of all signs shall not exceed 10% of the building facade area for the building for which the sign appears, provided, however that no single sign shall exceed 32

square feet. Windows signs, temporary signs, and banners are included the maximum sign face area authorized by this Section. No freestanding signs shall exceed twenty (20) square feet each. The freestanding sign shall be counted towards the maximum sign face area. For buildings having multiple occupancy, the allowable signage shall be divided based on each occupant's square footage share of the building.

**3. Directory Signs:** Directory signs are intended to direct attention to the various non-residential land uses offered. Directory signs may display a horizontal area not to exceed (4) square feet for each unit of occupancy or land use. Maximum height shall be twelve (12') feet. Maximum width shall be eight (8') feet. Sign locations at strategic points are to be consolidated as directed by the commission.

## **12.6 APPLICATION REQUIREMENTS AND CRITERIA FOR EVALUATION OF SIGN PERMIT APPLICATIONS**

**1. Regulated Signs:** Except for those signs enumerated in Section 12.4, no sign shall be erected or established until the issuance of a Sign Permit. For any use of land or buildings requiring Site Plan Approval pursuant to Section 14A of these Regulations; for any use or activity requiring a Special Exception pursuant to Section 14B of these Regulations; and for any use of land or buildings requiring Floating Zone approval pursuant to Section 17 of these Regulations; all required information shall be submitted as part of the application for such Site Plan Approval, Special Exception, or Floating Zone. Any modification (other than content of text) of the signs approved in connection with a Site Plan Approval, Special Exception, or Floating Zone shall require modification of such approval in accordance with the applicable Section of these Regulations for that type of approval. Where no application for Site Plan Approval, Special Exception, or Floating Zone is involved, the application for Sign permit shall be filed separately with the Commission.

**2. Application for Sign Permit: Information and Fees Required:** Unless specifically waived by the Commission, every application for Sign Permit shall contain, at a minimum, the following information:

- a. A site plan depicting the location of the sign(s) on the subject site and its relation to adjacent buildings and structures, and any associated landscaping, lighting sources, structural components, and the like.
- b. An illustration of the proposed sign(s), including dimensions, text/content, materials, color, and structural support.
- c. A narrative description of the sign(s), including its purpose, method if illumination, materials (if not evident from the illustration), the section of the Regulations under which such sign is permitted, a description of the Regulations under which such sign is permitted, a description of the total area, location, type and other information for all other signs on the lot, and any other information not contained in the sign plan or illustration.
- d. For a temporary sign (other than those listed in Section 12.4), the dates upon which the sign is to be displayed, and the purpose thereof.
- e. Such other information as the Commission may require to determine compliance with these Regulations.
- f. An application fee in the amount of set forth in the Town Ordinance.

### **3. Criteria for Review:**

- a. That the proposed sign(s) conforms with all applicable requirements of these Regulations.
- b. That the proposed sign(s) is appropriate in size, location, illumination, and character for the building or use with which it is associated, and the area in which it is proposed; in harmony with the historic, rural character of the Town of East Haddam; and will not adversely impact property values, public safety, or the general welfare.

c. That the proposed sign(s) are designed, constructed, located, erected and maintained in accordance with all applicable requirements of the State Building Code.

d. For signs associated with users requiring a Site Plan Approval; Compliance with the criteria of Sections 14A ( Site Plan Approval) of these Regulations; for signs associated with uses requiring a Special Exception: Compliance with the Regulations; and for signs associated with uses requiring approval as a Floating Zone: Compliance with the criteria of Section 17 (Floating Zones) of these Regulations.

e. In addition to the minimum and maximum parameters contained in this Section 12, the Commission may also impose more restrictive requirements where required to protect the public health, safety, welfare, property values, the natural environment, the character of historic areas, or the other purposes of these Regulations. The situations where such additional restriction may be imposed include, but are not limited to, the following: Areas of historic importance; nonconforming non-residential uses in Residential Zones; signs in locations where sight line hazards may be created or maintained; developments adjacent to uses requiring special protection from light and the other characteristics of signs, such as hospitals and rest homes, schools, churches, and other public or community buildings.

**4. Action:** The Commission may approve, modify and approve, or deny an application for Sign Permit. Such modifications may include, but are not limited to, requirements for certain dimensions, illumination, lettering size, location, height, landscaping, and other characteristics or dimensions of the sign(s), even when such requirements are more restrictive than the minimum and maximum requirements contained in this Section 12. In determining such requirements, the Commission shall consider the character of the area where such sign is located, the use with which it is associated, the types, sizes, dimensions, and the like of surrounding signs (both existing and proposed), and the general compatibility of the sign(s) with the most desirable and tasteful developments (both existing and proposed), located on parcels in the general area.

## SECTION 13

## TRAILERS

**13.0 Single Trailers:** On or after September 30, 1972, no person, firm or corporation shall park a single trailer within the limits of East Haddam except in a manner provided for by the 1957 Trailer Ordinance as amended by Town Meeting June 28, 1971 and January 29, 2019; and that this provision by the Zoning Regulations for the parking of single trailers in the Town of East Haddam. The licensing and enforcement of these regulations shall be carried out by the Planning and Zoning Commission and their enforcement officer.

**13.1 Trailer Parks:** On or after September 30, 1972, no person, firm, or corporation shall construct, extend, establish, maintain, conduct or alter any trailer park within the limits of East Haddam except as provided for by the Trailer Ordinance amended by Town Meeting held June 28, 1971 and January 29, 2019; and that this provision be the Zoning Regulations for the Trailer Parks in the Town of East Haddam. The licensing and enforcement of these regulations shall be carried out by the Planning and Zoning Commission and the enforcement officer.

### **13.2 Commercial Trailers:**

**13.2.1** Application may be made to the Planning and Zoning Commission for a permit to locate and park a commercial trailer off the public streets or highways, such permit to be effective for a period of time not in excess of 18 months plus renewal. Such application shall be made in writing and shall set forth the following:

1. The name and address of the owner of the commercial trailer.
2. The make, model and identifying number of license of such trailer.
3. The location where the trailer is to be parked.
4. The proposed use of the trailer.

**13.2.2** The Planning and Zoning Commission may grant such initial permit upon payment of a license fee of \$5.00 where it finds the use of such trailer is required for temporary office purposes in connection with a construction project. Such permit may be extended where necessary for additional periods of time, not in excess of said period of 18 months.

**13.3 Storage of Camp Trailers:** A camper coach body which is or may be mounted on wheels may be stored by its owner in the rear yard, wherever possible, of a lot occupied for dwelling purposes or for carrying on a business in any zone in the Town of East Haddam.



## SECTION 14A

## SITE PLAN REVIEW

**14A.0. Intent.** To aid the Commission and the Board in determining the conformity of a proposed building, use or structure with provisions of these Regulations.

**14A.1. Site Plan Approval.** In addition to those uses, land, buildings or structures for which a Site Plan Approval is specifically required by these Regulations, any use of land, buildings, or structures, or any alteration or expansion of such use, or the erection, extension, or alteration of any building or structure, for which a Certificate of Zoning Compliance or Special Exception is not required under these Regulations shall require Site Plan Approval pursuant to Section 14A of these Regulations. The Commission may, by resolution, prescribe application forms and fees.

**14A.2. Required Information for Site Plan Approval.** The following information shall, at a minimum, be provided by any applicant for Site Plan Approval:

**A. Site Plan** A site plan, which shall conform to the following requirements, and contain the following information:

**1. Property/Boundary Survey.** A boundary survey prepared and sealed by a Connecticut Registered Land Surveyor, which survey shall be prepared pursuant to the Regulations of Connecticut State Agencies minimum standards for Surveys and Maps. Said survey shall include the dimensions of the subject property, and its acreage or square footage.

**2. Location Map.** A location map, at a scale of one inch equals 1,000 feet, showing the location of the site in relation to existing roads which would assist the Commission and the public to orient themselves to the site and its boundaries.

**3. General Information:**

- a) The name and address of the applicant, property owner of record, the name of the development, and the names of the owners of record of all adjacent properties;
- b) The name, address and professional seal of each design professional responsible for, or participating in, the design of the site;
- c) The assessor's map and lot numbers for the subject property and the properties within one hundred (100) feet of the perimeter of the site;
- d) The date of the site plan, a north arrow, and the scale of the plan;
- e) A description of any existing deed restrictions, covenants, easements, rights of way, or similar encumbrances which run with the land, including the identity of the dominant and servant estates, the volume and page of the East Haddam Land Records where the same are recorded, and the date upon which they will expire, if any;
- f) The words, "Approved by the East Haddam Planning and Zoning Commission/Zoning Board of Appeals" with a designated place for the signature of the chairman or secretary of the Commission or the Board, as the case may be, and the date of signing.

**4. Site Features, Existing.** On the site, and within one hundred (100') feet of the perimeter of the site:

- a) All existing uses of land including uses not requiring buildings or structures, such as outside storage; property lines, streets, utility lines, ledge outcrops, specimen trees, major tree or shrub areas, and other significant features of the site, both natural and manmade;
- b) Wetlands and watercourses as defined by the Regulations of the East Haddam Inland Wetlands and Watercourses Commission; the high water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, and the like);
- c) Areas having slopes in excess of twenty (20%) percent;

- d) Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of East Haddam, and the rate map designation for such areas;
- e) Existing structures and their uses, general type of construction, height, and the like;
- f) The location of all existing wells, existing septic systems, public water supply watersheds, and other public or private water supplies;
- g) Existing monuments, iron pins, and other boundary indicators;
- h) The soil classifications, as per the US Soil Conservation Service/Middlesex County Coding of Soil Types;
- i) Existing contours of the land at intervals of two (2) feet, or less, certified to Class T-3 or T-2 vertical accuracy where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.
- j) Existing roads, paths, major and unique natural, scenic, historic, and open space features.

**5. Site Features, Proposed.** On the site, and for any area off the site where any alteration whatsoever is proposed:

- a) Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: proposed uses of land, including uses not requiring a structure or building;
- b) The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like;
- c) The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Town Sanitarian and/or Health Official;
- d) Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site;
- e) The percentage of building coverage, combined building and paved area coverage;
- f) Alterations in property boundaries, easements, utilities, and the like;
- g) The location of any roads, curbs, sidewalk, driveway, parking and loading area(s) paths, and similar improvements;
- h) Phase lines, proposed future division of the property, long-term lease boundaries, and the like.
- i) In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
- j) The areas of wooded portions of the site, or specimen trees, to be removed or retained, and the location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted, and the proposed treatment of all buffer strips, screens, and islands.
- k) The expected intensity and frequency of noise which may be emitted from the site or use, and the methods to be used to control the same.
- l) The height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including a minimum of two exterior elevations, designation of materials, colors, and textures of exterior finishes, roofing, trim, and the like; location of heating, air conditioning, ventilation, and similar equipment; and special exterior features, such as building mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and features of the interior of the building designed to be capable of being seen from the exterior. A rendering consisting of a minimum of two exterior elevations shall be submitted.

**6. 14A.2.A Parking and Drainage:**

- a) The site plan shall include all information necessary to establish conformance with the requirements of Section 28 Stormwater Management and Section 11 Parking of these Regulations, Off-Street Parking and Loading Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
- b) The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission’s engineering consultant to properly evaluate the storm water management plan for the site.
- c) For any site plan which depicts more than five thousand (5,000) square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. See Section 28 – Stormwater Management
- d) For any site plan, the proposed design, location, and illumination level of all outdoor lighting, which shall be used particularly in pedestrian and vehicular areas. See Section 28 – Stormwater Management

**B. Sanitary Waste Disposal Plan.**

For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide an approval letter from the East Haddam Water Pollution Control Authority stating the site if approved by the Planning and Zoning Commission is authorized to connect to the Town’s system.

For any site which is not to be served by public sanitary sewers, the applicant shall submit a sanitary waste disposal plan which shall include, at a minimum, the following:

**1. Report of Soil Test and Percolation Data.** A Report of Soil Test Data signed by the Town Sanitarian or his representative which shall be in conformance with the Connecticut Public Health Code, as the same may be amended from time to time. All percolation tests and observation test pits for groundwater and ledge shall be dug and, tests performed, in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the Town Sanitarian or his designee, who shall provide to the applicant, for inclusion with his Site Plan Approval Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time. At least one (1) observation test pit for groundwater and ledge shall be dug in the designated location for each and every primary and reserve leaching field.

**2. Soils with Severe Limitations.** If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having “severe” limitations for on-site sewerage treatment (as set forth in Section 4.3(1)(a) the East Haddam Subdivision Regulations), in accordance with the current soils map of the US Department of Agriculture, Soil Conservation Service, then a subsurface sewerage disposal plan shall be presented to the Commission. Said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut Professional Engineer and shall be accompanied by a written report of the Town Sanitarian or his representative certifying that the plan will resolve the limitations of the soils, and will pose no significant risk to the public health or safety. All sanitary waste disposal systems to be located in the immediate area of soils with “severe” limitations, as set forth above, shall have 100% replacement leaching fields at least equal in size to the original leaching fields, and the location of both the original and replacement leaching fields shall be designated on the site plan. Both the original and replacement fields shall be located so as to contain the percolation and deep test pits.

**C. Soil Erosion and Sediment Control for Land Development:**

**1. Definitions.** For the purposes of this Section, the following definitions shall apply:

- a) "Certification" means a signed, written approval by the East Haddam Planning and Zoning Commission, or its designated agent, that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.
- b) "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- c) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- d) "Sediment" means solid material, either mineral or organic that is in suspension, is transported, or has been moved from its site of origin by erosion.
- e) "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map or narrative.

**2. Requirements.** Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 83-388, all site plan approval applications shall include a soil erosion and sediment control plan whenever the site plan indicates a change in the contour of any land, or grading or excavation, or the removal or destruction of any natural topsoil, trees, or other vegetative covering on the property, for any reason or purpose whatsoever, when the disturbed area of such development is cumulatively more than one-half (1/2) acre. To be eligible for certification, said plan shall contain property provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the site based on the best available technology. Such principles, methods, and practices necessary for certification may be found in the Connecticut Guidelines for Soil Erosion and Sediment Control as published by the Connecticut Council on Soil and Water Conservation, as the same may be amended from time to time (hereinafter referred to as, "Connecticut Guidelines for Soil Erosion and Sediment Control").

Said plan shall contain, at a minimum, the following:

- a). A narrative describing:
  - 1). The site and development.
  - 2). The schedule for grading and construction activities including:
    - a) Proposed start and completion dates of the proposed plan;
    - b) Sequence of grading and construction activities;
    - c) Sequence for installation and/or application of soil erosion and sediment control measures;
    - d) Sequence for final stabilization of the project site.
  - 3). The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  - 4). The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  - 5). The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
  - 6). The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
  - 7). The person or firm responsible for overseeing the self monitoring of control measures shall be noted.

b). A site plan map at a linear scale of 1 inch equals 40 feet with 2 foot contour intervals unless otherwise approved by the Commission, to show:

- 1). The location of the proposed development and adjacent properties.
- 2). The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
- 3). The existing structures on the project site, if any.
- 4). The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
- 5). An outline of the narrative required shall be noted on the plans to the extent required by the Commission.
- 6). Any other information deemed necessary by the applicant or requested by the Commission or its designated agent.

**3. Procedure.** The Commission or its duly authorized agent shall certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these Regulations; or shall certify with specified limitations and/or modifications; or shall deny certification where the plan does not comply with requirements and purposes of these Regulations. Prior to certification, any plan may be submitted for review by the Middlesex County Soil and Conservation District, or any other agency of the State of Connecticut or the United States deemed relevant by the Commission, provided, however, that the failure of any such agency to comment shall not render the Site Plan Approval Application incomplete, nor shall it extend the time limits for action by the Commission as set forth in the Connecticut General Statutes.

**4. Standards.** No land shall be developed and no use shall be permitted which cause erosion, flood, or sediment damage to: properties being developed, surrounding properties, or public waters. Runoff water shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility. Measures used to control soil erosion and sedimentation shall as a minimum meet the following standards and specifications:

- a) Have plans for soil erosion and sediment control developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- b) The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c) The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

**D) Protection of Surface and Ground Water Supply.** Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for site plan approval shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- a) A statement describing the nature of the use of any buildings or areas of the site and their method of disposal;
- b) The nature of any discharges anticipated;

- c) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site;
- d) The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like;
- e) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies;
- f) Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. The Commission may refer such evaluations to any governmental agency for review and comment.

**E. Certificate for Community Wells.** In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan Approval involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the East Haddam Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

**F. Inland Wetlands and Watercourses.** No application for Site Plan Approval shall be deemed complete without the submission of a certified copy of a motion for approval of an Inland Wetlands permit as issued by the East Haddam Inland Wetlands and Watercourses Commission, provided such a permit shall be required under regulations adopted by said Commission. Any plans submitted to the Planning and Zoning Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.

**G. General Provisions.** Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff. All plans shall contain the words "Approved by the East Haddam Planning and Zoning Commission" with a designated place for the signature of the Chairman or Secretary of the Commission and the date of signing. The applicant shall submit no less than five (5) copies of all plans, reports, and other documents enumerated above, together with such application forms and fees as the Commission may, by resolution, prescribe.

### **14A.3 Site Plan Review Application Procedure**

**A.** Applicants shall submit three (3) full size and ten reduced (11" x 17") size copies of the Site Plan, the required fee (check payable to the Town of East Haddam), and a completed application form to the Commission's Zoning Enforcement Officer.

The date of receipt (acknowledgment) by the Commission shall be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Zoning Enforcement Officer, or thirty-five (35) days after such submission, whichever is sooner.

An application to be complete must include: 1) application form; 2) fee; 3) all Site Plans required by Section 14A.2, and all supporting documentation required therein. If the application is not complete, the Commission may deny it without prejudice and require a new application, including fee, be submitted.

**B.** The Commission/Board shall at its discretion have any plans (Section 14A.2) reviewed by consultants, employees, or governmental bodies or their agents for comment and recommendations.

C. In the case of Site Plan Review, not requiring Special Exception, approval shall be presumed unless a decision to deny or modify is rendered within 65 days after the date of receipt as defined by Section 8-7d Connecticut General Statutes, as amended and revised. Extensions may be granted in accordance with State Statute.

D. A decision to deny or modify a Site Plan Review shall set forth the reasons for which such denial or modification is required to conform with the Regulations.

E. A copy of any decision shall be sent by certified mail to the person submitting such plans within fifteen (15) days after such decision is rendered.

F. The Commission/Board may, by resolution, waive Site Plan requirements contained in Section 14A.2.A upon finding that such requirements are not applicable to a specific application. The requirements of Section 14A.2.B, 14A.2.C, 14A.2.D, 14A.2.E, and 14A.2.F may not be waived.

G. In the case of a Site Plan Approval not requiring a Special Exception, the applicant shall submit three (3) complete sets of plans, as the same may have been modified by the Commission, at least one (1) of which shall be printed on mylar. Final copies, including the mylar, shall have the approval letters, if applicable, of the Planning and Zoning Commission, Zoning Board of Appeals, and Inland/Wetlands and Watercourses Commission printed on them. Said sets shall be signed by the Chairman or Secretary of the Commission, and the mylar set retained by the Clerk of the Commission; the remaining sets shall be distributed to other officials of the Town who may require them.

**14A.4 Criteria for Decision.** In reviewing the application for site plan approval, the Commission shall consider the following criteria:

**A. Complete Application.** The application shall contain all information required by this Section 14A, and the number of copies required, and said information shall be prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

**B. Compliance with Regulations.** The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 8 of these Regulations. Further, the application shall conform to the East Haddam Subdivision Regulations; the East Haddam Inland/Wetlands and Watercourses Commission; the Public Health Code, as evidenced by a report of the Health Director of his authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

**C. Landscaping and Screening.** All parking, service and storage areas shall be reasonably screened by landscaping of the site, shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. No lighting shall create glare, nor the luminare be visible from any property line of the site. No pole-mounted light shall be greater than twelve (12) feet in height. See Section 11 – Parking, See Section 26 – Outdoor lighting

**D. Frontage Improvements.** Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

**E. Traffic Access.** All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent site without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights of way to the

Town and/or to the adjacent property owner(s). No driveway into a public street shall exceed 30 feet in width, excluding the radius fillets, and no proposed driveway shall be closer than one hundred (100') to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways.

**F. Public Safety.** All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

**G. Sanitary Waste Disposal Plans.** All plans submitted pursuant to Section 14A.2.B shall provide for the disposal of sanitary waste in conformance to the Connecticut Public Health Code, and in addition, in a manner which protects surface and groundwater supplies, inland wetlands and watercourses, and insures the protection of the public health and safety. Any sanitary waste disposal plan located in or in the immediate area of soils having "severe" limitations, as set forth in Section 14A.B.2 herein above, shall have a 100% replacement area. No site plan shall be approved, or modified and approved, if the soil percolation and groundwater and ledge observation test pits, which must be taken in situ (original undisturbed soil), indicate:

- a) Soil percolation rates faster than one (1) minute per inch, or slower than sixty (60) minutes per inch;
- b) Where there is less than 18 inches depth of suitable existing soil over impervious soil, or where the groundwater level is less than 18 inches below the surface of the ground for a duration of one month or longer during the wettest season of the year.
- c) In soils where there is less than four feet depth of suitable existing soil over ledge rock, two feet of which is naturally occurring soil,
- d) Slopes in the area of the proposed leaching and reserve area are in excess of twenty-five (25%) percent.
- e) Review and approval of the East Haddam Water Pollution Control Authority when necessary.
- f) Groundwater and ledge observation test pits shall be filled in immediately after witnessing by the Town Sanitarian and / or the applicant's engineer. Test pits which remain open more than 72 hours after witnessing are in violation of the zoning regulations. Applications received in which test pits remain open shall be subject to denial on that basis.

**H. Erosion, Sediment, and Runoff Control Standards.** No site plan shall be approved which will cause erosion, flooding, or sedimentation on watercourses, as the same are defined by the regulations of the East Haddam Inland Wetlands and Watercourses Commission. Stormwater runoff in accordance with proper civil engineering practice. There shall be no increase in the peak stormwater runoff from any site as a result of the proposed development. Measures used to control erosion and sedimentation shall, at a minimum, meet the standards and specifications of the Middlesex County Soil and Water Conservation District.

**I. Wetland and Water Course Protection.** No sanitary disposal system shall be located within seventy-five (75) feet of an area designated as a wetland or watercourse as defined by the East Haddam Inland/Wetlands and Watercourses Commission, nor within seventy-five (75) feet of any lake, pond, river, seasonal stream, or other surface body of water.

**J. Surface and Groundwater Protection.** No site plan shall be approved which poses a risk of degradation of surface or groundwater supplies arising out of any element of the proposed use or site plan.



**K. Water Supply.** No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the East Haddam Board of Selectmen, has been obtained in accordance with Section 14A.E. of these Regulations.

## SECTION 14B

## SPECIAL EXCEPTION

**14B.0 INTENT:** In dividing the Town of East Haddam into Districts/Zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations if proper safeguards are not provided. The Commission and/or the Zoning Board of Appeals, herein after referred to the Commission, must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Exception for the proposed location.

**14B.1 Special Exception Requirement:** In any instance involving a use or uses requiring a Special Exception as set forth in these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, the use substantially changed, or used until the Commission grants a Special Exception as defined in this Section 14B, or amend a previously granted Special Exception.

The Commission may waive the requirement for a Special Exception public hearing and other application requirements where it finds that:

- a) One Special Exception use is being substituted for another similar use on the same lot.
- b) The new use will require no greater parking or loading requirements than the original, as set forth in Section 11 of these Regulations.
- c) The new use shall entail no exterior change to the building or site, except no Special Exception approval is required for roof mounted solar panel units that are not visible from any street or highway and no Special Exception approval is required for roof mounted solar panel units that are mounted flush and match the roof pitch. Mounting bracket shall be no higher than twelve inches above the roof. If the building is on the National Historic Register or in a Historic District, approval will be required by the Historic District Commission, and
- d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 14B.4 of these Regulations.

Substantial changes are considered changes that involve (a) alterations in use from that set forth in an approved statement of use and site plan; or (b) alteration in an existing use, including such alterations that would:

1. Increased the parking demand of the use; or
2. Increase or change the hours of operation of the use; or
3. Increase the noise generation of the use or change the octave band frequency of such noise; or
4. Increase or change the emission of smoke, dust or other contaminants into the air, including both point sources and fugitive emissions; or
5. Increase or change the demand for outdoor storage, truck or equipment traffic (type or volume), water consumption, or effluent disposals; or
6. Involve the use of different equipment, processes, chemicals, or materials; or
7. Increase the amount of lighting.

**14B.2 Required Information for Special Exception:** The following information shall, at a minimum, be provided by any applicant for Special Exception:

**A.** A completed application form and fee.

**B.** All material required to be submitted for a Site Plan Approval in accordance with Section 14A.2 of these Regulations. The Commission may, upon the written request of the applicant, waive the submission of information set forth in Section 14A.2.A (Site Plan) which are not required in order to determine

compliance with the criteria set forth in this Section 14B. The Commission may not waive the submission of information set forth in Section 14A.2B. through 14A.2.G.

C. The Commission may require additional information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to: information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof- or ground-mounted heating and air conditioning equipment and ventilation ducts, building illumination, samples of construction materials, and the like; detailed landscaping plans, including the type, size, number and location of material to be planted, the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

### **14B.3 Application Procedure:**

A. **Who May Apply:** The following persons may apply for a Special Exception: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that either the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, that the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

B. **Informal Discussion:** Any proponent of a use permitted by Special Exception may request and is encouraged to use the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission/Board for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission/Board shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special Exception. Following any informal discussion, the Commission/Board may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Exception.

### **C. Submission of Application:**

1. **Complete Application:** A complete application shall consist of the application form and fee, together with the required information set forth in this Section 14B. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or the Board, as the case may, or 35 days following the submission of such application, whichever shall first occur. If the Commission or the Board determines that the application is incomplete, the same shall be denied without prejudice to any future complete application.

2. **Notices Mandated by Statute:** In accordance with C.G.S. 8-3h, the Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Exception in which (1) any portion of the property affected is within five hundred (500') feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality; (4) water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail application, and no public hearing shall be held on any Special Exception application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.

In accordance with C.G.S. 8-3i, in any Special Exception application for any property which is within the watershed of a water company, as defined in C.G.S. 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

**3. Notice to Adjoining Owners.** The applicant shall also notify all adjoining landowners and those property owners of record within one hundred (100) feet of the site, as indicated in the current records of the Town Assessor, of the date, time and place of the public hearing of the Commission at which said Special Exception is to be considered no less than fourteen (14) days preceding the date of said hearing by certified mail, and shall submit proof of such notification to the Planning and Zoning Office on or before the date of the public hearing. No notice shall be required for the continuation of a public hearing once it has been opened.

**4. Submission for Review.** The Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

**5. Time Limits.** The Commission shall, within sixty-five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes and Town ordinances. The hearing shall be held within a thirty-five (35) day period. Within sixty-five (65) days following said public hearing, the Commission shall act upon said application. If the Commission fails to act within said sixty-five (65) day period, the application shall be deemed approved. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed the original time limit. These time limits are in accordance with Connecticut General Statutes 8-7d as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

**6. Action.** The Commission shall review the application for conformance with the criteria of Section 14A, Site Plan Approval, and, in addition, with the criteria of this Section 14B. The Commission may approve, modify and approve, or disapprove the application. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Exception which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission may approve any application subject to certain conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 14B.

The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

**7. Endorsement and Filing.** Within sixty-five (65) days of the Commission/Board approval, the applicant shall submit one (1) set of the final plan(s) on mylar, reflecting all conditions or modifications required by the Commission, with the approval letters of the Planning and Zoning Commission, Zoning Board of Appeals, and Inland/Wetland and Watercourse Commission printed on them and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission, except for the depiction of modifications and conditions required by the Commission in approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission / Board shall find them to be in accordance with the final approval, they shall be endorsed by the signature of the Chairman or Secretary of the Commission. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed Mylar plans in the office of the Town Clerk, and two paper copies in the Office of the Zoning Enforcement Officer. In accordance with Section 8-3d of

the Connecticut General Statutes, no Special Exception shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Exception site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman or Secretary shall likewise be void.

**14B.4. Criteria for Decision:** In reviewing an application for Special Exception, the Commission/Board shall consider the following criteria and shall make a finding that:

**A. Complete Application:** The application contains all information required by this Section 14B, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information has been presented with adequate clarity and professionalism to permit the Commission / Board to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

**B. Compliance with Regulations:** The application conforms in all respects with these Regulations, unless a certified copy of a variance from any such provisions is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 8 of these Regulations. Further, the application shall conform when applicable to the East Haddam Subdivision Regulations; the East Haddam Inland/Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the East Haddam Inland Wetlands and Watercourses Commission; the Public Health Code, as evidenced by a report of the Health Director or his authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

**C. Compliance with Criteria of Section 14A:** The application complies with all of the Criteria for Decision set forth in Section 14A.4 of these Regulations.

**D. Public Health and Safety:** The site and building plans are designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety, and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate utility capacity; floodproofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; avoidance of glare visible from public streets or adjacent properties.

**E. Appropriateness of Use:** The proposed use shall be appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes and special traffic characteristics of the proposed use, and the avoidance of primary use by non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms or scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the use may be carried out so as to protect and enhance valuable historic or natural resources without undue destruction of and or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

**F. Architectural Character, Historic Preservation, Site Design:** The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and

building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town.

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

**G. Uses In, Adjacent to, or Impacting Residential Areas.** In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a residential zone or area of residential uses, the Commission shall find that:

1. The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not substantially disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.
2. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.)
3. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
4. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space. Incompatible building types and uses shall be separated by open space and suitable screening.

**H. Frontage Improvements:** Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

**I. Traffic Access:** All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access areas, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable.

**J. Emergency Access:** All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

**14.B.5 Specific Recommendations and Requirements for Sites and Buildings:** The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

**A. Building Materials.** Preferred building materials should be brick, stone, or narrow-width siding, or the like. Roofing materials should, where visible, be cedar shake, slate, copper, or reasonable equivalents. Tar paper, metal, or plastic roofing surfaces are strongly discouraged. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted flood-lights, and ornamental building lighting are discouraged. All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

**B. Lighting.** All commercial, industrial, and multi-family residential parking lots shall be illuminated. Lighting standards in parking areas shall not exceed twelve (12') feet in height. Luminaries shall have shielded light sources to prevent glare. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas. See Section 26- Outdoor Lighting Regulations

**C. Site Plan.** All site plans shall provide for pedestrian walkways and circulation in commercial, industrial, and multi-family residential parking areas and around buildings. Walkways along public streets when required should be constructed of slate, brick, stone, block, asphalt or concrete and be a minimum width of four (4') feet. Interior walkways should be constructed of slate, brick, stone, suitable paving blocks, concrete or other such material as approved by the commission. See Section 11 – Parking Regulations

**D. Landscaping and Screening.**

All parking, service and storage areas shall be screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. Landscaped areas shall be strategically placed to enhance property values and to protect adjacent uses. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at six inches above the ground up to and including 4-inch caliper size, and 12 inches above the ground for sizes larger, all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration.

The Commission Board may require that any or all buildings shall have foundation plantings. All commercial and industrial uses shall include landscaped areas of not less than ten (10%) percent of the developed lot area. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.

## SECTION 15

## CAMPGROUNDS AND RECREATIONAL CAMPS

**15.0 Intent:** The purpose of this section is to promote and assure the health, safety, convenience and property values of the residents of the Town of East Haddam and persons who will utilize the facilities permitted under this section.

**15.1.1.** The Planning and Zoning Commission may permit, in the district designated “R” upon application by any owner of property in this district, the construction and/or operation of a Campground or Recreational Camp for camping or living as a seasonal use for the 200-day period extending from April 15th through October 31<sup>st</sup>.

**15.1.2.** Off season use between November 1<sup>st</sup> and April 14<sup>th</sup> is permitted as long as the stay does not extend for more than two weeks. The two-week period cannot be repeated in a sixty (60) day period of time by and person(s) or group.

**15.2. Campgrounds and Recreational Camps** shall not be approved until the Planning and Zoning Commission shall find that such proposed facilities:

**15.2.1.** Are consistent with the Plan of Conservation and Development of the Town of East Haddam.

**15.2.2.** Will cause no hazard to health, safety and property from fires, accident, sanitary and drainage conditions or excessive traffic, noise, odor or other nuisance. Campgrounds and Recreational Camps shall be responsible for complying with the Connecticut Public Health Code, the State Building Code, the Connecticut General Statutes for Family Campgrounds, and the Connecticut State Fire Safety Code as amended unless the Zoning Regulations are more restrictive.

**15.2.3.** Will not generate traffic volumes or traffic patterns which will create hazardous conditions within the Town of East Haddam or which will be detrimental to the character and value of adjacent properties.

**15.3.3 Campgrounds and Recreational Camps are permitted** in the Resort Zone after the issuance of a Special Exception by the Planning and Zoning Commission.

a. Accessory uses for Campgrounds and Recreational Camps:

1. Conferences: Conferences shall consist of events bringing individuals to the facility for individual programs lasting from one to no more than fourteen (14) days. Programs include but are not limited to indoor and outdoor meetings or gatherings for instructional or educational programming, retreats, workshops, and team-building purposes for individuals, families, community-oriented organizations, businesses, schools, colleges and universities. Conference use may be approved for anytime of the year as part of a Special Exception Review.

2. Special Events: Special Events such as Car Shows, Tag Sales, Fireworks Shows, Concerts, and other events may be approved for anytime of the year as part of a Special Exception Review.

**15.4. Additional Requirements** In addition to the customary Special Exception and Site Plan requirement as set forth in Section 14A and B of these regulations the following design and operating standards governing the location and construction of improvements, buildings and facilities shall apply.

**15.4.1.** A Special Exception for a Campground or Recreational Camp may be granted only on a tract of land containing twenty (20) acres or more.

**15.4.2.** A suitable buffer strip for purposes of visual and auditory screening shall be provided. The Commission shall require the implementation of buffers to protect the values of adjacent properties. Said buffers shall be two hundred feet (200) in width but may be reduced to no less than fifty feet (50) in width. It shall be the responsibility of the developer, subject to approval by the Commission, to provide an effective barrier that will reasonably buffer adjacent areas.



**15.4.3.** Camping units and related facilities and structures are prohibited in the area designated on the site plan as “buffer strip”, but the buffer may contain passive recreational uses if said areas are landscaped in such a way as to prevent adverse effects on adjacent properties unless the structure is existing.

**15.4.4.** The volume of noise from music and public address systems shall be controlled as to prevent objectionable and excessive noise emanating from the premises. Unless expressly approved by the Commission, the period of time from 10 pm to 7 am Sunday thru Thursday and 11 pm to 7 am on Fridays, Saturdays and holiday and Sunday’s immediately preceding a holiday, the site shall remain quiet with no public address systems, sporting events, concerts, fireworks, or other activities which would produce sound exceeding decibel limits set by the State of Connecticut recommended guidelines at the property line.

**15.4.5.** Recreational camp or campground may be used during the 200 day period from April 15 to October 31 of each year. Off season use between November 1<sup>st</sup> and April 14<sup>th</sup> is permitted as long as the stay does not extend more than two weeks. No persons who rent, use or enjoy a campsite may claim residency during their stay. Permanent occupancy of any campsite unit is prohibited. Campers must at all times retain a permanent, principal physical residence and domicile outside of the campground. The use of a recreational camp or campground for conference or special event purposes may be permitted through a Special Exception Review.

**15.4.6** The owner and/or operator of any campground or recreational camp shall be responsible for the maintenance of an accurate register at such ground in which the following information shall be recorded: name of the family head or the responsible group member, his or her permanent address, dates of arrival and departure, and motor vehicle license plate number if applicable. Such register shall be available to the Planning and Zoning Enforcement Officer to assist in the enforcement of these regulations and to the police and health official in connection with the discharge of their duties.

**15.4.7** Each campsite in the campground shall average three thousand (3000) square feet for each site and shall have a width or depth of not less than forty (40) feet.

**15.4.8** The total number of rental sites in a campground shall not exceed 10 sites per gross acre of land as designated on the site plan and approved by the Planning and Zoning Commission as being part of the area to be utilized for recreational facilities and uses. The gross acreage shall include buffer areas, recreational facilities, rental sites, community areas and emergency overflow areas, support facilities, and land which is readily accessible and considered an integral part of the recreational facilities and uses complex.

**15.4.9** The minimum one-way road width shall be 11 feet within the grounds of a campground or recreational camp. One-way streets in excess of 1,000 feet may be required by the Planning and Zoning Commission to provide turn-a-rounds. For two-way streets, 18 feet is required. These roadways shall be designed to accommodate fire fighting apparatus, ambulances, and other large vehicles such as trash and septic hauling trucks.

**15.5** The Planning and Zoning Commission, in its discretion, may without public hearing grant an application made by any tax exempt, charitable, or educational organization for permission to park two or more camper coaches or travel trailers on premises owned by or rented to such organization for a period of not more than one week. The application shall set forth the tax exempt, charitable, or educational status of the applicant and the purpose of the event or events requiring the multiple parking of such vehicles.

## SECTION 16

## HISTORICAL PARKS

**16. Intent:** Historical park means an area of land controlled by an owner to be developed, for profit or non-profit making purposes, as a single entity on not less than 25 acres or more, the plan for which does not necessarily correspond in lot size, bulk, type of buildings, density and lot coverage to the Planning and Zoning regulations established from time to time hereunder for the district within which such area is located and which within its confines, recreates a single period of American history, which occurred at least 75 years prior to the date of application; and thereby serves the educational and cultural welfare of the public.

**16.1. Informal Preliminary Considerations:** The East Haddam Planning and Zoning Commission recommends that, prior to the submission of an official application for Historic Park approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission.

Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for Development Plan Approval.

**16.2. Permitted structures:** A historical park shall be limited to:

**16.2.1.** Dwelling units in detached, semi-detached or multi-storied structures, or any combination thereof, which are authentic replicas of the dwelling units of the historical period to be represented, and any outbuildings which were auxiliary thereto in such period; and which are thematically linked to that location in the sense that uses of those same types, and in those same approximate proportions, existed on or in the immediate vicinity of the site during the period sought to be depicted.

**16.2.3.** Any non-residential use to the extent such non-residential use is designed to conform to the types of commercial and industrial enterprises which were in operation in such period, provided in no case shall any structure in Section 16.2.1 or 16.2.2 which is located on a public highway violate the setback requirements of the district except in the case of a non-conforming use which is valid on the date of the application for a license to operate a historical park. The provisions concerning lot size, bulk, type of building, density, lot coverage and setback of these Regulations as they apply to historical parks may be waived but only in accordance with an approved special exception review.

**16.2.3.** For both residential and non-residential uses, the design of all buildings, structures, and site improvements shall recreate a period in American history which occurred at least 75 years prior to the date of application. The Commission may allow limited contemporary site improvements where necessary to provide adequate lighting, vehicular circulation and parking, and other facilities not characteristic of the recreated period but required for public health, safety, and welfare in current times.

**16.3.** An application for a Special Exception approval as prescribed in Section 14B to maintain and operate a historical park shall be made to the Planning and Zoning Commission in writing, signed by the applicant and accompanied by an affidavit as to the truth of the statements contained therein. The application shall set forth the name and address of the applicant, if an individual, or the partners, if a partnership, or, if a corporation, the name of the corporation and the names and address of each stockholder owning more than ten percent of its issued stock and the chief place of business of the corporation and the jurisdiction of its incorporation. Such application shall be accompanied copies of the site plan showing the subject property, adjacent properties and structures within five hundred feet of the property lines of the subject property; a description of all proposed uses within the subject property, a statement of the historical period to be recreated with data, sufficient to support the authenticity of the structures and uses for which the subject

property is to be used as being of the historical period to be recreated, and floor plans and plans for exterior alterations of all existing and proposed structures. The last may be separate from the site plan. Application for a Special Exceptions for Historical Park shall include a written report by a historical consultant authorized to perform historic district studies by the Connecticut State Historic Commission. Such report shall include historical research which substantiates the thematic connection of the site to the historical period sought to be recreated, and shall certify that the buildings, structures, and site improvements proposed conform to that of the subject historical period, except where specifically noted. In addition to the criteria of Section 14B, the Commission shall evaluate any application under this Section in terms of the authenticity of the recreated historical period, the thematic connection of the proposal to the site, and the educational value of the Historical Park in reproducing a significant physical environment from American history.

Eligible properties are to reflect an integrity of location, design, setting, materials, and workmanship. They may also:

- a. be associated with events that have made a significant contribution to our history and the lives of persons significant in our past; or
- b. embody the distinctive characteristics of a type, period or method of construction; or represent the work of a master, possess high artistic values, or
- c. represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. have yielded, or may be likely to yield, information important in history.

**16.4. Application form and fee:** All applications for a Historic Park shall be submitted to the Commission on a form prescribed by it and accompanied by an Application fee in the amount of \$100.00, plus the sum of \$50.00 per bedroom requested and a sum of \$100.00 per 10,000 square feet of commercial/industrial space proposed in the Application.

## SECTION 17

## FLOATING ZONES

**17.0. Intent:** The purpose of this Section is to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the following objectives: a) the provision of housing for persons who, due to age or health, requires more compact residential patterns than are possible with conventional single-lot subdivisions; b) the preservation and constructive re-use of existing resort uses and land areas for cluster housing, multi-family housing, and similar flexible density residential development; and c) the preservation and constructive re-use of historical structures and sites, d) to allow recreation uses while preserving open space.)

**17.1. Floating Zones:** Any owner of property may apply to the Commission for a change of zone to one of the following Floating Zones, provided said application conforms in all respects with the requirements set forth in this Section for such zone change: Planned Recreation Development Resort PRD-R, Planned Recreational Development - Residential Districts PRD-RD or Planned Residential Unit Development (PRUD) or Planned Residential Unit Development and Live Theater Support Personnel Housing (PRUD/LTSP/EHVD). For each such zone change approved by the Commission, the provisions of Sections 7, 9 and 10 of these Regulations shall not apply to said floating zone, and, in their place, the plans, specifications, conditions, representations, and other components of the zone change application, as approved and/or modified and approved by the Commission shall control in said floating zone.

For the purpose of this Section, the term “underlying zone” shall be defined as the zone or district existing on the subject parcel prior to the filing of an application for a floating zone, and the zone to which said floating zone shall revert after approval if said floating zone is not developed within the time limit established by this Section.

### **17.2. Application Procedure for All Floating Zones:**

**17.2.1. Informal Preliminary Considerations:** The East Haddam Planning and Zoning Commission recommends that, prior to the submission of an official application for floating zone approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission.

Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for Development Plan Approval.

**17.2.2. Formal Application:** Applications for change of zone to any floating zone shall be submitted in writing to the Commission, and shall include the following

**17.2.2.a. General Statement:** A general statement shall be submitted describing the following:

1. The specific types of proposed uses on the site;
2. The methods by which site utilities will be provided;
3. The proposed timetable for development, including a description of phases, if any;
4. The open space resources of the site, and the amount of open space to be retained, and the method of preservation, if any;
5. The pattern/method of ownership and maintenance of any interior roadways, public facilities, the sewerage disposal systems(s), the water supply system(s), and other common elements; and
6. A schedule of bedrooms per dwelling unit, total numbers of units, square footage of units, and such other data as may be required to evaluate compliance with the standards and criteria of these Regulations.

**17.2.2.b. Application form and fee:** All applications for a floating zone shall be submitted to the Commission on a form prescribed by it and accompanied by an Application fee in the amount of \$100.00, plus the sum of \$50.00 per bedroom requested in the Application.

**17.2.2.c. Site Plan:** Any applicant for a floating zone shall provide the Commission with all information required under Sections 14A.2 of these Regulations, provided, however, that no information shall be waived, contrary to the provisions of Section 14.A.3.F. In addition, the site plan shall depict the boundaries for all soil types, and shall label said soil types.

**17.2.2.d. Additional Information:** A change of zone application calls upon the Commission to exercise a legislative function, and to determine that the floating zone applied for will be superior to the underlying zone in achieving the purposes of these Regulations as set forth in Section 1 hereof. It is the obligation of the applicant to provide any additional information which the Commission may request or require in order to make such a determination. Such information may include, but is not limited to: information concerning surrounding land uses, building locations, driveways, streets, topography, water courses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof-or ground-mounted heating and air conditioning equipment and ventilation ducts, building illumination, samples of construction materials, and the like; detailed landscaping plans, including the type, size, number and location of material to be planted, the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

**17.2.3. Public Hearing and Action:** The Commission shall act in such manner, and in accordance with such time limits, as are designated for changes of zone in accordance with Section 14 B of these Regulations and in accordance with the applicable provisions of the General Statutes. In the event of conflict between the procedure set forth in these Regulations and the General Statutes, the latter shall prevail.

### **17.3. General Standards and Requirements for All Floating Zones:**

#### **17.3.1. Access:**

- a). Access will be provided to a through town road or state highway in such a manner as not to have an adverse effect on traffic flow or adjacent development.
- b). Access and circulation ways shall be designed to permit fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal equipment to operate in a safe and efficient manner. Such access ways are not to serve as car storage areas.
- c). The Commission may require the street system to connect to two or more existing through Town roads or State highways in order to provide for a safe and efficient circulation system within the Town, except where topography or other physical considerations do not permit such streets or where such street connections would adversely affect the neighborhood. The Floating Zone shall be served from, or have access to, at least one through improved Town road or State highway which provides adequate circulation and access to other sections of the Town. Ease of entrance to an exit from the Development with minimum impact on normal traffic flow must be assured.
- d). The Commission may require temporary turnarounds and street connections to adjoining undeveloped land as necessary for its proper development, except where topography does not permit or where such street connections would adversely affect the neighborhood.
- e). The street system shall be designated to permit connection to existing and proposed facilities where necessary for proper functioning of the utility systems.
- f). Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver backing out of any garage, carport or parking space has an unobstructed view of approaching traffic.

**17.3.2. Parking:**

**a. Residential Uses:** Parking for all non-residential uses shall be in accordance with the requirements of Section 11.0 of these Regulations.

**b. Non-residential Uses:** Parking for all non-residential uses shall be in accordance with the requirements of Section 11.0 of these Regulations

**c. Underground Utilities:** All developments shall provide for underground installation of all utilities in both public ways and private extensions thereof. All developments shall provide proper design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance facilities shall be in accordance with the requirements and regulations of the appropriate authority having jurisdiction.

**17.3.4. Pedestrian Circulation:** The Commission may require such walkways within the development as shall serve pedestrian movements to community facilities within the development.

**17.3.5. Streets:** Refer to the current East Haddam Subdivision Regulations Section 5.

**17.3.6. Waste Disposal:** Adequate sight screening must be provided for all garbage collection areas.

**17.3.7. Buildable Area/Minimum Parcel Size Calculation:** For all purposes of this Section 17, including, but not limited to, calculation of the minimum size of the floating zone, density, building coverage, and the like, the area of the floating zone shall be the Buildable area, which is to be computed as follows: Gross area of the floating zone, less the unbuildable area shall equal the Buildable area. Unbuildable areas shall include:

a. Soil Types: Any soils listed in Section 4.3(1) a) of the East Haddam Subdivision Regulations shall be deemed unbuildable:

b. Flood Hazard Areas: Flood Hazard (100 year storm) areas and floodways as identified on the East Haddam Zoning Map and in the report entitled, "Flood Insurance Study", Town of East Haddam, Middlesex County, Connecticut, November 1979" and the accompanying maps, as the same may be amended from time to time.

c. Steep Slopes: Lands with slopes in excess of 20%

**17.3.8. Minimum Road Frontage:** No property proposed for a floating zone shall have less than fifty (50') feet of frontage on an accepted, improved Town road or State highway.

**17.3.9. Setback Requirements, Building Proximity:** No building or structure shall be less than fifty (50') from any boundary of the proposed floating zone with the exception of applications in the East Haddam Village District. Where a floating zone adjoins a single family home development or approved residential subdivision, the Commission may require additional setbacks and/or natural screening, but not to exceed one hundred (100') feet in depth, to insure privacy from adjoining residences. Setbacks between buildings and structures within the floating zone shall be such as to provide light and air, as well as acoustical and visual privacy for all dwellings, and access space for service, fire protection and maintenance equipment and operations.

**17.3.10. Sewerage Disposal:** Shall meet the current standards of Section 19-13-B103 of the Connecticut Department of Public Health, referred to as the Technical Standards.

**17.3.11. Design:** The design of any floating zone shall protect neighborhood property values, prevent future deterioration, promote good community living standards, provide for preservation of the historic character of the Town, provide for feasible management and control of the premises, and serve the purposes of this Section 17 and Section 1 of these Regulations. Site and architectural design shall take advantage of topographic features, provide visual and acoustical privacy between family units and/or other

land uses, provide for landscaping and restoration of all areas disturbed by construction, and compliment any adjoining neighborhood. Consistency of scale and architectural design and detailing throughout the various structures within the floating zone shall be maintained.

### **17.3.12 Open Space**

**17.3.12.a Definition:** All land not used for the construction of dwellings, recreational uses, supporting facilities, parking, vehicular circulation, or private yards shall be considered open space. It shall be so arranged and defined that its area, permanent use and control can be established with restrictions or covenants prohibiting or restricting construction upon it. No portion of any area reserved for residential use shall be considered common open space available to all residents of the development.

**17.3.12.b. Method of Preservation:** All common open space shown on the final site development plan must be preserved by one of the following methods:

1. Owned by a corporation composed of the owners of all lots or other ownership units. When ownership of common open space is held by such a corporation, membership in said corporation shall be mandatory for all unit or lot owners, and said corporation shall have powers of assessment and enforcement as set forth in Chapter 828 of the Connecticut General Statutes, the Connecticut Common Interest Ownership Act. In addition, any such common open space shall be subject to a Conservation Easement in favor of the Town of East Haddam in such form as the Commission shall specify. Such Conservation Easement may, in the Commission's discretion, provide for public access in areas where such access appears appropriate upon consideration of the area and the recommendations of the adopted Plan of Development.
2. Owned by a private conservation trust, the State of Connecticut, the Town of East Haddam, or such other corporate or governmental entity as such assure the preservation and maintenance of such common open space in perpetuity. No application for a floating zone shall be deemed complete without written evidence from the proposed entity that it is willing to accept the ownership and maintenance of such common open space. If the proposed entity is other than the Town of East Haddam, any conveyance shall be subject to a Conservation Easement in favor of the Town of East Haddam, as described in the preceding paragraph.
3. Ownership by the developer or its successors: Ownership of common open space by the developer or its successors shall only be permitted in floating zones where no subdivision of the property is proposed, i.e. where the entire zone is owned and managed by a single commercial entity. The developer shall convey a Conservation Easement in favor of the Town of East Haddam, as described in the preceding paragraph.
4. General requirements for open space: Regardless of the method employed, the instrument of conveyance must include provisions suitable to the Planning and Zoning Commission for guaranteeing:
  - a). The continued use of such land for the intended purposes;
  - b). Continuity of proper maintenance for those portions of open space land requiring maintenance;
  - c). When appropriate, the availability of funds required for such maintenance;
  - d). Adequate insurance protection; and
  - e). Recovery for loss sustained by casualty condemnation or otherwise. In any event, the developer must file in the East Haddam Land Records at the time the approved Site Development Plan is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting the use of Common Open Spaces for the designated purposes.

### **17.3.13 Other Standards of These Regulations:**

In order to further the Intent and purpose of the PRUD Zones under this Section, the Commission shall consider the criteria of Sections 14A.4, 14.B.4, and 14B.5 of these Regulations, and in addition, the following criteria:

- a. The extent to which the application preserves or restores an existing building or buildings which reflect(s) and enhance the architectural and historic character of the Town of East Haddam;
- b. The extent to which the application proposes new buildings(s) and site improvements which reflect(s) and enhance the architectural and historic character of the Town of East Haddam;

- c. The extent to which the application preserves existing large trees, stone walls, topography, and other natural or man-made features which provide character to the site and the Town of East Haddam;
- d. The extent to which the application proposes amenities, such as walkways, plazas, benches, ornamental lighting, and other improvements to both public and private spaces which reflect(s) and enhance the streetscape, architectural and historic character of the Town of East Haddam, and provide opportunities for pedestrian circulation, rest, and relaxation by persons living or working in and around the proposed site.

**17.4 Special Standards for Planned Residential Unit Development (PRUD) Zones:**

**17.4.1 Permitted Uses:** The following uses of land shall be permitted in PRUD Zones:

**a. Assisted Living** Assisted living shall be defined as a residential facility designed especially for elderly or disabled persons comprised of individual dwelling units and such common dining and living facilities necessary or desirable for the personal and medical care of the residents. Individual dwelling units may or may not have kitchens.

**b. Adult Living** Dwelling units designed especially for elderly or disabled persons, and restricted, in perpetuity, for the exclusive occupancy of such persons. In determining the validity of such restrictions, the Commission shall presume that elderly housing proposed by the Town of East Haddam shall be used as such in perpetuity.

**c. Residency requirements:** Limitations to the occupancy of Assisted Living or Adult Living housing units shall be as follows:

i). In accordance with the definition of “Housing for Older Persons,” as set forth in Connecticut General Statutes Sections 46a-64b. As of this writing, such definition is “housing: (A) provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; or (B) intended for, and solely occupied by, persons sixty-two years or older; or (C) intended or operated for occupancy by at least one person fifty-five years of age or older; per unit in accordance with the standards set forth in the Fair Housing Act [42 U.S.C. Section 3601, et. seq.] and regulations developed pursuant thereto by the Secretary of the United States Department of Housing and Urban Development.”

ii). a person not qualified for “Housing for Older Persons” under the preceding paragraph, but who has been certified by the Social Security Board as being disabled.

iii). A unit occupied by the surviving member of a household, regardless of age or disability, if the deceased member met the requirements of one of the preceding paragraphs.

**d. Supporting Facilities:** PRUD Zones may contain the following supporting services: recreational facilities, community service spaces, administrative offices and service buildings, health care facilities, automobile parking areas and garages, and such other uses as the Commission may approve which are for the primary use of residents of the PRUD, and which are accessory to the PRUD, as that term is defined in these Regulations. In no event shall any commercial activity be deemed as a supportive facility.

**17.4.2. Permitted Underlying Zones:** PRUD Zones shall be permitted only in the following underlying zones: R-1/2, R, R-1, and C/B/IG.



**17.4.3. Minimum Parcel Size:** The minimum gross parcel size and minimum buildable area of any PRUD shall depend upon the underlying zone, and shall be as follows:

<u>Underlying Zone</u>	<u>Minimum Contiguous Gross Area</u>	<u>Minimum Contiguous Buildable Area</u>	<u>Density Bedrms/Buildable Acre</u>
R-1/2	5 acres	2 acres	6
R	15 acres	5 acres	3
R-1	15 acres	5 acres	3
MCD	5 acres	3 acres	6

**17.4.4. Maximum Residential Density:** The maximum density for any PRUD shall be no more than three (3) bedrooms per buildable acre. For all purposes of this Section 17.4, each and every residential dwelling unit shall be assumed to have at least one (1) bedroom.

**17.4.5. Maximum Non-Residential Density:** Non-residential support facilities, as set forth above, shall not exceed ten percent (10%) of the total square footage of all residential buildings.

**17.4.6. Limitations on Residential Buildings:**

1. There shall be no more than six (6) dwelling units in any single building.
2. No dwelling unit shall contain more than two (2) bedrooms.
3. Any room in a dwelling unit, other than one kitchen, one living room, any bathroom, or any open-air or screened porch shall be considered a bedroom for the purposes of this Section 17.4.6.

**17.4.7 Limitations on All Buildings:**

1. The maximum height of any building shall be thirty five (35') feet. There shall be no third floor habitable areas without the review and approvals as required in Section 10.1.4 Building Height – Special Provisions. In addition, the Commission may require a lesser building height or the provision of special site or building improvements, after considering reports from the Zoning Enforcement Officer, the Building Official, and the Fire Department Chief concerning the adequacy of fire protection measures, emergency access, and the Town’s capacity to deal with anticipated public safety challenges in the development.
2. The maximum size of any accessory building shall be 6,000 square feet. Gross floor area.
3. All storage areas shall be enclosed by walls or fences.

**17.4.8 Restrictions On Occupancy:**

1. For Adult Living or Assisted Living developments, the documents shall describe in detail the services to be provided, the common elements, areas, or facilities for the use of all residents, and the formula for the allocation of the costs for such services and common elements, areas, or facilities.
2. For Adult Living or Assisted Living developments, the documents shall contain the occupancy requirements set forth in this Section 17.
3. For Adult Living or Assisted Living developments, the documents shall contain a provision prohibiting any substantive amendment to the provisions addressed in the preceding two (2) paragraphs without the prior approval of the Commission.

**17.5 Special Requirements for Planned Recreation Development -Resort Zones PRD-R**

**17.5.1. Permitted Uses:** The following uses of land shall be permitted in PRD-R Zones:

**a. Dwellings:** Seasonal or year round dwellings, including seasonal single-,two-, and multi-family dwellings. The applicant shall specify dwellings to be occupied seasonally and those to be occupied on a year round basis.

**b. Supporting Facilities:** PRD-R Zones may contain any resort activity, as defined by these Regulations, as supporting facilities.

**17.5.2. Permitted Underlying Zones:** PRD-R Zones shall be permitted only in the Resort ® underlying zone.

**17.5.3. Minimum Parcel Size:** The minimum parcel size for a PRD-R Zone shall be twenty (20) acres of contiguous gross area, of which no less than five (5) acres shall be contiguous buildable land.

**17.5.4. Maximum Residential Density:** The total number of dwelling units shall not exceed an average of one (1) unit per acre of buildable land, provided, however, that no more than eight (8) units shall be located upon any acre of buildable land;

**17.5.5. Maximum Non-Residential Density:** Non-residential supporting facilities, as set forth above, shall not exceed ten percent (10%) of the total square footage of all residential densities.

**17.5.6. Limitations on Residential Structures:**

1. There shall be no more than four (4) dwelling units in any one building.
2. There shall be no more than three (3) bedrooms in any dwelling unit.
3. Any room in a dwelling unit, other than one kitchen, one living room, any bathroom, or any open-air or screened porch shall be considered a bedroom for the purposes of this Section 17.5.
4. Every dwelling unit shall have access to a public street, walkway, or other area dedicated to common use as interpreted by the Commission.

**17.5.7 Limitations on all Buildings:**

- a. The maximum size of any detached building shall be 6,000 square feet.
- b. All storage areas shall be enclosed by walls or fences.

## **17.6. Special Standards for Planned Recreational Development Residential Districts R-2 and R-4 PRD-RD.**

**17.6.1 Permitted Uses:** the following uses of land shall be permitted in PRD-RD zones.

**a Dwellings:** Seasonal or year round dwellings. The applicant shall specify dwellings to be occupied on a seasonal or year round basis, and there shall be no change in use from seasonal to year-round dwellings without an amendment pursuant to Section 17.8.

**b. Supporting Facilities:** PRD-RD may contain non-residential supporting facilities, as defined in these Regulations, accessory to the Planned Recreational Development. These facilities may include commercial entities. Final determination of the nature, size and intensity of such supporting facilities shall be at the discretion of the Planning and Zoning Commission after considering whether such facilities are, in fact, accessory to the Development and considering the criteria of Section 17.3 of these Regulations.

**c. Recreational Uses:** Recreational uses for which application may be made in the PRD-RD Zones are as follows; golf courses, equestrian complexes, and nature preserves and centers.

**1. Golf Courses:** Areas of land laid out for golf with a series of nine (9) or eighteen (18) holes each including tee, fairway, practice greens, driving ranges, and putting green and often one or more natural or artificial hazards.

Supporting Facilities shall be accessory as defined in these regulations. Supporting Facilities which may be considered accessory to a golf course are as follows: storage and equipment buildings, pro-shops, gift shops, club house, and restaurants or similar uses which the Commission deems to be accessory to a golf course.

**2. Nature Preserves and Centers:** Areas of land laid out with a commitment to preserve or protect the natural resources. These areas may be used for environmental education activities, trails open to the public, exhibit of local flora and fauna, and wildlife attraction areas.

Supporting Facilities shall be accessory as defined in these regulations. Supporting Facilities which may be considered accessory to a nature preserve and center are as follows: educational buildings, museums, libraries, gift shops, club house, book stores, storage and equipment buildings, and restaurants or similar uses which the Commission deems to be accessory to a nature preserve and center.

**d. Infrastructure Improvements:** Any change or alteration to the existing conditions of the site for the purpose of complying with these Regulations, or any approval granted hereunder, or rendering the site more suitable for development and/or habitation. As used in this Section 17, Infrastructure Improvements include but are not limited to: Construction and installation of roadways, paved streets, curbs, gutters, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sediment control measures, buildings, earth filling or removal, community septic systems or community water systems, seeding and grading.

**3. Equestrian Complexes:** Areas of land and buildings laid out to feature horseback riding as a private and/or public facility. Areas can be designated as paddock areas, pasture land, training grounds, competition grounds, and bridle trails.

Supporting Facilities shall be accessory as defined in these regulations. Supporting Facilities which may be considered accessory to an equestrian complex are as follows: stables, - private and/or commercial, barns, equipment storage structures, indoor arenas, paddock areas, tack shops, gift shops, club house, and restaurants or similar uses which the Commission deems to be accessory to an equestrian complex.

**17.6.2. Permitted Underlying Districts:** PRD-RD Zones shall be permitted in the R-2 and R-4 Districts.

**17.6.3. Minimum Parcel Size:** The minimum parcel size for a PRD-RD shall be one hundred (100) contiguous acres.

**17.6.4. Maximum Residential Density:** To enhance the rural characteristic of the Town, yet allow recreational and commercial uses otherwise not allowed in the residential districts, the number of residential units shall be reduced by one half (1/2) of what would be permitted in a conventional

subdivision in the underlying zone, as determined in accordance with this Section. The applicant shall be required to submit a conventional subdivision plan which will be reviewed and approved as to the number of residential units by the Commission and shall be subject to any applicable Federal, State, and local regulations for the purpose of determining the number of residential units permissible under the underlying zone. Such conventional subdivision plan shall include the entire parcel proposed for the PRD-RD Zone.

**17.6.5. Maximum Non-residential Building Square Footage:** The floor area of all non-residential supporting facilities, as set forth above, shall not exceed twenty percent (20%) of the total gross square footage of all residential buildings. A maximum of 3500 square feet of floor area per residential unit shall be used.

**17.6.6. Limitations on Residential Structures**

- a. There shall be no more than four (4) dwelling units in any one structure.
- b. There shall be no more than four bedrooms in any multi-family dwelling unit.
- c. Every dwelling unit shall have access to a public street, walkway, or other area dedicated to common use as determined by the Commission.

**17.6.7 Limitation of Lot Size Dedicated to Residential and Non -Residential Units**

To balance the recreational uses desired and still dedicate portions to open space, the maximum lot size shall be as follows( see Section 17.3.7 );

- a. Residential Units

<u>Underlying District</u>	<u>Maximum Lot Size</u>
R-2	1 acre
R-4	1.25 acre

OR

- b. the applicant may calculate the aggregate maximum lot area dedicated to residential development allowed by the preceding paragraph, and supply the Commission with site plans depicting development which does not exceed the total maximum aggregate lot area coverage allowed, assuming the maximum lot sizes stated in the preceding paragraph. For cluster development, the applicant shall provide enough area to support the common amenities associated with residential living. This will be at the final discretion of the Commission.
- c. Non Residential Supporting Facilities Lot Size.

The aggregate maximum lot area dedicated for non residential supporting facilities, including accessory amenities such as parking, lawns, and sanitary facilities ( also referred to simply as “ Supporting Facilities “ in this Section 17 ) shall be an additional twenty (20%) percent of the aggregate maximum lot area dedicated to residential development.

**17.6.8. Ratio of Property in Open Space to be used as Recreational Area and Natural Open Space.**

The balance of property not used as aggregate maximum lot area (residential or Supporting Facilities, as defined in this paragraph, shall be deemed as the open space area, as defined in Section 17.3.12a of these Regulations. A maximum of one half (1/2) of the total area of such open space may be used as the Recreational Area, as defined in this paragraph, intended for the Floating Zone. The Recreational Area may have the residential and non-residential supporting facilities intertwined but these areas are to be calculated as separate areas. The balance of the property shall be dedicated to Natural Open Space as defined in this paragraph. The dedicated open space shall be contiguous and not fragmented. For purposes of this Section 17 any building, structures, accessory parking areas, lawns, sanitary facilities, and other improved land area(s) to be used for supporting facilities or recreational uses shall be defined as Supporting Facilities. Improved open space areas used for recreation uses, such as golf fairways, athletic fields, horse paddocks, including areas surrounding such facilities which are primarily in their natural state, such as wooded areas between golf course fairway, high intensity use recreational trails, or buffers shall be defined as “ Recreational Areas.” Areas primarily in their natural state, with only incidental recreational uses, such as low - intensity walking paths, shall be defined as “Natural Open Spaces.”

**17.7. Special Standards for Planned Residential Unit Development and Live Theater Support Personnel Housing in the East Haddam Village District (PRUD/LTSP/EHVD)**

**17.7.1. Permitted Uses:** All uses are to follow the application requirements of Section 9.5 - East Haddam Village District along with the following requirements. The following uses of land shall be permitted in PRUD/LTSP/EHVD:

- a. Residential Development: Residential development containing two or more Dwellings and including Dwellings in structures that have Mixed Uses.
- b. Live Theater Support Personnel (LTSP) Housing: Housing designed for congregate living arrangements to support the needs of a Live Theater. Units created for LTSP Housing can not be converted to residential units without approval from the East Haddam Planning and Zoning Commission and only if in compliance with this section pertaining to residential development.
- c. Supporting Facilities: PRUD Zones may contain the following supporting services: recreational facilities, administrative offices, automobile parking areas and garages, and such other uses as the Commission may approve which are for the primary use of residents of the PRUD/ LTSP/EHVD, and which are accessory to the PRUD/LTSP/EHVD, as that term is defined in these Regulations. In no event shall any commercial activity be deemed as a supportive facility. Commercial activities have to be submitted as a separate application.

**17.7.2. Permitted Underlying Zones:** PRUD/LTSP/EHVD Zones shall be permitted only in the East Haddam Village District.

**17.7.3. Minimum Parcel Size:** The minimum gross parcel size is one (1) acre.

**17.7.4. Maximum Residential Density:** The maximum density for any application in the PRUD/LTSP/EHVD shall be a function of the applicants ability to demonstrate compliance with Section 9.5 - East Haddam Village District regulations, the public health code, and the building code.

**17.7.5. Maximum Non-Residential Density:** Non-residential support facilities, as set forth above, shall not exceed ten percent (10%) of the Gross Floor Area of all residential buildings.

**17.7.6. Limitations on Residential Buildings:**

1. The maximum building size and height for any application in the PRUD/LTSP/EHVD shall be a function of the applicant's ability to demonstrate compliance with Section 9.5 - East Haddam Village District regulations, the public health code, and the building code.

**17.7.7. PRUD/LTSP/EHVD Not to Be Exclusive Procedure for Live Theater Support Personnel Housing.**

The provisions of this Section 17.7 are intended to provide an option for Live Theater Support Housing in conjunction with other land uses, and on Premises which may or may not be adjacent to, or in close proximity to, Live Theaters. This Section shall not preclude Live Theater Support Housing as an Accessory Use for Live Theaters in accordance with the East Haddam Village District Regulations, Section 9.5.

**17.8. Approval:** Upon approval of a Floating Zone, the Commission shall provide notice to the applicant and the public, as provided in the General Statutes, and shall cause the approved Floating Zone to be noted on the official zoning map of the Town of East Haddam by outlining the boundaries of the land affected thereby and indicating the approval date.

The applicant shall, within ninety (90) days of approval of any Floating Zone, record notice thereof in the East Haddam Land Records under the name of the record owner of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s) and, further, the applicant shall record in the East Haddam Land Records a copy of the approved plan(s) and map(s), endorsed by the signatures of the Commission's Chairman or Secretary.

**17.9. Conformance to Recorded Documents:** Land described shall be used and developed only in accordance with the recorded documents, provided that if there is a subsequent subdivision approval for all or any portion of the property within the Floating Zone such future subdivision shall be depicted or indicated on the Floating Zone plans, and the approved subdivision plans, conditions, and other elements of approval shall be deemed to form a part of the Floating Zone approval, and be enforceable as such.

**17.10. Amendment of Approved Floating Zones:** An application to alter or extend an approved floating zone shall specify the nature of the planned alterations and/or extensions and shall be accompanied by a scale plan of the proposed alterations and extensions in the same detail as is required in an initial application for floating zone and shall be accompanied by a fee per the fee schedule. Such application shall be processed in the same manner as a new application under this section.

**17.11. Previously approved Special Exceptions:** Any Special Exception approved pursuant to the corresponding predecessor sections of these Regulations, being former Sections 16, 17, or 26, shall be commended and completed in accordance with the time limits set forth in section 17.10 of these Regulations, which time limits shall be deemed to commence upon the effective date of this Section 17. Any Special Exception not so commenced or completed shall be void, and notice thereof shall be filed in the office of the Town Clerk. Any such approved and completed Special Exception shall be deemed a legal non-conforming use, and governed by Section 8 of these Regulations. Any amendment to, or extension of, any such approved Special Exception shall be processed an application under this Section 17.

**17.12. Commencement and Completion of Certain Improvements:**

**Recreational Improvements.** In PRD-RD Zones with permitted recreational uses approved as part of the Floating Zone, the construction of all recreational uses and Supporting Facilities indicated on the recorded documents shall be completed within thirty-six (36) months of the date such documents are recorded, provided however that the commission in its discretion may extend such period for an additional twenty-four (24) months.

**Infrastructure Improvements:** For any Floating Zones, the construction of any improvement required by the commission, other than on land reserved for residential use, shall be completed within five (5) years of the effective date of such approval, provided that the commission may extend such time period for an additional (5) years without requiring an additional application.

**17.13. Performance Bonds:** As a condition of the approval of any Floating Zones approved pursuant to this Section 17, the Commission may require that the record owners of the subject property post a bond, in such form and with such sureties as the Zoning Enforcement Officer may prescribe, in an amount sufficient to cover the cost of construction of any Recreational Improvement, Infrastructure Improvements, and any other improvements required by the Commission in connection with such Floating Zone. Such requirement for bonding shall be determined on the basis of the importance of the completion of such improvements to compliance with the criteria of these Regulations, the extent and expense of such improvements, and the potential for occupancy of the site or building in the absence of such improvements. All such improvements shall be completed prior to the issuance of a Certificate of Zoning Compliance and/or Certificate of Occupancy, except as provided herein below.

In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may require a performance bond, in such amounts, form, and surety as he/she may deem necessary, to insure the completion of such improvements in not more than six (6) months following such occupancy.

In the event that the improvements described herein above shall not be completed within the time limits contained herein, the Zoning Enforcement Officer shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.

## **SECTION 18**

## **SPECIAL FLOOD HAZARD AREA REGULATIONS**

11/1/79r 3/22/93r, 8/26/08r, 8/26/08r

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## **18.1.0 STATUTORY AUTHORIZATION AND PURPOSE**

### **18.1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of East Haddam, Connecticut, does ordain as follows:

### **18.1.2 FINDING OF FACT**

The flood hazard areas of the Town of East Haddam are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of East Haddam has voluntarily participated in the National Flood Insurance Program (NFIP) since November of 1979. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

### **18.1.3 STATEMENT OF PURPOSE**

It is the purpose of this regulation is to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 18.1.3.1 To protect human life and health, and prevent damage to property;
- 18.1.3.2 To minimize expenditure of public funds for costly flood control projects;
- 18.1.3.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 18.1.3.4 To minimize prolonged business interruptions and other economic disruptions;
- 18.1.3.5 To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
- 18.1.3.6 To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
- 18.1.3.7 To insure that potential buyers are notified that property is in a flood hazard area;
- 18.1.3.8 To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;



18.1.3.9 To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and

18.1.3.10 To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

#### **18.1.4 OBJECTIVES**

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

18.1.4.1 Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

18.1.4.2 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

18.1.4.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

18.1.4.4 Control filling, grading, dredging and other development which may increase erosion or flood damage; and

18.1.4.5 Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **18.2.0 DEFINITIONS**

Unless specifically defined below, words and phrases used in this regulation shall have the same meaning as they have in common usage and to give this regulation its most reasonable application.

**Area of Shallow Flooding** (*for a community with AO or AH Zones only*) - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood** – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

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

**Basement** – Any area of the building having its floor subgrade (below ground level) on all sides.

**Building** – see definition for “Structure”.

**Cost** – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and

specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

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

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

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

**Flood Boundary and Floodway Map (FBFM)** – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

**Flood Insurance Rate Map (FIRM)** – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

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

**Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

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

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

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

**Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 5.3.1.3 of this regulation.

**Manufactured Home** – A structure, transportable in one (1) 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 also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

**Market Value** – Market value of the structure shall be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's Actual Cash Value.

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

**New Construction** – Structures for which the "start of construction" commenced on or after **November 1, 1979**, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**Recreational Vehicle** – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area (SFHA)** – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**Start of Construction** – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units

or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** – A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Damage** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic” structure, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Variance** - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation** – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

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

### **18.3.0 GENERAL PROVISIONS**

#### **18.3.1 AREAS TO WHICH THIS REGULATION APPLIES**

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of East Haddam.

#### **18.3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)**

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of East Haddam, dated August 28, 2008, and accompanying Flood Insurance Rate Maps (FIRM) dated August 28, 2008, and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A, A1-30, AE, AO, and AH, including areas designated as a floodway on a FIRM or FBFM. SFHAs are determined utilizing the base flood elevations

(BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM, FBFM and FIS are on file in the Land Use Office in the Town of East Haddam.

### **18.3.3 STRUCTURES ALREADY IN COMPLIANCE**

A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

### **18.3.4 ABROGATION AND GREATER RESTRICTIONS**

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

### **18.3.5 INTERPRETATION**

In the interpretation and application of this regulation, all provisions shall be:

- 1) considered as minimum requirements;
- 2) liberally construed in favor of the governing body, and;
- 3) deemed neither to limit nor repeal any other powers granted under State statutes.

### **18.3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of East Haddam or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under. The Town of East Haddam, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of East Haddam.

### **18.3.7 SEVERABILITY**

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

### **18.4.0 ADMINISTRATION**

#### **18.4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Zoning Enforcement Officer is hereby appointed to administer, implement and enforce the provisions of this regulation.

#### **18.4.2 CERTIFICATION**

Where required under this regulation, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Enforcement Officer.

#### **18.4.3 ESTABLISHMENT OF THE FLOODPLAIN SPECIAL EXCEPTION REVIEW**

The flood management section of the Special Exception Review (Section 14B of the East Haddam Zoning Regulations) must be completed in conformance with the provisions of the East Haddam Zoning Regulation prior to the commencement of any development activities. Approvals issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

#### **18.4.4 SPECIAL EXCEPTION APPLICATION PROCEDURES**

A Special Exception Review is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a Special Exception Review shall be made to the Planning and Zoning Office on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the East Haddam Planning and Zoning Office.

##### **18.4.4.1 Application Stage**

The applicant shall provide at least the following information, where applicable. Additional information may be required on the Special Exception application form.

18.4.4.1.1 Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100- year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;

18.4.4.1.2 Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;

18.4.4.1.3 Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;

18.4.4.1.4 Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood

Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

18.4.4.1.5 A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;

18.4.4.1.6 Where applicable the following certifications by a Connecticut registered engineer or architect are required, and must be provided to the East Haddam Planning and Zoning Office. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 5.3.

(a) Non-residential flood-proofing must meet the provisions of Section 5.3.1.2;

(b) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 18.5.3.1.3;

(c) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 5.3.4;

#### **18.4.4.2 Construction Stage**

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Enforcement Officer of the following as is applicable:

18.4.4.2.1. Lowest floor elevation shall be verified for:

(a) A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement); An elevation certificate prepared by a Connecticut licensed land surveyor must be provided.

(b) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.). A FEMA Floodproofing Certificate (FEMA Form 81-65) prepared by a Connecticut licensed engineer or architect must be provided.

18.4.4.2.2. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### **18.4.5 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR AND THE PLANNING AND ZONING COMMISSION**

Duties of the Zoning Enforcement Officer and Planning and Zoning Commission shall include, but not be limited to:

18.4.5.1 Review all Special Exception applications for completeness, particularly with the requirements of Section 18.4.4.1. and Section 14B of the Planning and Zoning Regulations

18.4.5.2 Review all Special Exception applications to determine whether the proposed development and building sites will be reasonably safe from flooding.

18.4.5.3 Review all development permits to assure that the permit requirements of this regulation have been satisfied.

18.4.5.4 Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.

18.4.5.5 Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.

18.4.5.6 Notify the adjacent communities and the Department of Environmental Protection (DEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

18.4.5.7 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

18.4.5.8. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage. The Zoning Enforcement Officer shall require and maintain Elevation Certificates provided by the applicant and prepared by a Connecticut licensed land surveyor, engineer or architect containing this information.

18.4.5.9 Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustained substantial damage has been flood-proofed. The Zoning Enforcement Officer shall require and maintain FEMA Floodproofing Certificates for Non-Residential Structures (FEMA Form 81-65). Floodproofing Certificates provided by the applicant and prepared by a Connecticut licensed engineer or architect containing this information.

18.4.5.10 When flood-proofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect, in accordance with Section 18.5.3.1.2.

18.4.5.11 Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Enforcement Officer shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

18.4.5.12 Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.

18.4.5.12 When base flood elevation data or floodway data have not been provided in accordance with Section 18.3.2 and Section 18.4.4, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to



administer the provisions of Section 18.5.0. All records pertaining to the provisions of this regulation shall be obtained and maintained in the Planning and Zoning Office.

18.4.5.13 Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Zoning Enforcement Officer demonstrating compliance with the approved plans and standards set forth in Section 18.4.4.

## **18.5.0            PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **18.5.1            GENERAL STANDARDS**

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

18.5.1.1 New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.

18.5.1.2 New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.

18.5.1.3 New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

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

18.5.1.5 Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

18.5.1.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

18.5.1.7 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into flood waters.

18.5.1.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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

18.5.1.10 In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Environmental Protection (DEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.

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

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

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

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

18.5.1.15 Dry Land Access. Each new residential or non-residential development in the Special Flood Hazard Area (Zones A, A1-30, AE, AO, AH) shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the base flood elevation (BFE) and such escape route shall lead directly out of the floodplain area.

## **18.5.2 STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (UN-NUMBERED A ZONE), ADOPTED FLOODWAYS AND/OR FLOOD MAPPING**

18.5.2.1 The Zoning Enforcement Officer shall require base flood elevation (BFE) data be provide with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood

Insurance Rate Map (FIRM) meet the standards in Section 18.4.4 and Section 18.5.3. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.

18.5.2.2 When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than **0.1** foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

18.5.2.3 The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than **0.1** foot at any point within the community.

18.5.2.4 The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 18.4.4 and Section 18.5.3.

18.5.2.5 Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

### **18.5.3 SPECIFIC STANDARDS**

18.5.3.1 Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.

18.5.3.1.1 Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

18.5.3.1.2 Non-Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

(a) Have the bottom of the lowest floor, including basement, elevated one foot above the base flood elevation (BFE); or

(b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting

hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Zoning Enforcement Officer on the FEMA Floodproofing Certificate, Form 81-65.

(c) Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to one foot above the BFE.

#### 18.5.3.1.3 Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings.

All new construction, substantial improvements, or repair of substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building, shall be designed to preclude finished living space and be designed allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a Connecticut registered professional engineer or architect, or meet the following minimum criteria listed in sections (a)-(g) below: (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

(b) The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;

(c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Zoning Enforcement Officer;

(d) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;

(e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage.

(f) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates.

(g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 18.5.3.1.3 (a)-(f). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 18.5.3.1.2.

### 18.5.3 Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

18.5.3.1.....In all Special Flood Hazard Areas (SFHA), any manufactured homes, as noted in Section 8-2 of the Connecticut General Statutes, are to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 5.3.1.

18.5.3.2.2 All manufactured homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

18.5.3.2.3 All manufactured homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

18.5.3.2.4 Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standard of Section 18.5.1 and the elevation and anchoring requirement of Section 18.5.3.2.1, 18.5.3.2.2, and 18.5.3.2.3. A recreational 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. See Section 15 for further restrictions on recreational vehicles.

### 18.5.3.3 Floodways

Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut licensed professional engineer is provided demonstrating that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

### 18.5.3.4 Standards for Development in Areas of Shallow Flooding (Zones AO and AH)

Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

18.5.3.4.1 For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated to **one foot above** the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least **three (3)** feet above the highest adjacent grade.

18.5.3.4.2 For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:

(a) Have the lowest floor, including basement, elevated to **one foot above** the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least **three (3)** feet above the highest adjacent grade; or

(b) Together with attendant utility and sanitary facilities be completely flood-proofed to or above the depth number, in feet, specified on the FIRM above the highest adjacent grade, or if no depth number is specified at least **three (3)** feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a Connecticut licensed professional engineer or architect.

18.5.3.5.3 On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

18.6 **SUBDIVISION PROPOSALS** Section 10.4 of the Zoning Regulations requires a minimum square that excludes wetlands and upland review areas. Most floodplains are wetland soils and in East Haddam's case the delineations of floodplains and wetlands soils are in close proximity. Since the minimum square includes the 100 foot upland review area, any proposed subdivision in or next to a floodplain would not meet the requirement of the subdivision regulations.

#### **18.7.0 A SPECIAL EXCEPTION APPROVAL IN THE SPECIAL FLOOD HAZARD AREA MAY BE CONDITIONED IN SPECIFIC SITUATIONS**

a. Buildings on a Historic Register - Conditional approval may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

b. Functionally Dependent Use or Facility - Conditional approval may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 8.4.

c. Floodway Prohibition - Conditional approvals shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**18.7.1 CONSIDERATIONS FOR GRANTING A CONDITIONAL APPROVAL**

In passing upon such applications, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 18.7.3.1 – 18.7.3.11. Upon consideration of these factors and the purposes of this regulation, the Planning and Zoning Commission may attach such conditions to the granting such approval as it deems necessary to further the purposes of this regulation.

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- f. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**18.8.0 ENFORCEMENT "See Section 2.2 - Enforcement and Penalties"**

**18.9.0 PENALTIES FOR VIOLATION "See Section 2.2 - Enforcement and Penalties"**

## **SECTION 19                    REGULATION OF EARTH MATERIAL OPERATIONS**

**19.1.** The purpose of this Section is to provide the regulations for the preservation of a cover crop on the land to prevent erosion, and to control any earth material operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town of East Haddam. The covering of earth material operations may be done with the top four (4) inches of topsoil removed therefrom, or by furnishing new topsoil or loam from off the premises. Excavations which uncover ledge or rock outcrops need not be covered or seeded.

**19.2.** The filling, removal, or excavation of sand, gravel, clay, peat, loam, or topsoil (herein referred to as “Earth Material Operations”) is permitted in all zones, with the exception of the land designated as the “Conservation Zone”, after issuance of a special exception by the Planning and Zoning Commission.

**19.3.** The following filling, removal or excavation activities are permitted in all zones, including the Conservation Zone, without a special exception provided no permanent damage is done to the landscape:

**19.3.1.** Operations involving earth material removal legally in existence at the time of passage of these regulations, may continue provided there is no additional operations or processes added. Application for a special exception shall be made prior to any extension of such use.

**19.3.2.** Foundation, trench and related site excavation performed after the issuance of a building permit; and

**19.3.3.** Filling, removal, or excavation in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such filling, removal, or excavation shall not exceed 500 cubic yards.

**19.3.4** Proposed pond excavations have to have the approval of the East Haddam Inland Wetlands and Watercourses Commission prior to applying to the Planning and Zoning Commission.

**19.4.** In addition to the customary special exception and site plan requirements as set forth in Section 14A of these regulations, a site plan shall be submitted showing the following:

**19.4.1.** Location of the premises, names of abutting owners, and an estimate of the amount of material to be excavated or removed.

**19.4.2.** Grading plan showing existing contours in the area to be excavated and proposed contours for the area after operations. Such plans shall include the area to be excavated as well as the surrounding area within 50 feet of the excavation and shall be drawn at a convenient scale with contours shown at intervals of not less than five (5) feet.

**19.4.3.** Existing and proposed drainage of the site and details of plans to control erosion during excavation.

**19.4.4.** Proposed truck access to the excavation and work roadways within the site.

**19.4.5.** The location and type of any buildings or fixed machinery to be erected.

**19.4.6.** Details of the final grading and planting of the site to prevent erosion of the site at the conclusion of operations.

**19.4.7.** An estimate of the number and types of trucks and other machinery to be used on the site.

**19.4.8.** The estimated starting and completion dates and the estimated hours and days of the week proposed for operations at the site.



**19.4.9.** The plan shall provide for a fence or embankment for the protection and safety of vehicular and pedestrian traffic and a reasonable means of screening the excavation from the view of highway traffic.

**19.4.10.** The map requirement may be waived by the Commission when its opinion is such that a map is unnecessary because of the small size of the operation, or other valid reason whereby the health, safety, and public welfare will not be adversely affected.

**19.5.** The following conditions must be met for earth material operations:

**19.5.1.** Failure to comply with the plans as approved and any deviation from the plans shall be cause for the Planning and Zoning Commission to revoke the permit.

**19.5.2.** The applicant shall post a performance bond with the Town Treasurer in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder. To encourage the completion of sections of the operation and to prevent erosion, and in order to promote the rapid return of the land to its natural state, the Commission may reduce the bond requirements as portions of the work are completed in accordance with the foregoing provisions.

**19.5.3.** No fixed machinery shall be erected within 100 feet of any property or street line.

**19.5.4.** No earth material operation shall take place within 100 feet of any property owner's line except by written consent of abutting property owner or within 100 feet of a street line.

**19.5.5.** No building except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations.

**19.5.6.** At all stages of operations, proper drainage shall be provided to prevent the stagnation of water and to prevent harmful effects upon surrounding properties.

**19.5.7.** During the period of filling, removal, or excavation barricades or fences shall be erected as are deemed necessary by the Planning and Zoning Commission for the protection of pedestrians and vehicles. At no time shall an overhang be permitted.

**19.5.8.** Truck access to earth material operations shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.

**19.5.9.** Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stock-piling of excavated materials on the site.

**19.5.10.** Quarrying of bedrock shall be prohibited.

**19.5.11.** Screening, sifting, washing, and crushing may be conducted upon the premises provided such operations are located at least 100 feet from any property or street line. Only portable crushers may be used.

**19.5.12.** Overburden shall be stockpiled in rows or concentrated piles and stabilized in an acceptable manner so that it does not become a source of dust beyond the applicant's property.

**19.5.13** There shall be no excavation and/or removal between 5 P.M. and 7 A.M. nor on Saturdays, Sundays or legal holidays, except with the approval of the Commission.

**19.5.14.** At no time may the disturbed area of filling, removal or excavation operations exceed five (5) acres in extent. The applicant may ask for a greater disturbed area if it is believed the operation will perform better in stockpile maintenance and machine use. The Commission in granting the larger area will have to discuss the impact of the operation to the surrounding area.

**19.5.15.** When earth material operations are completed, or work has progressed to where reclamation is practicable, the disturbed area shall be graded so that slopes shall be no steeper than 1:3 (vertical to horizontal). A layer of topsoil shall be spread over the disturbed area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with the approved final grading plan. The area shall then be seeded with suitable cover-crop.

**19.7. Application and Fee:** Application for a special exception to conduct an earth material operation shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms available at the office of the Commission. Such application shall be accompanied by a fee payable to the Town of East Haddam that is equal to the cost of the Town for engineering review, administrative cost, and public hearing cost.

**19.8.** All approved Earth Removal Operations shall be inspected at least once a year by the Zoning Enforcement Officer to ensure compliance with Zoning Regulations and the specific conditions for the site. The owner or operator shall schedule the annual inspection with the Zoning Enforcement Officer and shall be present to answer any questions that may arise. The final inspection report shall become part of the zoning file.

## SECTION 20

## COMMERCIAL CUTTING OF TIMBER

**20. Introduction:** Harvesting of forest tree species is an integral part of forest management by which wood for human use is obtained and by which forests are established and tended. It is recognized that during harvesting operations, there will be temporary change in the forest environment. It is the purpose of these guidelines to establish harvesting standards which will maintain the productivity of land for continuous forest crops, improve wild life habitat, and minimize negative environmental impact.

**20.2. Special Exception Requirement:** Within the Conservation Zone (Gateway) commercial cutting of timber, as defined in Section 5, may not be undertaken without a special exception from the Planning and Zoning Commission, except as follows:

**20.2.1.** Land used for agricultural purposes and cultivation of crops other than forest products;

**20.2.2.** Land used or being developed for residential, recreational or other non-woodland commercial purposes;

**20.2.3.** Thinning and clearing in connection with public improvements;

**20.2.4.** Land used for access to abutting land; and

**20.2.5.** Cultured Christmas tree area.

**20.3. Special Exception Applications:** The application for a special exception shall include the following requirements in addition to the customary special exception requirements contained in Section 14:

**20.3.1.** A site plan showing the applicant's property and the abutting property owners.

**20.3.2.** A cutting plan indicating the nature of the operations.

**20.3.3.** A certification of the cutting plan by a public or consulting forester indicating the plan's conformance with the minimum standards set forth herein.

**20.3.4.** Any other information, as set forth in Section 14 of these regulations, as the Commission may require.

**20.3.5.** A fee of \$75.00 payable to the Town of East Haddam.

**20.4. Water Course Protection:**

**20.4.1.** During harvest operation water courses shall be protected from siltation. Partial cuttings, designed to create uneven aged stands, will be used within 100 feet of these watercourses. No more than 50% of the merchantable volume will be removed, taking care in selection of leave trees to minimize water temperature increases and visual impact.

**20.4.2.** Trees shall not be felled into or across streams. Logging debris accidentally dropped into streams and ponds shall be promptly removed.

**20.4.3.** Harvesting equipment will not be allowed in a stream, and the channel is not to be altered. All stream crossings shall be at a right angle.

**20.4.4.** After the completion of a harvest operations, banks at stream crossings will be graded and restored to their original condition. Re-seeding with an appropriate grass mixture may be required.

**20.5. Logging Roads and Trails:** 6/1/95r

The location of all main haul or skid roads, including alternative routes, shall be approved by the Commission or the Land Use Administrator prior to the commencement of harvesting operations.

**20.5.1.** All roads shall be located so as to minimize construction or use impact on the land.

**20.5.2.** Grades shall not exceed 10% nor be less than 1%.

**20.5.3.** Adequate drainage control systems and stabilization systems shall be provided and maintained to control water flow.

**20.5.4.** Unless otherwise stipulated, all roads, main skid trails, landings and - sites will be stabilized. Temporary culverts will be removed, water bars installed where necessary, ruts filled or graded out and gutters cleaned.

**20.5.5.** Where required for erosion control or where required for wildlife protection, major skid roads, landings and/or sawmill sites will be limed, fertilized, seeded with an appropriate mixture or grass and legumes.

## **20.6 Aesthetic Considerations:**

### **20.6.1. Border Strips:**

**20.6.1.1.** Within 100 feet of any automobile road, recreation trail or other recreation area, or boundary line, harvesting of trees will be partial cuttings. Not more than 50% of the merchantable volume may be removed. In high visibility areas, uneven age stands will be required to provide change and variety in scenery.

**20.6.1.2.** Unique tree specimens, flowering shrubs and trees, or those species that have value as food producers or den sites for birds and wildlife will be preserved as directed by the Commission.

### **20.6.2. Brush Control:**

**20.6.2.1.** Undesirable sprout growth or brush must be controlled using appropriate herbicide treatments. Chemicals used in performing this practice must carry a Federal registration and be applied strictly in accordance with authorized uses, label directions, and Federal and State regulations.

**20.6.2.2.** Special consideration shall be given to those border strips in the following situations: 1) screen clearcuts, sheltered cutting or other heavy cuts that would be and 2) screen yarding and loading areas. All debris shall be removed.

### **20.6.3. Slash:**

**20.6.3.1.** No slash will be left within 50 feet of any automobile road, established recreation trail, pond, lake or stream.

**20.6.3.2.** Within the remaining width of a border strip, all slash will be chipped or lopped and scattered so that it does not exceed four feet in height.

**20.6.3.3.** On all other harvest areas, slash, severely bent or broken trees shall be dropped and/or lopped to a height not to exceed six feet.

**20.7. Harvest Methods:** Because of the wide variation in forest types, stand size classes, stocking levels and timber volumes which exist in Connecticut woodlands there are a variety of methods that can be used, either singly or in a combination in harvesting and reforestation to meet the stated purpose. These methods include: Clear-cutting with natural reproduction; Direct seeding or planting; Seed-tree cutting; Selection cutting including diameter limit harvesting, shelterwood cutting, and such other methods as shall be consistent with good forestry practice.

Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method; therefore, clear-cutting will have the following restrictions:

**20.7.1.** Maximum of five (5) acres in size.

**20.7.2.** Irregular in shape - avoid linear cutting bounds.

**20.7.3.** Soften edges by partial cutting within 50 to 100 feet of clear-cut boundaries.

**20.7.4.** Screen clear-cut areas with border strips along roads, trails, or other areas of heavy public use.

**20.7.5.** Leave ridge tops uncut - these areas are the most visible.

**20.7.6.** In most cases, even-aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

**20.8. Fire Control Considerations:** Access roads and fire lanes will be left clear of slash when a cutting job is completed. Designated roads will be graded so as to be passable by fire equipment. Where access road construction is included in a harvest operation construction of loading docks and fire water holes at locations deemed strategic by the Commission will be required.

## SECTION 21

## OUTDOOR WOOD- BURNING FURNACES

Outdoor wood-burning furnaces (OWFs) install after the effective date of this regulation are subject to the following conditions:

(a) The installation of the outdoor wood-burning furnace shall not be not less than 200 feet from the nearest property line and not less than 500 feet from any school, church, health-care facility, or municipal recreational facility.

(b) The installation of the chimney of the outdoor wood-burning furnace is to be at a height that is two feet more than the height of the roof peaks of the residences that are located within 500 feet of the outdoor wood-burning furnace provided the chimney height is not more than 55 feet. Chimney height must be a minimum of four feet above the outdoor wood burning furnace owner's home roofline, and the chimney must have a spark arrestor.

(c) A site plan shall be submitted documenting the location of the outdoor wood-burning furnace, horizontal and vertical control distances to all residences within the five-hundred-foot radius, and comparative heights of the chimney stack and residential rooflines. The zoning enforcement officer may request this location and height determination be submitted by a licensed surveyor.

(d) No materials may be burned in the outdoor wood-burning furnace other than wood that has no paint, stains, or other types of coatings, and has not been treated with, including, but not limited to, copper chromium arsenate, creosote, or pentachlorophenol or any other chemical or material that would constitute a violation of the State of Connecticut Public Act for OWFs.

(e) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this subsection.

(f) The outdoor wood-burning furnace shall meet the provisions of § 22a-174k, as amended, of the Connecticut General Statutes and qualify under the Environmental Protection Agency Phase I voluntary program.

(i) Operation is permitted only between September 15 and May 15.

(j) Permits are required from the Zoning Office and the Building Department.

(k) This subsection shall apply to all districts in the Town of East Haddam.

(l) The provisions of this subsection shall be enforced by the Commissioner of Environmental Protection and the Town of East Haddam.

(m) Any person who operates an outdoor wood-burning furnace in violation of this subsection shall be deemed to have committed an infraction and shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Town counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations.

## SECTION 22

## WIRELESS TELECOMMUNICATIONS FACILITIES

**22.1. Intent** Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures, but will also frequently be located on new or enlarged towers. This requires that the Town of East Haddam regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals for much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of East Haddam and these efforts are expected to include requests to construct new communication towers.

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of East Haddam while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- (1). Update the Town of East Haddam's Zoning Regulations to comply with the Telecommunications Act of 1996 and provide for the establishment and expansion of wireless telecommunications services;
- (2). Minimize the number and height of towers and encourage the use of existing and the joint use of new towers for the placement of telecommunication antennas.
- (3). Provide for the needs of the Town of East Haddam for:
  - (a). public health and safety;
  - (b). telecommunication facilities for the Town of East Haddam's citizens and East Haddam's business and industrial sector;
  - (c). protection of sensitive areas from adverse aesthetic and environmental impacts from telecommunication facilities.
- (4). Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- (5). Encourage providers to co-locate their facilities on a single tower;
- (6). Site facilities below visually prominent ridge lines;
- (7). Minimize the location of towers and antennas in visually sensitive areas;
- (8). Encourage creative design measures to camouflage facilities;
- (9). Protect historic and residential areas from potential adverse impacts of such towers;
- (10). Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

### **22.2 Definitions**

For the purposes of this Section 22, the following terms shall have the stated definitions;

**ABANDONED** means a Wireless Telecommunications Facility for which there exist no current license to transmit issued by the Federal Communication Commission, or the discontinuance of operation on the site.

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

**APPLICANT** shall be the licensed carrier, provider and land owner, acting jointly.

**BASE** means location where a tower is attached to its foundation.

**BASE EQUIPMENT** means a structure or building at the base of the mount or a box located inside such a structure or building within which are housed service, electrical and back-up power equipment.

**BASE HEIGHT** means the maximum building height in the subject zone plus 10 feet.

**CO-LOCATION, or CO-LOCATED**, means the use of a single mount or site by more than one licensed carrier. Co-location also means locating a wireless telecommunication facility on an existing structure (e.g. water tower) or building provided that the facility does not extend beyond 10 feet above the mount or, for electric transmission tower mounts, that the facility does not extend beyond 15 feet above the mount.

**COMMISSION** means the Planning and Zoning Commission of the Town of East Haddam.

**HEIGHT OF TOWER** means the vertical distance measured in feet from the lowest existing ground elevation of such tower base to the topmost point of the tower including any antenna or other appurtenances. The “existing ground elevation” shall mean the actual elevations of the property at the time of the adoption of this Section, or the elevation approved by the Commission in connection with any application filed hereunder.

**HIGH VISUAL IMPACT** means that the base, base equipment and lower 50% of a tower is visible as viewed by an observer from any sensitive area.

**LICENSED CARRIER (or PROVIDER)** means a company authorized by the Federal Communications Commission (FCC) to build and operate the proposed wireless telecommunication facility.

**LOW VISUAL IMPACT** means that the base, base equipment and lower 50% of a tower is behind a building of at least one story in height or a stand of trees (the average height of which is not lower than 40 feet and which in the Winter screens at least 80% of the base, base equipment and lower part of a tower), as viewed by an observer from any sensitive area.

**MOUNT** means the structure or surface upon which antennas are mounted. There are four types of mounts;

- (1). Within the existing building,
- (2). Roof-mounted is mounted on the roof of a building;
- (3). Side-mounted is mounted on the side or facade of a building;
- (4). Ground-mounted is mounted on the ground, including mounting on a tower.

**NON SENSITIVE** means all areas not categorized as sensitive (see **SENSITIVE** below.)

**OTHER DESIGNATED AREAS** Can be designated particularly sensitive areas by reference to the Plan of Development, Flood Zones lines along major rivers, Environmental Reports, etc.

**RESIDENTIALLY DEVELOPED AREAS** Residential subdivisions approved in accordance with the East Haddam Subdivision Regulations, or residential neighborhoods which predate the adoption of such Regulations; or within 250 feet of such subdivision or neighborhoods.

#### **SENSITIVE AREAS**

- (1). Historic Districts or Properties, existing or future, designated or adopted in accordance with the Connecticut General Statutes Chapter 97a, or within a distance of 250 feet from the boundary of such Historic District, or the lot upon which such Historic Property is located.
- (2). Buildings, structures, or places listed on the National Register of Historic Places, or within 250 feet from the lot upon which such Historic building, structure, or place is located.
- (3). Lake and Riverfront District (LR District)
- (4). The Conservation Zone created pursuant to Conn. Gen. Stats. Chapter 477a.
- (5). Areas of Special Concern as identified by Natural Resources Map prepared by the Department of Environmental Protection and on file in the Office of the Town Clerk and the Land Use Office.
- (6). Scenic Roads designated in accordance with Conn. Gen. Stats. 13b-31b, *et. Seq.* (for State Highways) or Conn. Gen. Stats. 7-149a, *et. Seq.* (for municipal roads and highways).
- (7). Residentially Developed Areas, as defined herein,

- (8). Open Spaces and Parks belonging to the State of Connecticut; the Town of East Haddam; a non-profit land trust or other conservation entity, or non-profit homeowners associations or common interest communities.
- (9). Scenic views and vistas as designated by the Conservation Commission in the 1977 Report and as amended.
- (10). Other Designated Areas, as defined herein.

Note that any antennae within a Historic District may require separate approval from the East Haddam Historic District Commission in accordance with its Regulations and the Connecticut General Statutes.

**SETBACK** means the distance equaling the height of the tower from any property line of the proposed site except in those instances where the antenna is co-located on an existing structure.

**TOWER** means a mount structure that is intended solely to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

**WIRELESS TELECOMMUNICATIONS FACILITY (FACILITIES)** means the mount including any antennas or other appurtenances for the provision of wireless telecommunications services, including but not limited to those services defined in the Telecommunications Act of 1996.

**VIEWSHED ANALYSIS** A map or other depiction, which illustrates those areas of the Town from which any portion of the wireless telecommunications facility will be visible by direct line of sight at ground level during the winter months when deciduous trees do not have leaves.

### **22.3. General Requirements**

(1). **Co-Location Encouraged:** Co-location is encouraged and preferred to the construction of a new mount or tower. The applicant shall commit to allow co-location in accordance with this Section. Applicants shall provide a description of existing telecommunication towers or other suitable mounts in the service area and documentation indicating why their telecommunication antennas cannot be mounted on these towers. Such documentation shall include demonstration that the shared use is not technically, legally, or environmentally feasible; or, for towers constructed prior to the effective date of this section, that shared use is not economically feasible or that the owner of such facility/facilities has/have refused permission for the shared use. The owner of any tower approved under this Section shall be required to make space available for additional antennas to the maximum feasible number of other uses, including competitors. Such availability shall be made under commercially reasonable terms and conditions. Failure of an owner to share use of a tower approved hereunder shall constitute a violation of any permit issued to such owner, and shall be grounds for the Commission, upon public hearing and notice to the owner, to revoke such permit.

In the event co-location is found to be unfeasible by the applicant, the Commission may retain a technical expert to verify if co-location at the site is feasible or is not feasible. The cost for such a technical expert will be at the expense of the applicant, and such cost shall be reimbursed prior to the decision on any pending application. Failure to reimburse the Commission for such costs shall be grounds for denial of the application without prejudice.

(2). **Alternative Sites:** The Commission may require the investigation of alternative sites by the applicant and demonstration of a good faith effort to co-locate with other carriers. Such good faith effort includes contact with all other licensed carriers licensed to operate a wireless telecommunications facility in East Haddam and in adjoining towns where existing or proposed towers could serve as alternative sites. In the event the applicant finds the alternate site to be unfeasible, the Commission may retain a technical expert to verify if the alternate site is feasible or not. The cost for such a technical expert will be at the expense of the applicant, and such cost shall be reimbursed prior to the decision on any pending application. Failure to reimburse the Commission for such costs shall be grounds for denial of the application without prejudice.

(3). **Principal or Accessory Uses:** Antennas and towers may be considered either principal or accessory uses. An existing telecommunication facility or other use on the site shall not necessarily preclude the



location of a new facility on the site, if the new facility meets the intent, standards and requirements of these requirements of these regulations.

(4). **Compliance with Other Laws:** The applicant shall present evidence that the proposal meets the minimum standards and requirements of the Federal Aviation Administration (FAA) and FCC or any other applicable Town, State or Federal codes, standards or requirements.

(5). **No Negative Impacts:** If any proposed facility is found by the Commission to result in significant negative impacts on the public health, safety, or welfare, it shall not be approved. Such significant negative impacts shall not include the health or environmental effects or radio frequency emissions to the extent that such emissions comply with standards adopted by the Federal Communications Commissions.

(6). **Abandonment/Discontinuation:** At such time that a licensed carrier plans to abandon or discontinue operation of a wireless telecommunications facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon such discontinuation of operations.

Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless telecommunications facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to removal of antennas, mount, base equipment, and security barriers from the subject property and restoring the location of the wireless telecommunications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition. The Commission shall secure the removal of the wireless telecommunications facility by means of a bond, the amount of such bond shall be determined in accordance with Section 22.5.(14).

If a carrier fails to remove a wireless telecommunications facility in accordance with this section of this ordinance, the Town of East Haddam shall have the authority to enter the subject property and physically remove the facility. The carrier/owner shall first have an opportunity through a public hearing to demonstrate why such structure shall not be removed. Costs for the removal of the wireless telecommunications facility shall be charged to the carrier in the event the Town of East Haddam must remove the facility, and the cost thereof may be deducted from any bond posted by the carrier.

(7). **Expansion/Alteration of Existing Facility:** Where a previously approved facility is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, such proposed extension or substantial change or alteration will be treated as a new application under this section.

(8). **Term of Permit:** Approvals for wireless telecommunication facilities are limited to a 10 year time period. Upon expiration of the time period, the applicant may seek renewal. If renewal is sought, the Commission may deny the renewal only if it finds that the requirements of this Section have not been met, or that the facility has a significant impact on the quality of life in the community which was not disclosed or reasonably discoverable at the time of the original application, or that due to developments in communication technologies the facility is outmoded. If renewal is not sought, or renewal is sought but denied, the facility shall constitute a zoning violation and the procedures under the abandonment provisions of this Section shall be imposed.

(9). **Maintenance Required:** The applicant shall maintain the wireless telecommunications facility. Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping. In the event the applicant fails to maintain the facility the Town of East Haddam may undertake the maintenance at the expense of the applicant.

(10). **Submission of Radio Frequency Emissions:** After a wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, actually existing and maximum future projected measurements of radio frequency (RF) radiation from a wireless telecommunications facility. Should the applicant be required to submit additional information to the FCC regarding RF radiation after beginning operations, the applicant shall also submit such additional information to the Commission. Should a new wireless telecommunication tower require co-locators, to the degree possible, the maximum future projected measurements of RF radiation shall be submitted to the Commission. Violation of any standard for RF radiation adopted by the Federal government shall constitute a violation of any permit issued hereunder, and shall be grounds for revocation of such permit as provided herein.

- (11). **Facility on Town Property:** In the event that a facility is constructed on Town property, the Town shall be held harmless from any responsibility due to structural or other failures of the facility. Such hold harmless shall be set forth in a written document satisfactory to the Town Attorney.
- (12). **Economic Development:** In order to promote economic development, the Commission may consider the adequacy of service in commercial and industrial areas when evaluating any application.
- (13). **Licensed Carrier and Owner as Applicant:** Application for any wireless telecommunication facility shall be made by a licensed carrier only acting jointly with all record owners of the subject property, and referred to in this Section as the applicant. The applicant shall provide written notice to the Commission, within 90 days, of any change in the composition of the parties constituting the applicant of a wireless telecommunications facility.
- (14). **Making Facilities Available for Use by Municipal Agencies:** Each applicant may be required to accommodate antennas, base equipment, and other space and access rights as necessary in order to permit the facility to be used by municipal agencies of the Town of East Haddam, including its fire, police, ambulance, and other emergency services. This requirement shall be a continuing obligation, such that municipal equipment can be added, altered, or expanded at any time during the term of the permit. The Commission may waive this requirement where it finds that municipal equipment will create interference with the applicant's transmissions, where the tower lacks the structural ability to accept municipal antennas, or where other physical constraints reasonably prevent the applicant from complying with this section.

#### **22.4. Specific Standards**

##### **(1). Location Standards:**

- (a). Facilities Clustering - If the Commission finds that a particular area or site, structure or building is well-suited to the location of one or more facilities, it may require the clustering of mounts in or on said area site, structure or building provided that all facilities meet the requirements of this Section.
- (b). Locations in order of preference for facilities (i) being the most preferred, (vi) being the least;
- i. on existing or approved towers;
  - ii. within existing structures (e.g. steeple, spires, etc.);
  - iii. on existing structures (e.g. buildings, water towers and utility poles);
  - iv. in non sensitive areas;
  - v. in sensitive areas with low visual impacts;
  - vi. in sensitive areas with high visual impacts with mitigation.
- (c). the applicant shall show the Commission the applicant's plan or model for the coverage of all areas in the Town of East Haddam and the locations of all existing and proposed towers that would provide that coverage.
- (d). the applicant shall show all facilities within the Town of East Haddam and within one mile of the Town's boundary with adjacent communities.

##### **(2) Site Standards**

- (a). To the extent possible, all utilities serving the facility shall be underground. The Commission may allow overhead utilities where excessive conditions such as ledge or wetlands exist.
- (b). Unless base equipment is located in underground vaults or in an existing structure and no security fence is required, the base area of a facility shall be large enough to accommodate;
- i. the required base equipment access drive and parking for all carrier vehicles anticipated;
  - ii. screening and landscaping area at least 20 feet wide around the outside of the security fence perimeter or the area around the smallest rectangle that can be drawn about all base equipment if no fencing is required. This area shall be planted to screen the base equipment or security fence from view. The Commission may also require walls to achieve the screening function especially where the tower is close to a building located on the site and the wall can be made to seem as an extension of the building.
- (c). A tower proposed as a ground mounted facility shall have the following setback distances:
- i. In non sensitive areas, the setback shall be no less than one and one half the height of the tower.

- ii. In sensitive areas deemed to have low visual impacts, the setback shall be no less than two times the height of the tower.
- iii. In sensitive areas deemed to have high visual impacts, the setback shall be three times the height of the tower.
- iv. In non sensitive areas, where it can be demonstrated by the applicant and approved by the Commission, that it is unlikely that any building will be constructed on adjacent property within the tower fall zone and the that the property is not or could not be used for residential purposes, the distance maybe reduced to one half the tower height.

(d). Base equipment structures, cabinets and fencing of ground-mounted facilities shall not be located within any required yard.

**(3). Structural Standards**

- (a). After review of the application, the viewshed analysis, co-location potential of the site, coverage requirements, and other information received, the Commission may approve or require the use of a tower design other than the type submitted where the Commission finds that the visual impacts will be thereby reduced, or countervailing benefits derived, or other objectives of these Regulations met.
- (b). Unless required by the FAA, the color of towers and other visible facility equipment shall be a non-contrasting blue or gray or other neutral color.
- (c). Unless required by the FAA, no lights shall be permitted on any facility higher than 14 feet above the surrounding grade. No strobe lights shall be permitted on any facility deemed to have a high visual impact, and shall be strenuously avoided for any facility deemed to have low visual impact.
- (d). No signs other than for safety or security directly involving the operation of the facility shall be permitted.
- (e). To minimize tower proliferation, towers shall be designed structurally to adequately carry the weight, load/stress and height to permit at least three (3) additional co-locators including municipal antennas, unless specifically waived by the Commission. To achieve this, the tower may be designed for incremental height expansion. The applicant shall have a professional engineer certify the proposed structure shall be capable of supporting the specific load bearing including co-location of additional facilities, ice and wind loading, and maintenance issues. The plans shall bear the seal of a Registered Professional Structural Engineer licensed to do business in the State of Connecticut, certifying structural load capacity for antennas and wind load recommended by the EIA (Electronic Industry Association).
- (f). The maximum size of dish antennas shall be 4.5 feet in diameter. The maximum size of a panel antenna shall be 2 feet by 6 feet.
- (g). Except as provided below, roof-mounted facilities shall not extend more than 10 feet above the maximum height of the building and shall be located away from the roof perimeter to minimize visibility from the ground.
- (h). Roof mounts on existing buildings may extend higher than 10 feet above the surface of any roof on buildings in industrial or commercial areas provided that;
  - i. no base equipment, cabinets, fences or screens are visible from streets or surrounding properties;
  - ii. the Commission finds that the proposal does not significantly and negatively impact the area;
  - iii. the Commission finds that there does not exist a significant number of locations from which the top of the roof is visible;
  - iv. the proposed structure is not to be within any sensitive area.
- (i). Antennas mounted on the facade of buildings shall be of a design, color, and material which blends with the materials of the existing building to the greatest extent possible and shall be located to create the least conflict in compatibility with the appearance of the building.
- (j). The Height of the Tower shall not exceed the height requirement of the Town and district unless the applicant can demonstrate to the satisfaction of the Commission that such service can only be provided at the location and at the height requested, but in no event shall the total height exceed 199 feet. The Commission shall require the submission of the results of propagation modeling to facilitate its review of proposed tower height. The applicant shall submit a propagation study for the lowest and highest antennae height on the tower to ensure adequate coverage of East Haddam while minimizing visual impacts. The Commission may request propagation modeling for higher or lower heights. Further, any proposed tower

shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least three additional users if the tower is over 150 feet, two additional users if the tower is over 100 feet but less than 150 feet, or for at least one additional user if the tower is over 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights. See the requirements for co-location herein above.

(k). Any facility to be located within Special Flood Hazard Areas shall comply with all application provisions of these Regulations. See Section 18 of these Regulations.

**(5). Temporary Mobile Facility:** The temporary use of a mobile wireless telecommunication facility sometimes known as Cell on Wheels (COW) based on such factors as its size, the size of the site, its placement on the site, potential safety impacts and the degree to which the COW does not compromise the character of the surrounding area and generally meets the intent of this regulations, may be approved as follows:

- (a). By a Zoning Permit issued by the Zoning Enforcement Officer allowed for an initial period of up to three (3) months if they find that the COW has not created nuisances, hazards or excessively compromised the character of the area.
- (b). The Commission, may, by Site Plan Review, grant approval for up to an additional three (3) months beyond any approval period granted by the Zoning Enforcement Officer, it confirms the findings in (a) above.
- (c). The Commission may, by Special Exception, grant approval for up to an additional three (3) months beyond any approval period granted by the Commission through Site Plan Review approval in (b) above, if the applicant can show a need to extend such time of temporary facility operation, and an application for one or more permanent location(s) are in active preparation or have been submitted for consideration. The Commission may grant approval for the time during which the construction of any permanent facility approved by the Town is being delayed by a pending administrative appeal or other legal proceeding, provided such extension shall be for no more than the period of pendency of such legal proceeding, plus the time required to construct the facility upon the conclusion of such proceeding.

#### **22.5. Submission requirements**

Except for Cell on Wheels (see above), all wireless telecommunications facilities shall require a Special Exception in accordance with Section 14B of these Regulations. Any application for a wireless telecommunications facility, whether by Zoning Permit, Site Plan Review (for Cell on Wheels), or by Special Exception or variance, shall contain all that information required in accordance with the applicable provisions of these Regulations, and, in addition, the following:

1. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
2. Details of all proposed antenna and mounting equipment including size and color.
3. Elevations of all proposed shielding and details of materials including color.
4. An elevation of all proposed equipment building or boxes. Details of all proposed fencing including color.
5. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a tower is proposed the design shall illustrate how the tower will collapse upon itself or on the property without encroaching upon any adjoining property line. In order to facilitate the evaluation of the site in relation to the proposed use, the Commission may require sections of the site and environs, balloon tests, photographic superimpositions and other studies in connection with any application.
6. A report from a licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection 22.3.(10) of this section, modeled at the full, ultimate capacity of the facility, and measured at the perimeter of any fenced enclosure surrounding the tower. Such report shall also certify that the installation of such site will not interfere with public safety communications, and shall provide supporting data and calculation as will permit an independent engineer to confirm the conclusions of said report.

7. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
8. Proof that either the applicant or a co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.
9. A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for any airports in the vicinity of the site.
10. A map depicting the extent of the provider's planned coverage within the Town of East Haddam and the service area of the proposed wireless telecommunication site, and a master plan depicting how coverage within the Town is to be provided, including future tower sites.
11. A map indicating the service radius for the proposed wireless telecommunication site.
12. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
13. The applicant shall provide a view shed analysis for all areas from which the tower would be visible.
14. A plan for the removal of the wireless telecommunications facility upon its abandonment or obsolescence, including detailed procedures and methods to be employed, and accompanied by an estimate of the cost of such removal. Such estimate shall include the cost of any engineering or other supervisory services.
15. Alternate sites where the proposed wireless telecommunications facility could be located if the proposed site is found to be unacceptable. Allegations by the applicant that there are no alternative sites will require detailed, written reports by the qualified engineers to support such allegations, there being a presumption that cases where there is only one feasible site are very rare.
16. The location of any designated Scenic Roads, Historic District or buildings on State or Federal registers of Historic Structures, Gateway and Conservation Zones, Lake (L), East Haddam Village District, Areas of Special Concern as identified by the Natural Resources Map, State Forest or State Parks, Designated Open Space, Town Parks, all other areas included within the definition of "Sensitive Areas" in section 22.2 of this Section, and schools within a two mile radius of the proposed facility.
17. For a wireless telecommunication facility requiring a Special Exception application, the notification area set forth in Section 14B.C.3 of these Regulations shall be within 250 feet (rather than 100 feet) from any property line of the proposed site.
18. In addition to Section 22.3, General Requirements, and to the criteria of Section 14.B, Special Exception Review, in evaluating a wireless telecommunication facility requiring a Special Exception or variance application, the Commission shall also consider the potential for co-location, alternative site locations, feasible alternative technologies and cooperation by the applicant regarding the use of the wireless telecommunication facility for Town emergency communication services, except that consideration of renewals shall be evaluated by Subsection 22.3(8) only. The applicant shall provide such information as will permit the Commission or the Board to conduct such evaluations.

#### **SECTION 22.6 FEES**

1. For telecommunication facilities which are up to the base height, co-locating and not otherwise permitted by right or renewals under Subsection 22.3.(8), the basic application fee shall be \$200.00.
2. For a mobile wireless telecommunication facility sometimes known as Cell on Wheels (COW), the fee is \$250.00.
3. For telecommunications facility over the base height but less than 100 feet, the application fee is \$2000.00.
4. For telecommunication towers over 100 feet but less than 150 feet, the application fee is \$2500.00.
5. For telecommunication towers over 150 feet, the application fee is \$3000.00.

## SECTION 23

## CONSERVATION SUBDIVISION

**23.1. Findings:** The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of East Haddam has resulted in:

- (i). The consumption of areas containing valuable recreational, agricultural, forest and other unique natural resources;
- (ii). The construction of extensive roads and other improvements requiring maintenance by the Town of East Haddam;
- (iii). The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions; and
- (iv). The destruction of significant historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, water courses, wetlands, wildlife habitat or other areas of environmental value, natural beauty or historic interest.

**23.2. Purpose.** It is the purpose of this Section 23 to respond to the foregoing findings by providing an opportunity for the preservation and protection of the Town of East Haddam's natural resources by permitting a transfer of density by way of reduction in the minimum lot size normally required in specified zones for residential development in return for the dedication of designated areas as Open Space; provided, however, that the total number of lots in such subdivision does not exceed the number otherwise permitted under these Regulations and the East Haddam Subdivision Regulations.

**23.3. Definitions.** For other definitions – See Section 5 of the Zoning Regulations

**AGGREGATE MAXIMUM LOT AVERAGE** The total acres to be sold as building lots divided by the number of such lots.

**BUFFERS/BUFFER STRIPS:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances or serve as a filter to protect natural resources from potential adverse impact of adjacent land uses.

**CONSERVATION AREA** Environmentally sensitive areas with characteristics such as wetlands, floodplains, unprotected elements of the natural landscape such as steep slopes, mature or productive forestland, contiguous open space or connective green belts, prime farmland, land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection, areas that have recreation value as recommended in the Recreation and/or Open Space Plan component of the Plan of Conservation and Development, wildlife habitats, and cultural features such as historic and archeological sites, and scenic views.

**CONSERVATION DEVELOPMENT** A form of development that permits a reduction in lot area and bulk requirements as required in the Zoning District, provided there is no increase in the number of lots permitted as would be in a Conventional Subdivision, and the remaining land is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

**CONSERVATION EASEMENT** Conservation Easement shall mean the grant of a property right transferred to a non-profit or government entity where the landowner retains the legal title and all rights associated with the land except where the land shall remain in its natural state and preclude future development as set forth in the standard "Conservation Easement" approved by the Town of East Haddam, including easements permitting agricultural and forestry uses.

**CONVENTIONAL DEVELOPMENT** A form of development that permits the division of land in the standard form provided by the Subdivision Regulation of the Town for the District in which it is located, other than Planned Residential Development and Conservation Developments.

**Development Restriction.** A restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement, preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems or preserves such areas predominantly in their natural scenic or open condition; but which may, at the sole discretion of the Commission, permit recreational and/or agricultural uses which do not involve any significant alteration or development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

**Normal Lot Size.** The lot size, expressed in acres, normally applicable to the zoning district in which the proposed Conservation Subdivision is located.

**Open Space** Land or water areas which include but are not limited to: areas left in their existing state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit recreation, areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and other lands accomplishing the purpose set forth in Section 4.9 of these regulations.

#### **23.4. General Requirements. A Conservation Subdivision:**

- (i). Shall only be permitted in the R-2 or R-4 zones.
- (ii). Shall consist of a parcel(s) of land containing 20 or more acres, or where a subdivision of 5 or more lots is proposed. The acreage may be less, as approved by the Commission, if the Application abuts adjoining land for which a Conservation Subdivision, formerly known as an “Open Space Subdivision”, has been approved or includes areas identified as existing or potential Conservation Areas.
- (iii). Compared to a legally approvable Conventional Subdivision, the Conservation Subdivision proposal must not be substantially harmful of the property values of surrounding landowners and in keeping with the general character of the surrounding area.
- (iv). Must, except as provided in this Section 23, comply with all applicable sections of these Regulations and the East Haddam Subdivision Regulations and applicable provisions of Federal, state and local law.
- (v). Must provide beneficial utilization of suitable soil and topographic conditions and protection of soils and topographic conditions not suitable for development.
- (vi). Shall be used only for detached single family dwellings and permitted accessory uses. All other uses shall require the Normal Lot Size and be subject to approval of the Commission in accordance with the applicable sections of these Regulations. Any other use which is proposed, after the approval of the Conservation Subdivision, shall require an amendment to the Special Exception granted under this Section 23 in accordance with the applicable sections of the Regulations.
- (vii). Shall be used only for detached single family dwellings and permitted accessory uses. All other uses shall require the Normal Lot Size and be subject to approval of the Commission in accordance with the applicable sections of these Regulations. Any other use which is proposed, after the approval of the Conservation Subdivision, shall require an amendment to the Special Exception granted under this Section 23 in accordance with the applicable sections of the Regulations.
- (viii). Must be consistent with the intent of planning and zoning to promote the public health, safety and welfare of the Town of East Haddam and the East Haddam Plan of Development, the Natural Resources Inventory and the Town Open Space Plan.

#### **23.5.. Application Procedure**

**a. Pre-Application Conference.** The Commission recommends that prior to submission of an application for approval of a Conservation Subdivision, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed Conservation Subdivision compared to a proposed Conventional Subdivision and prepare and present a preliminary plan for informal consideration by the Commission. The pre-application conference is recommended to permit the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans and documents required to accompany such application.

Following the pre-application conference, the Commission may provide informal, non-binding suggestions to the applicant as to whether to proceed with an application under this Section 23 or to adhere to the Conventional Subdivision requirements of the applicable sections of the East Haddam Subdivision Regulations.

Neither the pre-application conference, the informal consideration of preliminary plans nor the Commission’s suggestions shall be deemed to constitute any portion of the application for approval of an Conservation Subdivision.

**b. Application.** An application for the approval of a Conservation Subdivision shall:

- (i) Require approval of the Commission (one) as a Special Exception and (two) as a subdivision in accordance with the applicable sections of these Regulations and the East Haddam Subdivision Regulations.
- (ii) The applicant shall use a four step process to create a Conservation Subdivision. This process shall be demonstrated with a site plan and detailed narrative. The design process shall identify historical, cultural and natural resources, potential open space corridors, views, sensitive wildlife areas, and other areas that should not be adversely impacted by development. This process is outlined in Section 3.02c of the East Haddam Subdivision Regulations
- (iii) Be submitted with a proper and complete special exception form and subdivision application form; a check made payable to the Town of East Haddam in the amount specified in the Fee Schedule and all required supporting information;
- (iv) In order to determine the maximum number of lots allowable within the proposed Open Space Subdivision, the applicant shall submit a proposed Conventional Subdivision plan using the Normal Lot Size and a proposed Conservation Subdivision plan which will be reviewed by the Commission, its staff and any applicable Federal, state and local agencies or authorities without the application of this Section 23.
- (v) Said application shall be accompanied by ten (10) copies of the proposed plans setting forth the information required by this Section 23 and the applicable sections of these Regulations as well as such additional information as the Commission may require for a review of the proposed Conservation Subdivision under the applicable sections of these Regulations or in order to reach a determination of the impact of the Conservation Subdivision on the surrounding area. Such additional information may include, but is not limited to, the following: information concerning surrounding land uses, building locations, driveways, streets, topography, water courses and wetlands, utilities and other information of a similar nature and purpose; a traffic impact study prepared by a Connecticut registered professional engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; and any reports prepared by the applicant’s staff or consultants; and
- (vi) Be accompanied by copies of the proposed certificate of incorporation, if any, bylaws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision; copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of Open Space, including, a precise statement of the proposed Development Restriction.

**c. Public Hearing.** The public hearings on the special exception and subdivision application shall be held concurrently.

**23.6. Standards and Controls.**

**a. Minimum Area, Yard and Coverage Requirement**

	<u>R-4</u>	<u>R-2</u>
Minimum Lot Area	1 acre	.75 acre
Maximum Lot Area	1.5 acres	1.25 acres
Aggregate Maximum		
Lot Average	1.25 acres	1 acre
Minimum Lot Width	150 ft	150 ft.
Minimum Front Yard	30ft	25ft
Minimum Side and		
Rear Yards	30 ft.	25 ft.



Maximum Building Coverage	10%	10%
Lot Impervious Surface Coverage	15%	15%

**b. Minimum Buildable Land Requirements** Proposed Conservation Subdivision Lots shall contain a configuration as prescribed in the conditions set forth under Section 4.06. of the Subdivision Regulation with the exception that the minimum lot area is at least 21,780 square feet (1/2 acre) with the shortest side no less than One hundred (100) feet.

**c. Conformance.** Any lot with reduced area approved under the provisions of this Section 23 shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of other applicable sections of the Regulations and the East Haddam Subdivision Regulations. Any such lot shall be designated on the approved Conservation Subdivision Plan which is presented for recording.

**23.7. Open Space and Development Restriction.**

**a. Calculation of Required Open Space.** In compensation for the reduction in the Normal Lot Size, the proposed Conservation Subdivision shall require the dedication as Open Space. The balance of the land that is not designated as proposed building lots or public improvements (streets and rights of way) shall be the Open Space Area.

**b. Dedication of Open Space.** Open Space shall be dedicated, by conveyance, in fee simple, to one of the following:

- (i). The Town of East Haddam;
- (ii). The State of Connecticut;
- (iii). A private not-for-profit conservation trust which assures the preservation and maintenance of the Open Space in perpetuity; or
- (iv). Such other private or governmental entity which assures the preservation and maintenance of the Open Space in perpetuity and is acceptable to the Commission.
- (v). An association or corporation composed of the owners of all lots within the Conservation Subdivision; The Applicant shall designate in its Application which of the foregoing entities are proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation to require ownership by an entity set forth in subsection (i) - (v) above. The Commission may not require ownership by an entity described in subsections (iii) - (v),, which shall be approved only when proposed by the Applicant. Furthermore, the Commission may modify any Application so as to designate Open Space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors: the ownership of any existing open space on adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed Open Space in the future; the proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them; the size, shape, topography, and character of the Open Space; the recommendations of the East Haddam Plan of Development; the reports or recommendations of any State or Town agencies, including, but not limited to, the Board of Selectmen, the Inland/Wetlands and Watercourses Commission, the Recreation Commission, the Conservation Commission, the Middlesex Regional Planning Agency, and the Connecticut Department of Environmental Protection.

**c. Alteration of Open Space.** Any excavation, filling, regarding or alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of Open Space subsequent to the date of approval of the Conservation Subdivision shall require an amendment to the special exception granted under this Section 23 in accordance with the applicable sections of these Regulations.

**d. Evidence of Acceptance.** If Open Space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of East Haddam or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.

**e. Required Provisions.** Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

- (i). The continued use of such land for the intended purposes;
- (ii). The continuity of proper maintenance for those portions of the Open Space requiring maintenance;
- (iii). When appropriate, the availability of funds required for such maintenance;
- (iv). Adequate insurance protection; and
- (v). Recovery for loss sustained by casualty, condemnation or otherwise.

**f. Boundary Lines.** The boundary lines of all Open Space shall be set in the field and marked by permanent, readily-visible markers supplied by the applicant at a six foot height and with iron pins on the ground where such lines intersect any lot line, road or perimeter line within the proposed Conservation Subdivision and at such other points as may be required by the Commission to insure identification in the field.

**g. Recording.** At the time the approved Conservation Subdivision Plan is filed, the applicant shall record on the East Haddam Land Records all legal documents required to ensure the aforesaid guarantees.

**h. Right to Enforce.** A right to enforce the Development Restriction shall be conveyed to (i) the Town of East Haddam, the State of Connecticut or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where the Open Space is dedicated to an association or corporation of lot owners in cases where Open Space is dedicated to the Town of East Haddam, the State of Connecticut or a private not-for-profit conservation trust or corporation. Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorneys fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

**i. Association Requirements.** If the Open Space is to be dedicated to an association or corporation of lot owners then the Commission may set additional requirements, including, but not limited to the following:

- (i) Creation of the association or corporation prior to the sale of any lot;
- (ii). Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and
- (iii). The association or corporation shall have the power to assess and collect from each lot owner a specified share of, and where necessary provide reserves the costs associated with maintenance, repair, upkeep and insurance of the Open Space.

**23.8. Protection of Surrounding Areas.** In reviewing the proposed Conservation Subdivisions, the Commission shall additionally utilize and implement the following criteria:

- a.** The recommendations of the East Haddam Plan of Development, as amended, relative to open space and recreation.
- b.** The suitability of areas within the proposed Conservation Subdivision for Open Space purposes in light of the topography, size, shape, and character of the land to be subdivided, and its relationship to other existing or proposed areas of open space.
- c.** The maintenance, insurance, and other burdens placed on upon the residents of the Conservation Subdivision, and/or the Town of East Haddam.
- d.** The increase in the burden imposed by the proposed Conservation Subdivision on existing and proposed areas of open space.
- e.** The recommendations of the Board of Selectmen, the Board of Finance, the Inland/Wetlands and Watercourses Commission, the Conservation Commission, the Recreation Commission, and any other public or private agencies or authorities providing comment to the Commission.
- f.** The level of access to the areas of Open Space afforded to members of the general public.
- e.** The Commission shall require the implementation of Buffers between existing roadways, existing developments, working farmland, environmentally sensitive areas, views and vistas.

**23.9. Effective Date.** This Section 23 shall be effective as of June 1, 1990. Revised Sept. 13, 2003

## **SECTION 24                    CONVERSION SEASONAL/YEAR-ROUND OCCUPANCY**

**(APPROVED: 7/13/81) (EFFECTIVE: 8/1/81)** Revised 2001, Revised Oct 2021

**24.0. Intent:** The purpose of this section is to promote and assure the health, safety and welfare of the Town of East Haddam for the Town and persons who wish to convert existing seasonal dwellings into year-round dwellings.

24.1. The Planning & Zoning Commission may permit in all zoning districts, upon application by the owner, conversion of existing property used as seasonal to year-round occupancy with the following information provided. The submission of insufficient information shall be considered to be grounds for modification or denial.

24.1.1 Site Plan: A complete site plans shall contain the information required under Section 14A of these Regulations. To scale floor plans of the existing structure and any proposed additions or renovations at the time of application shall be provided.

24.1.2 A report or reports shall be filed by an architect, electrician, and / or an Engineer which shall include a description of the existing structural, electrical, heating, plumbing, insulation, and egress components of the seasonal building and a finding of what improvements are required to make the dwelling safe to be occupied year-round. If a seasonal conversion application is approved by the East Haddam Planning and Zoning Commission, all required upgrades noted in the report(s) are to be permitted, completed, and signed off by the East Haddam Building Official prior to a Certificate of Zoning Compliance is issued by the East Haddam Land Use Office for year-round use.

24.1.3 The property shall have a code complying septic system in place prior to converting to year-round occupancy. Sanitary waste disposal plans shall conform to the State of Connecticut Public Health Code. No requirements of the State of Connecticut Public Health Code shall be waived. No sewage disposal system shall be located within 75 feet of a lake, pond, river, perennial stream or other body of water unless a nutrient analysis by a Connecticut licensed engineer can demonstrate the nitrogen dilution rate of the septic effluent can be infiltrated to 10 mg/liter or less at the water's edge.

24.1.4 The water supply for the dwelling must meet the requirements of the Public Health Code. Any property that is serviced by a seasonal water company will be required to hook up to the water company system if the water system is upgraded for year-round use.

24.1.5 Underground oil tanks are prohibited.

24.1.6 Compliance with Zoning Regulations of the Town of East Haddam including all requirement of Section 18 – Special Flood Hazard Area Regulations. All pre-existing non-conforming aspects of the property and structures shall be noted on the plan.

24.1.7 Adequate access for fire and emergency vehicles and police protection shall be demonstrated on the plans.

24.1.8 The request shall be compatible with the Plan of Conservation and Development of the Town of East Haddam.

## **SECTION 25 COLLECTION AND STORAGE OF JUNK MATERIAL, ABANDONED VEHICLES, AND DEBRIS**

### 25a. Purpose

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

### 25b. General

Any other provision in the Regulations to the contrary notwithstanding, no person, firm, or corporation shall collect or store, upon the landscape of any zoning district in the Town, junk appliances, metal materials, machinery, or other debris or more than two unregistered motor vehicles. See Section 25d for exceptions. This Regulation shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes.

### 25c. Definitions

The following definitions shall apply in the interpretation and enforcement of this Regulation.

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

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

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

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

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

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

**Public view:** Visible from any public right-of-way or neighboring property.

**Structure:** Any building, dwelling, fence, swimming pool, or similarly constructed object.

### 25d. Public Nuisance

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

a). Any structure which is in a state of dilapidation; or decay; or is open to the elements; or unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, or decay;

- b). More than two unregistered motor vehicles, pursuant to Section 14-150a of the Connecticut General Statutes;
- c). Residential, commercially, or industrial zoned property that has premises containing accumulated debris and junk materials.
- d). However, the collection and storage of materials, equipment, and vehicles reasonably associated with a business which is permitted under Zoning Regulations as long as they poses no public health or safety concerns does not constitute a violation..

#### 25e. Minimum Standards

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

#### 25f. Responsibility for Compliance

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

#### 25g. Enforcement and Penalties.

Any person, firm or corporation found in violation of this Regulation shall be given a thirty calendar day notice by the Zoning Enforcement Officer to remove cited junk items or materials at no cost to the Town. These Regulations shall be enforced by the Zoning Enforcement Officer(s), or his/her/their designee, who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations, or any permit or approval issue hereunder. The owner or agent of a building, structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire lot where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Town counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations. This could lead to the Town's removal of cited violating items and materials at the violating party(ies) expense.

## SECTION 26

## OUTDOOR LIGHTING REGULATIONS

### **26.1 – PURPOSE**

Outdoor lighting is an integral component of our environment that, when appropriately planned and installed, increases safety, enhances the town’s nighttime character, and helps provide safety. The purpose of these regulations is to establish specific standards for outdoor lighting and is intended to:

**26.1.1** – Maximize the effectiveness and energy efficiency of site lighting to enhance public safety and welfare,

**26.1.2** – Control the number, size, location, and intensity of outdoor lighting.

**26.1.3** – Protect drivers and pedestrians from light sources that produce unnecessary glare,

**26.1.4** – Promote site lighting that avoids unnecessary upward illumination and illumination of adjacent properties, and reduces artificial sky glow. This regulation is designed to reduce the problems created by poorly planned and/or installed outdoor lighting. Specifically, its intent is to establish regulations that control the area that certain kinds of outdoor lighting fixtures can illuminate, and limit the total illumination per lot, using guidelines established by the Illumination Engineering Society of North America (IES).

### **26.2 – DEFINITIONS**

**26.2.1 – Footcandle:** A unit of illumination, equal to the illumination of a surface, 1 square foot in area, on which there is a luminous flux of 1 Lumens uniformly distributed. Abbreviated fc.

**26.2.2 – Full Cutoff:** “Full Cut Off” fixtures are independently certified by the manufacturer, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10% at and to 10 degrees below the horizontal plane. See diagram in Section 26.14.

**26.2.3 – Fully Shielded:** A light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or diffusing element, or directly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. See Section 26.10 for examples.

**26.2.4 – Glare:** Light produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**26.2.5 – Light Fixture:** Complete lighting unit, consisting of one or more lamps (bulbs or tubes that emit light), along with the socket and other parts that hold the lamp in place and protect it, wiring that connects the lamp to a power source, and a reflector that helps direct and distribute the light.

**26.2.6 – Light Trespass:** Light transmitted across property boundaries, onto property not containing the originating light source. See Section 26.4.5.

**26.2.7 – Luminaire:** See Light Fixture

**26.2.8 – Searchlight:** A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are used commonly to sweep the sky for advertisement purposes.

**26.2.9 – Temporary Lighting:** Lighting which will not be used more than what was permitted for to accomplish a set project. Temporary lighting is intended for uses which by nature are of limited duration (e.g. civic venues, construction projects, etc.). See Section 26.6 for exemptions.

### **26.3 – APPLICABILITY**

The standards set forth in this Section 26 shall apply in all Commercial and Industrial Zones, Resort Districts, and Special Exception uses in a Residential Zone. Additionally, any commercial or industrial use that is located in a Residential Zone, that submits and application for a change to the site, will be subject to the updated requirements of this Section. The standards defined herein shall apply to all exterior lighting as well as lighting that is located within a building or structure and which illuminates the exterior, except as provided in Section 26.6. Where lighting is proposed to be added or altered for the uses identified in this paragraph, an application for a Lighting Permit shall be required, unless such lighting is in conjunction with an application for a Site Plan Review, Special Exception, or Floating Zone, in which case the application for Lighting Permit shall be considered as a part of such review, and governed by the time limits for action on such application.

26.3.1 – Modification: The Commission may grant a Special Exception modifying the requirements of Section 26, provided that it determines that such modification is consistent with the purpose of these regulations in the following cases:

a. Where a minor change is proposed to a site or use which has an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation; provided, however, that the Commission may require or permit lighting which more nearly complies with this Section, in accordance with Section 26.8 of these Regulations.

b. Where special lighting is indicated for historic buildings.

### **26.4 – LIGHTING PLAN**

All applications requiring a Site plan Review (Section 14A), Special Exception Review (Section 14B, or Floating Zone (Section 17) shall be accompanied by a lighting plan showing the following:

**26.4.1** – The location, height, and type of all lighting sources. “All lighting sources” includes, but is not limited to, architectural lighting, building and pole mounted fixtures, and illuminated signs.

**26.4.2** – The luminary manufacturer’s specification data, including lumen output and photometric data showing cutoff angles.

**26.4.3** – The type of lamp: metal halide, compact fluorescent, high pressure sodium.

**26.4.4** – An Isodiagram showing the average lighting on the site and the maximum and minimum lighting levels on the site, expressed in foot-candles at ground level. A computer-generated printout of the illuminated area in grid plan view using five foot grid spacing is the preferred format and shall depict the average light level at each grid point. Cut sheets with light source

distribution curves for all proposed lighting sources shall be provided as part of the application. The Isodiagram shall reflect the finished grade of the site and its surrounding area. This requirement may be waived by the Commission upon preliminary review prior to Site Plan Review of other permit application for the project.

**26.4.5** – Certification from a qualified lighting professional shall be provided to the Planning Commission, stating that the lighting plan complies with the standards of this section and appropriate Standards of the Illuminating Engineering Society of North America (IES), Lighting Design Handbook (Latest Edition).

**26.4.6** – After installation, a qualified lighting professional shall measure the resulting light intensity, and the applicant shall submit documentation that the lighting complies with these regulations. The Commission reserves the right to require as-built measurements following a site inspection at the time that a Certificate of Zoning Compliance is requested.

### **26.5 – GENERAL REQUIREMENTS**

All outdoor lighting 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. Lighting Design Levels shall be maintained at levels and patterns as recommended in the Illuminating Engineering Society of North America (IES) Lighting Design Handbook (Latest Edition).

**26.5.1** – All lighting for parking and pedestrian areas, including wall mounted lighting shall be full cut-off type fixtures. Applicants are strongly encouraged to review Section 06.14 (Acceptable and Unacceptable Lighting Fixtures) for examples of lighting fixtures must appropriate for a particular use.

**26.5.2** – Lighting fixtures shall be of a design appropriate to the use and area.

**26.5.3** – Lighting for flagpoles, ornamental lighting (trees, sculptures, etc.), building and aesthetics shall be shielded to prevent direct glare and/or light trespass and shall also be, as much as possible, contained to the target area. All building lighting for security or aesthetics shall be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.

**26.5.4** – Adjacent to all residential and multi-family uses and in all residential zones, no direct light source shall be visible at the property line at ground level or above.

**26.5.5** – All street lighting installed as part of a residential development shall be full cut-off fixtures.

**26.5.6** – Canopy lights shall be recessed into the structure or be full cut-off, surface mounted type fixtures.

**26.5.7** – Any lighting provided along pedestrian walkways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources.

**26.5.8** – All non-essential lighting shall be reduced or turned off within one hour after business hours, leaving only the necessary lighting for site security. Motion or infrared sensor lighting is encouraged. Lighting that illuminates a loading dock must be equipped with the capability to automatically reduce or turn off the lighting sources (via motion detection or similar technology)



when not in use. Details of the lighting controls shall be presented to the Planning Commission for review and approval.

**26.5.9** – The height of luminaries, except streetlights in public right-of-ways, shall not exceed a height or twelve (12) feet above the finished grade plane including the base and no luminary shall be closer than five (5) feet from any property line. An applicant may request a waiver to allow up to twenty (20) foot poles after demonstrating that the height of the pole is necessary and can meet the performance requirements of this regulation with the additional pole height.

**26.5.10 – Interior Lights:** Any interior light fixture with output greater than three (3) foot candles to the outside must be fully shielded.

**26.5.11 – Source, Footprint, and Intensity:** The following standards for minimum and maximum exterior illumination shall be based on the activity at each site. Foot-candles shall be measured at finished grade level. When more than one activity type (as specified below) is proposed, the illumination level for each activity type shall be between the specified minimum and maximum levels.

Activity Type	Average Illumination Levels per Grid Cell (Ft-Candle)		Notes
	Minimum	Maximum	
Parking Lots, Driveways, and Security Lights	0.5	2.5	
Walkways and Building Entrances	3.0	10.0	
Gas Station Pumps	2.0	10.0	Applies to the area located within 10 feet of the outside edge of the canopy. Areas beyond 10 feet outside the canopy shall meet the illumination standards defined for Parking Lots.
ATMs	2.0	5.0	Applies to the area located within 10 feet of the ATM machine face or outside edge of canopy, whichever is greater. Areas beyond 10 feet outside the canopy shall meet the illumination standards defined for Parking Lots.
Loading Docks	2.0	10.0	Must be time-limited and automatically controlled such that the lighting source is off after activity on or near the dock has been completed.

**26.5.12 – Light Trespass:** No more than 0.05 foot-candles is permitted at any property boundary within or abutting a residential zone. No more than 2.5 foot-candles is permitted at the property line abutting sites that have contiguous parking lots and driveway. No more than .05 foot-candles is permitted at any other property boundary. Illuminance generated from a single luminaire placed at the intersection of a vehicular driveway and public roadway accessing the site is allowed to use the centerline of the public roadway as the site boundary for a length of two times the driveway width centered at the centerline of the driveway.

**26.5.13 – Changes to lighting plans:** Any changes to outdoor lighting fixtures, type of light source uses, or location of luminaries after the plan has been approved, a plan change request must be submitted to the Planning Commission demonstrating that the proposed changes meet the requirements of this regulation.

### **26.6 – EXEMPT LIGHTING**

The following lighting types shall be exempt from these regulations:

**26.6.1** – Temporary lighting used by police, fire, and emergency services,

**26.6.2** – Temporary lighting needed for nighttime road construction projects,

**26.6.3** – Lighting required and regulated by Federal or State regulatory agencies,

**26.6.4** – Traditional seasonal or special event lighting,

**26.6.5** – Interior lighting, except as indicated in Section 26.4.1,

**26.6.6** – Lighting in swimming pools and other water features governed by the National Electrical Code,

**26.6.7** – Building, fire, health, or other code required lighting and signs,

**26.6.8** – Customary exterior illumination of a one or two family dwelling and driveway.

### **26.7 – LIGHTING FOR RECREATIONAL FACILITIES**

Where outdoor recreational facilities (public or private) are to be illuminated, the following criteria shall be met:

**26.7.1** – The lighting will require a Special Exception Review,

**26.7.2** – The 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 illumination is directed off the site,

**26.7.3** – The applicant shall demonstrate the lighting meets the guidelines for recreational lighting established by the Illuminating Engineering Society of North America (IES),

**26.7.4** – All fixtures shall be fully shielded and shall not exceed a height of thirty five (35) feet above the finished grade plane. For major sports facilities, luminaries higher than thirty five (35) feet may be permitted after the Planning Commission considers the following:

- a. Effects on the existing uses in the area,

- b. Conservation of surrounding property values and the character of the neighborhood,
- c. Suitability of the land for the proposed use and any environmental impacts created by the proposal,
- d. Consistency with the goals and objectives of the Town Plan of Conservation and Development.

**26.7.5 – Hours of Operation:** Lights shall be shut off within thirty (30) minutes after the event has ended or 10:00 pm whichever is earlier. However, operation past 10:00 pm may be permitted for special occasions by the Planning and Zoning Commission as a Site Plan Review under Section 14A of these regulation or Special Exception under Section 14B of the regulations if they deem such extended operation to be in the greater public interest.

**26.8 – NON-CONFORMING LIGHTING**

Non-conforming lighting shall be brought into a conforming or more nearly conforming condition as soon as practical in accordance with the following:

**26.8.1** – All luminaries legally in place prior to the date of the regulation may remain, but once any non-conforming luminary is intentionally re-located or removed for purposes other than routine maintenance or repair, it shall be deemed permanently removed and shall be replaced only in accordance with the provisions of these regulations.

Non-conforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the Planning and Zoning Commission.

- a. Replacement, modification, relocation, or addition of Light Fixtures.
- b. Addition to or relocation of lighting poles.
- c. Change in light source intensity.
- d. Change of use of the site.
- e. Replacement, modification, relocation, or additions to buildings on the site.
- f. Change in parking lot layout or on-site traffic flow.

When a substantial modification occurs, the entire outdoor lighting installation on the site shall be subject to Section 26. Where modifications are proposed which the Commission does not consider to be substantial, it may require or permit lighting which more nearly complies with Section 26, even if such lighting does not fully comply with Section 26.

**26.8.2** – Luminaries that direct light toward streets or parking lots that cause disability glare to motorists, cyclists, or pedestrians shall be either shielded or redirected within thirty (30) days of notification by the Town of East Haddam, so that the luminaries do not cause a potential hazard to motorists, cyclists, or pedestrians.

**26.9 – PROHIBITED LIGHTING**

The following lighting types shall be prohibited:

**26.9.1** – Floodlighting, searchlights, and bare bulbs,

**26.9.2** – Laser source lighting. The use of laser source lighting or any similar high intensity lighting when projected above the horizontal,

**26.9.3** – Lights producing varying intensities and/or changing colors,

**26.9.4** – Any type of lighting directed upward at such an angle that does not illuminate the designated object, i.e. US flag, building, or tree,

**26.9.5** – Flashing and blinking lights except as permitted in Section 26.6,

**26.9.6** – Strips of light intended to outline or highlight a structure, whether composed of linear light tubes or a sequence of individual illumination sources except as provided in Section 26.6,

**26.9.7** – Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of specific architectural features pursuant to Section 26.5.

#### **26.10 – SEVERABILITY**

If any of the provisions of Section 26 of the application thereof is held invalid, such invalidity shall not affect other provisions or applications of Section 26 which can be given effect, and to this end, the provisions of Section 26 are declared to be severable.

#### **26.11 – LAW GOVERNING CONFLICTS**

Where any provisions of Federal, State, County, or Town of East Haddam law or ordinance conflicts with any provision of Section 26, the most restrictive shall govern unless otherwise required by law.

#### **26.12 – SITE PLANS, SPECIAL EXCEPTION, AND FLOATING ZONE REVIEW**

For lighting associated with users requiring a Site Plan Review, compliance with the criteria of 14A (Site Plan Review) of these Regulations shall be required. For lighting associated with the uses requiring a Special Exception, compliance with the criteria of Section 14B (Special Exception) of these Regulations shall be required. For lighting associated with uses requiring approval as a Floating Zone, compliance with the criteria of Section 17 (Floating Zones) of these Regulations shall be required.

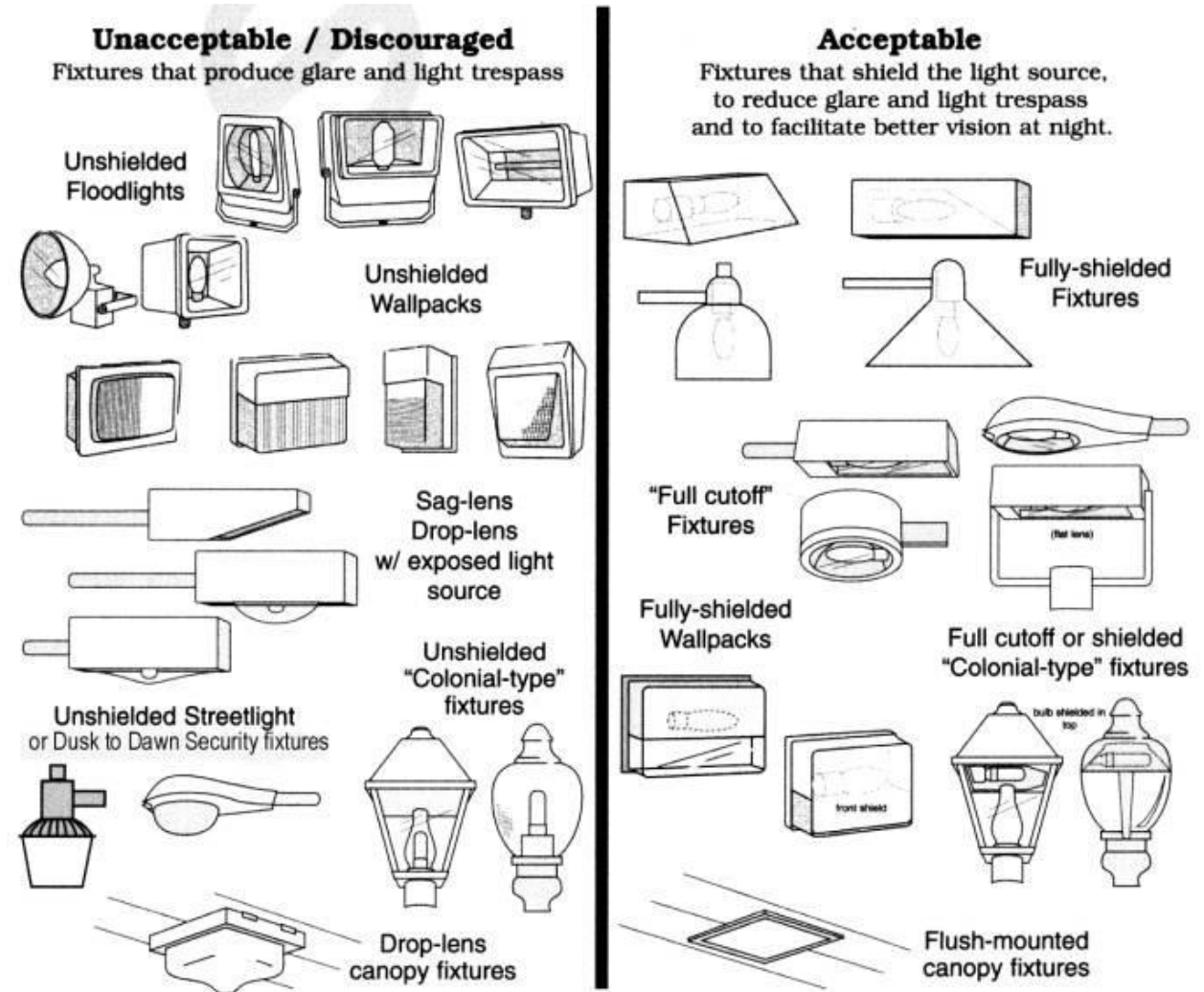
In addition to the minimum and maximum parameters contained in Section 26, the Commission may also impose more restrictive requirements where required to protect the public health, safety, welfare, property values, the natural environment, the character of historic areas, or the other purposes of these Regulations. The situations where such additional restriction may be imposed include, but are not limited to, the following:

- a. Areas of historic importance,
- b. Non-conforming, non-residential uses in a residential zone,
- c. Lighting in locations where sight line hazards may be created or maintained,
- d. Developments adjacent to uses requiring special protection from light such as hospitals, rest homes, schools, churches, and other public or community buildings.

#### **26.13 – ACTION**

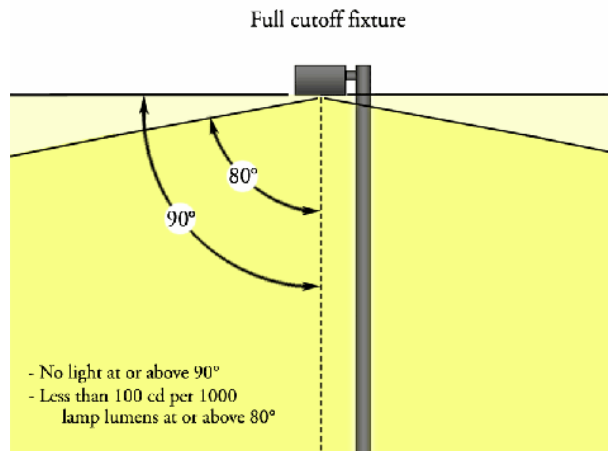
The Commission may approve, modify and approve, or deny an application for a lighting permit whether filed in conjunction with a Site Plan Review, Special Exception, or Floating Zone application or as a separate application. Such modifications may include, but are not limited to, requirements for certain dimensions, illumination, location, height, landscaping, and other characteristics or dimensions of the lighting, even when such requirements are more restrictive than the minimum and maximum requirements contained in Section 26. In determining such requirements, the Commission shall consider the character of the area where such fixture is

located, the use with which it is associated, the types, sizes, dimensions, and the general compatibility of the lighting with the most desirable and tasteful developments (both existing and proposed), located on parcels in the general area.



## 26.14 Definition of Acceptable Fixtures:

### "Full Cut Off", "Fully Shielded", and RLM shield.



"Full Cut Off" fixtures are independently certified by the manufacturers, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10% at and below 10 degrees below the horizontal.

- If the manufacturer is unable to provide the "cut off" characteristics for a fixture (also called a "luminaire"), the following definition needs to be met, which can usually be determined by a visual inspection:

"Fully Shielded": a fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. This can be determined by a "field test" or a visual assessment of an operating sample.

- Manufacturers and their representatives can provide photographs of light fixtures as "cut sheets" as well as literature confirming the independently tested "cut off" characteristics of their products. These IES files may be assessed for compliance in a computer program: <http://www.3dop.com/index1.html>
- Photometric layouts for different heights, light sources, and wattages, are also available as "IES" files, upon request or through manufacturers' websites.
- Fixtures must be installed properly, so that the bottom of the fixture is level with the ground. Exceptions are often given for sign lighting which requires vertical lighting:

"RLM" sign lighting shield:



## **SECTION 27 HOME OCCUPATION**

**27.0. Intent and Purpose.** The Town of East Haddam recognizes the need for some of its citizens to use their place of residence for limited non-residential activities. It is the intent and purpose of this Section 27 to permit limited non-residential activity within the Town's residential districts through the home occupation approval process set forth in this Section 27, while at the same time protecting the integrity of the underlying residential district. The intent is to ensure the home occupation is clearly secondary to the use of the building for dwelling purposes and to ensure the size, architecture, and compatibility with other residential uses.

**27.1. Permitted Home Occupations.** Home occupations shall be limited to the following:

- a. Offices for practitioners of recognized professions, the practice of which requires a license or certification from the State of Connecticut, such as medicine, law, dentistry, engineering, architecture, accounting, land surveying, interior design and the like, and commercial activities which require a license or certification from the State of Connecticut such as real estate, insurance, and similar professions.
- b. Building and other trade occupations such as carpentry, plumbing, electric, masonry, painting, and similar occupations.
- c. Commercial salesrooms and shops such as antiques, gun shops, art galleries, tack shops and similar shops.
- d. Home industries whose products are produced through handcrafting, personal skills, and artistry such as catering, furniture repair and similar home industries.
- e. Instructional classes and lessons customarily associated with home occupations such as music, arts and crafts and similar classes.

**27.2. Application.**

**27.2.1.** The application shall be submitted on a form provided by the Town with signature of the property owner and the applicant, who shall be a resident of the dwelling in which the home occupation is proposed to be conducted.

**27.2.2.** The application shall be accompanied by the applicable fee for the home occupation approval and, if required by determination of the Commission, by the applicable fee for the Special Exception Review.

**27.2.3.** The application shall be accompanied by:

- a. a detailed description of the proposed home occupation, including any required machinery, equipment, materials, vehicles and vehicle sizes, etc.
- b. a floor plan of the dwelling or accessory building in which the proposed home occupation will be conducted indicating the area to be occupied by the proposed home occupation.
- c. A detailed site plan showing the residential dwelling, any accessory structure(s), designated parking, and potential outside storage.
- d. a description of the frequency and type of commercial vehicles and customer vehicles which will be associated with the home occupation.
- e. such other information as may be reasonably required by the Planning and Zoning Commission and the Land Use Administrator to assist in the review of the application.

- f. For Minor and Moderate Impact Home Occupations, the applicant shall be responsible for turning in the return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application, the date of the public hearing, and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office. Such notices shall be sent after the Land Use Office reviews the application and notification letter for completeness. Comments returned on the application will be reviewed by the Land Use Office and the Planning and Zoning Commission members.
- g. Deed restrictions, restrictive covenants, and association by-laws. The East Haddam Zoning Regulations and the East Haddam Planning and Zoning Commission cannot determine conditions of title such as deed restrictions, restrictive covenants, and association by-laws.
- h. The filling of an application with the Land Use Office shall be deemed to constitute permission by the applicant for the Commission or its agents to enter onto the subject property for the purpose of inspections, and, if the Commission designates a formal site walk during the public hearing process, such permission shall allow the general public, in company with the Commission only, to inspect such property. The property owner shall be sent notification prior to any scheduled field walk of the Commission or its agent.

**27.3. Approval Procedure.** The home occupation shall require the approval of the Planning and Zoning Commission as a Special Exception in accordance with Section 14B of these Regulations; provided, however, applications that meet the criteria of a Minor Impact Home Occupation and otherwise comply with the requirements of this Section 27 may be approved by the Zoning Enforcement Officer after review by the commission and upon the issuance of a Certificate of Zoning Compliance in accordance with Section 2.3.1 of these Regulations.

**27.3.1 – Minor Impact Home Occupations – Standards**

A Minor Impact Home Occupation has minimal on-site interaction with the public or neighborhood. The business is located within the principal residential dwelling or an accessory building. A Minor Impact Home Occupation shall meet the following requirements:

- a. No business activity other than the use of a home office, workshop, business phone and mailing address is conducted on the premises.
- b. The home occupation is conducted by residents of the dwelling and no more than two (2) non-resident employees.
- c. There will be no increase in traffic beyond that normally and customarily expected from a single-family residence. An additional eight (8) customer vehicle visits per day may be permitted with a Minor Impact Home Occupation. Persons who offer professional or personal services on site shall conduct business on an appointment only basis in order to manage parking requirements and minimize traffic conflicts. The roadway is not to be used for parking.
- d. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling or adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare.  
The dwelling has existing parking sufficient to meet the requirements of Section 11 of these Regulations. Not more than one (1) commercial vehicle (not to exceed Class II / 10,000 lbs) shall be parked on the site at a given time. Any business-related equipment excluding the one commercial vehicle on the premises shall be stored in an enclosed structure.
- e. A home occupation is allowed one sign and the sign shall not exceed three (3) square feet and shall not be illuminated.



- f. The home occupation shall be contained wholly within the dwelling or a permitted accessory building. The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not exceed 25% of the total living area of the dwelling or 750 square feet, whichever is less.
- g. The home occupation shall not create offensive odors, noise, vibrations, light, electrical interference or other objectionable conditions which might adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater or ground.

### **27.3.2 – Moderate Impact Home Occupations**

#### **Special Exception Review – Public Hearing Required**

A Moderate Impact Home Occupation may have some on-site interaction with the public or the neighborhood. The business is located within the principal residential dwelling or an accessory building and may have some outside storage of materials or equipment. A Moderate Impact Home Occupation shall meet the following requirements:

- a. The home occupation is conducted by residents of the dwelling and no more than four (4) non-resident employees.
- b. The home occupation shall not generate traffic which is substantially greater in volume than the traffic which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met by off the street parking which does not encroach upon a required front yard and otherwise conforms to the applicable requirements of Section 11 of these Regulations. Moderate Impact Home Occupation are to be generally directed to State Highways and Minor Collector Roads as defined by the Connecticut Department of Transportation. The Commission, in reviewing the application will consider the existing traffic volumes in considering the appropriateness of the application. Moderate Impact Home Occupations are not permitted on Cul-de-sacs or private roads. (See Appendix V of the Zoning Regulations for listed roads.) The Commission may require buffering or screening or designate the location of parking spaces or storage area associated with the home occupation.
- c. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling or adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare.  
The storage of goods, materials or products connected with a home occupation are prohibited outside of the dwelling or a permitted accessory building unless specifically approved by the Planning and Zoning Commission. The Commission may consider the use of screening when needed to shield outside storage and parking.
- d. A home occupation is allowed one sign and the sign shall not exceed three (3) square feet and shall not be illuminated.
- e. The home occupation shall be contained wholly within the dwelling or a permitted accessory building unless specifically approved otherwise by the Commission. The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not exceed 40% of the total living area of the dwelling or 1000 square feet, whichever is less unless specifically approved otherwise by the Commission.

Additional considerations:

1. The size and architectural style of new accessory structures shall enhance the residential nature of surroundings.
2. If specifically approved, any permitted outside storage of materials or equipment shall be screened from the street and neighboring properties.

3. Not more than two vehicles which cannot exceed Class 4 / 16,000 lbs. gross vehicle weight and four pieces of equipment / trailers shall be stored on site if appropriately screened.
  4. No permitted outside storage or parking shall be permitted in the setback area.
- f. The home occupation shall not create offensive odors, noise, vibrations, light, electrical interference or other objectionable conditions which might adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater or ground.
- g. Return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application, the date of the public hearing, and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office. Such notices shall be sent after the Land Use Office reviews the application and notification letter.

**27.4. Filing and Transfer.** Any home occupation for which a Special Exception or Certificate of Zoning Compliance has been issued pursuant to this Section 27 shall not commence operation until a copy thereof, with all conditions, time of expiration, plans, and materials describing the nature and scope of the home occupation, have been filed in the Land Records of the Town of East Haddam.

Any purchaser of such property shall be bound by the home occupation as previously approved, regardless of whether any particular restriction or description shall be on file in the Land Records, it being the duty of the purchaser to research the files of the Commission and the Zoning Enforcement Officer relative to the home occupation being purchased.

It is also required by the purchaser to refile within 120 days after purchase of the property with the Land Use Office the intent to continue said approved home occupation prior to commencing such activity. If not renewed within the 120 day period the home occupation will be null and void.

**27.5. Expansion or Alteration.** Any expansion or alteration of an approved home occupation shall require a new application for the approval of the expanded or altered home occupation in accordance with the requirements of this Section 27; provided, however, that the Planning and Zoning Commission may waive the requirement for a new application if it can be shown that the proposed expansion or alteration is in keeping with the original application and will not adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare.

Any expansion or alteration approved under this subsection shall not become effective until such approval is filed in the Land Records of the Town of East Haddam in accordance with Section 27.4.

**27.6 Renewal** Unless otherwise stated in the approval of the Special Exception granted by the Commission, any home occupation approved pursuant to this Section 27 shall expire, and become null and void, five (5) years from the date of such issuance thereof, unless the property owner seeks a renewal of such approval prior to its expiration. Request for renewal of such approval shall be submitted to the Land Use Office on a form provided by the office. The property may be re-inspected by the Zoning Enforcement Officer prior to issuance of a renewal.

## **SECTION 28 - STORMWATER MANAGEMENT**

No subdivision of land or proposed land use shall alter natural watercourses, natural drainage and runoff areas or existing drainage and runoff areas unless suitable plans meeting the other requirements of these Regulations, certified by a professional engineer licensed in the State of Connecticut, are provided and approved by the Commission.

All cross culverts, detention basins, channels and ditches, driveway culverts and street drainage shall be designed in conformance with the *Connecticut Department of Transportation Drainage Manual* dated October 2000, as amended and the *Connecticut Stormwater Quality Manual (CTDEEP)* as amended. This requirement may be varied by the Commission according to conditions of the land and drainage requirements.

All necessary drainage easements shall be provided and shall extend a minimum of 10 feet around the drainage facility, except that easements for pipes shall be 20 feet wide and centered on the pipe.

### **28.1 Waivers for Providing Stormwater Management**

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the Applicant, provided that the Applicant demonstrates to the satisfaction of the Commission that the immediately downstream watercourses will not be subject to:

- a. Deterioration of existing culverts, bridges, dams, and other structures.
- b. Deterioration of biological functions or habitat.
- c. Accelerated streambank or streambed erosion or siltation.
- d. Increased threat of flood damage to public health, life and property.

### **28.2 General Performance Criteria for Stormwater Management**

Unless judged to be exempt or granted a waiver by the Commission, the following performance criteria shall be addressed for stormwater management at all sites:

- a. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity. Infiltration of stormwater shall be accommodated to the extent possible though limitation of land disturbance and grade changes, retention of existing natural drainage area and wetlands, and use or creation of vegetated islands, vegetated medians, and vegetated perimeter buffer strips.
- b. All stormwater runoff generated from new impervious surfaces or changed habitats in the development shall not discharge stormwater directly into an inland wetland or watercourse without adequate treatment. Drainage shall be designed such that all surface runoff (both piped and overland flow) is conveyed through a vegetated swale, vegetated filter strip, created wetlands, rain gardens, detention basins with bio-filtration prior, or acceptable engineered solutions to discharge into existing wetlands, streams, ponds, or other waterbodies.
- c. Structural Best Management Practices (BMPs) shall be designed to remove 80 percent of the average annual post development total suspended solids load. It is presumed that a BMP complies with this performance standard if it is:
  - d. Sized to capture the prescribed water quality volume (WQV).

- e. Designed according to the specific performance criteria outlined in the *Connecticut Stormwater Quality Manual* (CTDEEP).
- f. Constructed properly.

### **28.3 Minimum Control Requirements**

a. All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 2, 10, 25, 100 year) as identified in the current *Connecticut Stormwater Quality Manual* (CTDEEP) are met, unless the Commission grants the applicant a waiver or the applicant is exempt from such requirements. Note especially the specific criteria related to channel protection and the use of multiple storm return frequencies, both cited in the *Connecticut Stormwater Quality Manual* (CTDEEP). The Connecticut Stormwater Quality Manual Worksheet is attached in Appendix C of these regulations and shall be part of the subdivision or site plan submittal.

b. All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Connecticut Stormwater Quality Manual (CTDEEP). These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.

c. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Commission reserves the right to impose any and all additional requirements deemed necessary to control runoff volume, timing, rate and treatment.

d. Applicants shall consult the *Connecticut Stormwater Quality Manual* (CTDEEP) for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

e. The *Connecticut Stormwater Quality Manual* (CTDEEP) shall be consulted for detailed guidance on the requirements for conveyance for each of the approved stormwater practices.

f. All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- i. Maximizing length of flow paths from inflow points to outflow points of basins, pools and ponds.
- ii. Protection of inlet and outfall structures.
- iii. Elimination of erosive flow velocities.
- iv. Provision of underdrain systems, where applicable.

g. All stormwater management practices must have a landscaping plan detailing the vegetation to be planted. The use of native grasses and small diameter wood-stemmed shrubs is encouraged as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with bio-filtration. *From Section 11- Parking*

h. The use of non-structural best management practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the *Connecticut Stormwater Quality Manual* (CTDEEP) and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and can reasonably be expected to remain maintenance-free and remain unaltered by subsequent property owners.

## **28.4 Stormwater Management Plan Requirements**

The stormwater management plan shall include:

- a. Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the *Connecticut Stormwater Quality Manual* (CTDEEP) (i.e., 2, 10, 25 & 100-yr storm). Such calculations shall include, at a minimum:
    - i. Description of the design storm frequency, intensity and duration,
    - ii. Time of concentration and travel time.
    - iii. Soil Curve Numbers or runoff coefficients.
    - iv. Peak runoff rates and total runoff volumes for each watershed area.
    - v. Infiltration rates, where applicable, as determined by field testing of hydraulic conductivity.
    - vi. Culvert capacities.
    - vii. Flow velocities.
    - viii. Data on the increase in rate and volume of runoff for the design storms referenced in the *Connecticut Stormwater Quality Manual* (CTDEEP).
    - ix. Water surface elevations showing methodologies used and supporting calculations.
    - xx. Stage-discharge curves, outlet rating curves and inflow and outflow hydrographs for storage facilities (e.g., stormwater ponds and wetlands).
    - xxi). Hydrologic and hydraulic analysis for all structural components of stormwater system (e.g., storm drains, open channels, swales, management practices, etc.) for applicable design storms including final analysis of potential downstream effects of project, where necessary.
    - xxii). Documentation of sources for all computation methods and field test results.
  - b. Soils Information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report must be submitted. The soils report must be based upon on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites must be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. If infiltration is to be part of the stormwater management plan, then field testing of hydraulic conductivity is required may be required if determined necessary by the Commission's engineer to evaluate the proposal.
  - c. Maintenance and Repair Plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design and maintenance guidelines to be followed shall be in accordance with the most recent version of the *Connecticut Stormwater Quality Manual* (CTDEEP). *From Section 11-Parking*
- The applicant shall demonstrate the failure pattern for any proposed BMP and shall ensure that such failure does not adversely impact adjacent structures *or wetland systems*. Surficial detention structures which include a construction embankment greater than one (1) foot in height shall be design to include emergency spillways and appropriate downstream erosion protection.
- d. Landscaping plan: The applicant must present a detailed plan for planting of vegetation at the site after construction is finished.

e. Maps and plans: The applicant must depict the stormwater management on the supplemental plans (scale of 1" = 40' or greater detail). Such plans must illustrate, in addition to the mapping requirements cited in Section 3, at a minimum:

- i. Perennial and intermittent streams.
- ii. Location and boundaries of resource protection areas such as wetlands, lakes, ponds, and other setbacks (e.g., stream buffers, drinking water well setbacks, septic setbacks)
- iii. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains.
- iv. Flow paths.
- v. Location of floodplain and floodway limits.
- vi. Location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
- vii. Location, size, maintenance access, and limits of disturbance of proposed structural stormwater management practices.
- viii. Representative cross-section and profile drawings and details of structural stormwater management practices and conveyances (i.e., storm drains, open channels, swales, etc.) which include existing and proposed structural elevations (e.g., invert of pipes, manholes, etc.) and design water surface elevations.
- ix. Structural details of outlet structures, embankments, spillways, stilling basins, grade control structures, conveyance channels, etc.
- x. Downstream structures within two-hundred (200) feet of proposed BMP. The Commission shall have the right to increase the separation distance from the downstream structure if the proposed BMP structure, in the opinion of the Town's engineer, poses a significant risk.

### **28.5 Assumptions Made**

All Stormwater Management plans shall disclose all assumptions made in regard to future land clearing and regrading, creation of impervious surfaces, and other development activities that influence the rate, quality and volume of runoff. These include, but are not necessarily limited to, clearing limits, size and locations of driveways, houses, tennis courts, barns, pools, etc. The Commission may require the establishment of restrictions on one or more lots in situations where limits to such characteristics of lot development cannot be accurately predicted and enforced in advance; provided, however, that the Commission has no obligation to accept land use restrictions as mitigation to potential drainage issues. Restrictions should be used only in unique situations and in areas where such restrictions are clearly enforceable.

### **28.6 Maintenance plan:**

The applicant must submit a maintenance plan for all Stormwater BMPs. The plan must include:

- a. Description of maintenance tasks with recommended implementation schedule.
- b. Description of access and safety issues.
- c. For those small individual stormwater management facilities that are to be maintained by future property owners, the mylars, as-builts, and deeds must include this notice that a declaration of responsibilities and obligations will be filed on the land records as part of the subdivision approval. See Appendix D for the declaration language.

\* This note is to be part of the mylar for the subdivision plans, Site Plans, and Special Exception plans, as-builts for each structure prior to Certificate of Zoning Compliance, and on each deed associated with the transfer of the property.

\*The stormwater management structure maintenance is the responsibility of the property owner. A Stormwater Treatment Facility Maintenance Declaration has to be filed on the East Haddam Land Records as part of the approval. The individual lots of this subdivision have engineered stormwater facilities that

are to be installed prior to the issuance of a Certificate of Zoning Compliance. The stormwater facilities are designed to manage quantity and quality of stormwater before the water leaves the property. It is the responsibility of the property owner to maintain these facilities to insure they function properly. At a minimum they are to be maintained every five years and at the time of resale. Maintenance guidelines as to how to maintain the stormwater facility are included as part of the subdivision or site plan, can be found in the *Connecticut Stormwater Quality Manual* (CTDEEP) as amended, or the Land Use Office can be asked for guidance.

## SECTION 29 MOBILE FOOD UNIT REGULATIONS

Intent: The purpose of this regulation is to provide standards relative to the accessibility, appearance, and safety in regards to mobile food unit vending.

### 29.1 Definition:

**Mobile Food Unit:** An itinerant Vender which serves food or drink from an approved conveyance (e.g. “food truck”, “food cart”, “food trailer”) without a fixed location and without connection to a water supply or sewage disposal system.

### 29.2 General Requirements for Mobile Food Unit Vending:

#### 29.2.1 Mobile food units may be permitted by Special Exception in the following Districts after Special Exception review and approval: the Moodus Center District, the IG District, the E.H. Village Highest Use and Moderate Use District, and L District provided they meet the following:

- a. An application shall be filed under the criteria of Section 14 B – Special Exception review. The Commission must find that the proposed operation complies with all applicable provisions of this section and Section 14 B. A letter of permission and/or copy of an official lease agreement from the property owner to vend on the subject parcel shall be submitted as part of the application.
- b. The application will be in compliance with the Public Health Code as required by the Chatham Health District and any Building Code or Fire Code requirements.
- c. The Mobile Food Unit meets a twenty (20’) front setback and the side and rear setback requirements of its underlying zoning district unless otherwise specified after special exception review.
- d. Only one Mobile Food Unit or vehicle may be permitted per parcel unless otherwise permitted by the Commission by Special Exception Review.
- e. A minimum of four (4) parking spaces must be provided and maintained in addition to the minimum parking required for the uses on the property.
- f. Mobile food unit vendors and associated seating, if any, may not occupy parking spaces that are needed for other businesses and uses to fulfill their minimum parking requirements. Mobile food units may not occupy any handicap accessible parking spaces.
- g. Ingress, egress, and internal circulation of vehicular traffic shall not create a hazard for traffic on an adjacent street, on the subject parcel, or an adjacent parcels. Parking and circulation plans shall be reviewed by the Commission.
- i. The Mobile Food Unit is not within twenty-five (25) feet of an entranceway to any business open to the public.
- j. Hours of operation are limited to the hours between 7:00 am and 8:00 pm.
- k. Permitted merchandise shall be limited to food items approved the Chatham Health District.
- l. The Mobile Food Unit vendor is responsible for the proper disposal of waste and trash associated with the permitted operation. At a minimum, vendors must remove all waste and trash from their approved location at the end of each day. Vendors must keep all areas within five (5) feet of the Mobile Food Unit and any associated seating areas clean of grease, trash, paper, cups, or cans associated with the vending operation.



m. The Mobile Food Unit vendor shall not utilize any device which produces loud noise or use and operation of any loudspeaker, public address system, radio, sound amplifier, or similar noise creating device to attract the attention of the public.

### **29.2.3 Exemptions**

a. The provisions of this section shall not apply to existing temporary special events, festivals, community projects or public events which occur on a periodic basis. Those special events, festivals, community projects or public events will still need a Temporary Food Vending permit from the Chatham Health District.

### **29.2.4 Signage**

a. No advertising shall be permitted on any cart except to identify the name of the product or the name of the vendor and the posting of the prices.

b. Electronic or illuminated signs shall not be utilized by vendors.

c. Temporary or permanent off-site signs for the mobile food unit shall be prohibited.

### **29.3 Violations**

a. The vendor, property owner/lessee and assigns shall be responsible for any violation of this section or any other section of the East Haddam Zoning Regulations, Town Ordinances, Building and Fire Codes and/or the Connecticut Health Code. Such violations may result in the revocation or denial of a Certificate of Zoning Compliance and vending permit.

## **SECTION 30 - AGRICULTURE AND AGRICULTURAL USES**

**30.1 Purpose** - It is the purpose of these Regulations to permit and support agricultural activities within the Town of East Haddam in a way that is compatible with the overall character of existing residential and commercial areas, not to degrade the natural environment, or negatively impact the public health, safety, and property values. These regulations also set the minimum standards for keeping of animals that are consistent with best management practices.

### **30.2 Definitions**

**Agriculture:** Means “agriculture” as defined in Section 1-1(q) of the Connecticut General Statutes as amended: Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or clearing land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operation, or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes.

**Commercial Slaughtering Facility:** The slaughtering of animals for other than home use by the owner. The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility is also subject to review and approval of the United States Department of Agriculture (USDA), Connecticut Department of Agriculture, and the Connecticut Department of Health. The facility used to slaughter animals shall be 100 feet from any property line.

The slaughtering of livestock and poultry, as an accessory use to a Farm, is permitted, provided that all stock slaughtered are raised on the Farm. The facility used to slaughter animals shall be 100 feet from any property line.

**Farm:** see Agriculture

**Farm Stand:** see Accessory Uses to Agriculture

**Feed and Grain:** - Food for livestock, mixtures prepared for livestock

**Hobby Farm:** – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. A Hobby Farm is permitted to raise only two large bodied livestock; four small bodied livestock; poultry; and rabbits as a hobby and not for commercial purposes. See Section 30.3.A

**Intensive Commercial Farm Operation:** includes raising at one time for commercial purposes on the property of more than two hundred (200) poultry, or twenty (20) large bodied livestock, thirty (30) adult

small bodied livestock, one hundred adult rabbits, ten OR more adult swine, any Fur-Bearing Animal Farms such as mink and fox, or the requirement to construct a building exceeding a 5,000 square foot footprint.

**Large Bodied Livestock:** Includes, but is not limited to, bovine animals, horses, reindeer, mules, and other larger hoofed animals.

**Nursery:** Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

**Pigs, Swine, Pigsty:** Per Connecticut Health Code 19-13-B23(a) “No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon the property other than that of the proprietor of the pigsty.” Properties with ten or more adult swine shall be subject to the Agricultural Buffers required for Intensive Commercial Farming operations.

**Poultry:** Includes but is not limited to domestic fowl such as chickens, turkeys, guinea fowl, pheasant or game birds, ducks, and geese, raised for flesh, eggs, or show.

**Small bodied livestock:** Sheep, goats, alpacas, llamas, miniature horses and other similar small hoofed animals along with poultry and rabbits.

**Signage Non-Residential Uses:** On lots containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility facility, or building, use or facility of the Town of East Haddam, or other non-residential use permitted in residential zones by these Regulations, one (1) sign not exceeding twenty (20) square feet

**Existing - Wholesale Associated with a Farm:** An Accessory Use on a Farm for the wholesaling of agricultural products produced on a Farm, including, but not limited to, dairy products, vegetables, fiber, poultry, beef, and other customary agricultural products; but excluding the sale of agricultural equipment, rendering of fat or lard, or other industrial processing of agricultural products not customarily carried on a Farm.

### 30.3 Permitted Uses

- A. Hobby Farms – A parcel of property that does not contain enough property to set buildings that house agricultural animals one hundred (100) feet from the front property line and seventy-five (75) feet from the side or rear property line. Small bodied livestock, poultry, rabbits - permitted in all Zones and Districts - Structures that house said animals are to be seventy-five (75) feet from the street line and forty (40) feet from the side and rear property line. Hobby farms are permitted to have up to four (4) small bodied livestock and no more than a total of twenty-five poultry and / or rabbits in aggregate. Hobby farms may have up to two large bodied farm animals if the structure houses them is seventy-five (75) feet from the street line, forty (40) feet from the side and rear property line, and at least one hundred (100) feet from any existing neighboring residence.
- B. Farms with large bodied animals that don't exceed nineteen (19) adult animals – permitted in all Zones and Districts except the East Haddam Village District and the C-3 District. Structures that house said animals shall be built not less than one-hundred (100) feet from the street line and seventy-five (75) feet from the side and rear property line.
- C. Intensive Commercial Farm Operations – permitted in all Zones and Districts by Special Exception Review (See Section 14a and 14b) except in the East Haddam Village District, the C-3 District, and the C/B/IG District.

Agricultural Buffer for Proposed Intensive Commercial Farming Operation For Proposed Intensive Commercial Farm Operations no building or any animal waste storage or treatment area shall be located closer than 225 feet from the street line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is deeded open space or land physically unsuitable for building purposes, as determined by the Commission. The Commission may also require a 100 foot buffer planted with trees and shrubs from any property line.

- D. Accessory Uses to Agriculture:** The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation. Residential property farm stands are not to be more than two-hundred (200) square feet in area and not have more than two signs aggregating not more than twelve (12) square feet in area advertising the farm products raise on site. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape.

- E. Best Management Practices:** All farms shall utilize Best Management Practices (BMPs) as recommended by the University of Connecticut Extension Service, the Natural Resources Conservation Service (NRCS), the United States Department of Agriculture (USDA), or other agencies associated with proper agricultural practices. Best Management Practices are needed for animal welfare, animal density, manure management, stormwater management, pasture rotation, soil erosion and nutrient runoff. Several publication in Best Management Practices are available through the agencies listed above. Farms that do not follow best management practices can be hazardous to the welfare of the animals, can degrade the natural environment, and negatively impact the public health and property values. Such properties can be reported to the Connecticut Department of Agriculture, the local health district, the local wetlands agent for remediation, and the Zoning Enforcement Officer.
- F. Deed restrictions, restrictive covenants, and association by-laws.** When it comes to livestock, East Haddam Zoning regulations does not supersede or override deed restrictions, restrictive covenants, and association by-laws.

## **SECTION 31 DRIVE-THROUGH SERVICE FOR FOOD ESTABLISHMENTS, PHARMACIES, & BANKS**

Standards Drive-through service may be permitted in locations pursuant to these regulations provided the location is designed to minimize impact on the walkable nature of the area.

31.1. Traffic and Circulation. Drive-through facilities shall meet the following standards and requirements:

- a. Any food-related use proposing a drive-through facility shall have the primary access onto a state road.
- b. A traffic study shall be required describing peak hours of operations, volume of customers per hour, stacking lane length needed for anticipated volume of drive-through vehicles, turning movements, roadway capacity and level of service of nearby streets. The traffic study must be based on the specific identified use of the property.
- c. The size of stacking lanes shall be adequate to allow for safe movement of vehicles with a minimum length of 20 feet and width of 10 feet in straight areas and 12 feet along curved segments of the stacking lane.
- d. Drive-through lanes shall be clearly defined by pavement markings and directional signage.
- e. Queue space shall not interfere with:
  - 1) The safe use of the required parking spaces and their required drives.
  - 2) Interior pedestrian and other circulation.
  - 3) The accessway from any public street.

30.2. Building and Site Design. Drive-through facilities shall meet the following standards and requirements:

- a. To the extent required by the Commission, the drive-through window(s) and stacking lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.
- b. The stacking lanes shall be effectively separated from the parking and pedestrian areas through the use of pavement markings, curbing, raised islands or landscape improvements.
- c. Drive-through facilities, including windows and other related facilities shall be architecturally compatible with the building and the existing or planned streetscape.
- d. Outdoor loudspeakers for any drive-through window shall not produce noise level greater than 50 dB at the property lines, or a public sidewalk off-site.
- e. To limit damage to buildings in the vicinity of drive-through facilities, at least 10 feet of clear height shall be provided for the drive-through lane and bollards shall be located adjacent to drive-through windows to prevent damage to the building from vehicles.
- f. A program for policing and eliminating outdoor litter food-related establishments must be submitted.

## **SECTION 32 CANNABIS REGULATIONS**

### **A. Purpose**

It is the purpose of this Section 32 is to establish uniform regulation of Cannabis Establishments within the Town of East Haddam in order to protect the health, safety, and general welfare; to ensure due process and to promote social equity as directed by the Cannabis Act, Connecticut Public Act 21-1 (2021), and to ensure harmony with the general purpose of this regulation and compatibility with the Connecticut General Statutes by:

1. Creating a system for evaluating and siting permitted cannabis establishments in appropriate locations within the Town of East Haddam.
2. Protecting environmental, cultural, residential and/or other sensitive areas, institutions, features, structures and/or sites from potential negative externalities from cannabis establishments.

### **B. Evaluation**

Except as provided in Section 32 below, the following types of Cannabis Establishment uses may be permitted by Special Exception Application: Producer, Dispensary Facility, Micro-Cultivator, Retailer, Delivery Service or Transporter, Hybrid Retailer, Food and Beverage Manufacturer or Product Packager.

In evaluating an application for Special Exception Application under this Section 30, the East Haddam Planning & Zoning Commission shall take into consideration the following:

1. All criteria for evaluating a Special Exception Application under Section 14.B and;
2. The health, safety and welfare of the public, in general, and the neighborhood in particular and;
3. The following suitability criteria:
  - (a). Proximity to sensitive receptors including but not limited to schools, parks, playgrounds, community gardens, recreational centers and/or facilities, churches, childcare centers, health care facility, rehabilitation facility, religious institution, or libraries.
  - (b). The location, the size, nature and the intensity of the proposed Cannabis Establishment and its operations,
  - (c). Provisions for odor control, security, noise, and lighting may be appropriate as well as other externalities that may create a nuisance.
  - (d). Provisions to foster and encourage subsequent adaptive reuse of any structure proposed to be used as a Cannabis Establishment.
  - (e). Size of the structure for a Cannabis Establishment. No building shall exceed 15,000 square feet. Cultivators, as defined in the statutes, which require grow space exceeding 15,000 square feet is not permitted.
  - (f). Impacts on traffic: The applicant shall submit copies of a traffic, access, and parking study prepared by a professional engineer registered in the State of Connecticut, with expertise in traffic engineering as part of the application. This study shall project traffic flows for the proposed application, site orientation of vehicle trips, and existing and future levels of service on the area roadway network. The study shall include anticipated opening traffic generation and parking demands. The traffic study should also determine if traffic control is necessary.

The application shall detail specific measures that will be employed to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified in the traffic and parking study. The application shall include a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.

(h). License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agencies shall be submitted to the commission excluding any information required by law to be kept confidential.

### **C. Standards**

The following additional standards are hereby established for Cannabis Establishment uses.

1. Distance Requirement - Absent of an A-2 survey, distances can be determined by using the Town of East Haddam Geographical Information System (GIS). Distances shall be measured at the closest property lines.

- (a) No Cannabis Establishment use shall be permitted to locate, relocate, move and/or operate within any premises where the outside entrance of such premises is within 500' from the property line of any public, parochial, or private elementary or secondary school, recreation center or facility, childcare center, playground, public park, library, health care center, health care facility, rehabilitation facility, or religious institution.
- (b) The following Cannabis Establishment uses shall not be permitted to locate, relocate, move and/or operate within any premises where the outside entrance of such premises is within 1,500 feet of another Cannabis Establishment; Dispensary Facility, Retailer, Hybrid Retailer, Hybrid Retailer or Tobacco/Cannabis Bar.
- (c) No Cannabis Establishment shall be located within 200 feet of a residential district.

2. Development Concept Plan: The applicant shall submit a preliminary Development Concept Plan of the proposed development showing all proposed and existing buildings and uses on the lot, proposed grow spaces, retail floor areas, storage areas, yard setbacks, the proposed location and design of all signage, driveways, parking lots, number of parking spaces, screening, landscaping, open space under the submittal criteria of Section 14 B of the East Haddam Zoning Regulations.

- 3. All Cannabis Establishment uses shall occur within a fully enclosed structure.
- 4. All Cannabis Establishments shall comply with state law regarding concealed design standards and security measures.
- 5. Permitted hours of operation - 8:00 A.M. to 10:00 P.M. Monday thru Saturday  
10:00 A.M. to 6:00 P.M. Sunday

### **D. Prohibitions**

- 1. Cannabis Establishments are prohibited in all residential districts (R ½, R-1, R-2, R-4, R, C-3, EHVD Lower Use Area, and L Districts)
- 2. Temporary Cannabis events, including but not limited to private marijuana vending events, cannabis trade shows or public cannabis events are prohibited unless authorized by state law, Town Ordinance, and Zoning Regulations.

3. Smoking, vaping, ingestion, or other use of Cannabis, shall be prohibited in all Indoor Public Places as defined in RERACA, S.B. 1201, Conn. Pub. Act 21, where smoking or consumption of tobacco or tobacco products is prohibited by state law, unless specifically permitted by this regulation, or other ordinance of the Town of East Haddam, Connecticut.

#### **E. Conflicting Provisions**

1. All efforts shall be made to harmonize interpretations of this Section 32 with the other provisions of the East Haddam Zoning Regulations. If any of the standards, objectives, land uses, provisions, controls, permitted uses and other restrictions and requirements stated in this Section 32, materially conflict with the provisions in other section(s) of the East Haddam Zoning Regulations, unless otherwise specified this section of the regulations shall prevail.
2. Nothing in this Section 32 shall be construed to allow the use of Cannabis or allow any activity relating to the cultivation or consumption of Cannabis that is otherwise not expressly allowed in the East Haddam Zoning Regulations or is illegal under state law.

#### **F. Severability**

Should any section, subsection paragraph, sentence, clause, provision, or phrase of this Section 32 be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this section.

#### **G. Definitions For the purpose of this Section 32 the following definitions as defined in the Connecticut General Statutes apply:**

**CANNABIS:** Means marijuana, as defined in Section 21a-240 of the general statutes; in accordance with the Responsible Equitable Regulation of Adult-Use Cannabis Act, Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**CANNABIS ESTABLISHMENT:** Means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter to the Responsible and Equitable Regulation of Adult-Use Cannabis Act 21-1 (2021), as may be amended from time to time. (RERACA Defined shortened).

**CANNABIS FLOWER:** Means the flower, including abnormal and immature flowers, of a plant of the genus cannabis that has been harvested, dried, and cured, and prior to any processing whereby the flower material is transformed into a cannabis product. "Cannabis flower" does not include (A) the leaves or stem of such plant, or (B) hemp, as defined in Section 22-611 of the general statutes.

**CANNABIS TRIM:** Means all parts, including abnormal or immature parts, of a plant of the genus cannabis, other than cannabis flower, which have been harvested, dried, and cured, and prior to any processing whereby the plant material is transformed into a cannabis product. "Cannabis trim" does not include hemp, as defined in CGS 22-611 of the general statutes.

**CANNABIS PRODUCT:** Means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. "Cannabis product" does not include the raw cannabis plant.

**CANNABIS CONCENTRATE:** Means any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, 48 that is extracted from cannabis.

**CANNABIS-TYPE-SUBSTANCES:** Have the same meaning as "marijuana", as defined in CGS 21a-240.



**COMMISSIONER:** Means the Commissioner of Consumer Protection and includes any designee of the commissioner.

**CONSUMER:** An individual who is twenty-one years of age or older pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**CULTIVATION:** Has the same meaning as provided in CGS 21a56 408.

**CULTIVATOR:** Means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand (15,000) square feet of grow space.

**DELIVERY SERVICE:** Means a person who is licensed to deliver cannabis from

(A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and

(B) hybrid retailers and dispensary facilities to qualifying patients, caregivers, and research program subjects, as defined in Section 21a-408 of the general statutes, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

**DEPARTMENT:** Means the Department of Consumer Protection.

**DISPENSARY FACILITY:** Means a place of business where cannabis may be dispensed, sold or distributed in accordance with CGS 420f and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under CGS 420f and any regulations adopted thereunder.

**EXTRACT:** Means the preparation, compounding, conversion, or processing of cannabis, either directly or indirectly by extraction or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis to produce a cannabis concentrate.

**FOOD AND BEVERAGE MANUFACTURE:** A person who is licensed to own and operate a place of business that acquires cannabis and creates food and beverages pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021) as may be amended from time to time.

**FINANCIAL INTEREST:** Means any right to, ownership, an investment, or a compensation arrangement with another person, directly, through business, investment, or family. "Financial interest" does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by such person and such person's spouse, parent or child, in the aggregate, do not exceed one-half of one per cent of the total number of shares issued by the corporation.

**GROW SPACE:** Means the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

**HYBRID RETAILER:** Means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

**INDOOR PUBLIC PLACE:** An enclosed area to which the public is invited or in which the public is permitted, including, but not limited to:

1. Aquariums, galleries, libraries, and museums.
2. Areas available to and customarily used by the public in business.
3. Bars.
4. Bingo facilities.
5. Childcare and adult day care facilities.
6. Convention facilities.
7. Governmental facilities, including building and vehicles.
8. Health care facilities.
9. Hotel's condominiums, retirement facilities, nursing homes and other multiple-unit residential facilities.
10. Polling places.
11. Pool and billiard halls.
12. Public transportation depots.
13. Retail establishments.
14. Service lines.
15. Shopping malls.
16. Sports arenas.
17. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

A private residence is not a "public place" unless used as a child-care, adult day care, or health care facility.

**LABORATORY:** Means a laboratory located in the state that is licensed by the department to provide analysis of cannabis that meets the licensure requirements set forth in CGS 21a-246.

**MARIJUANA:** Means CANNABIS, as defined in CGS 21a-240 in accordance with pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public 21-1 (2021, as may be amended from time to time. See CANNABIS above.

**MANUFACTURE:** Means to add or incorporate cannabis into other products or ingredients or create a cannabis product.

**MEDICAL MARIJUANA PRODUCT:** Means cannabis that may be exclusively sold to qualifying patients and caregivers by dispensary facilities and hybrid retailers and which are designated by the commissioner as reserved for sale to qualifying patients and caregivers and published on the department's Internet web site, pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**MICRO-CULTIVATOR:** A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner of consumer protection pursuant to the Responsible and Equitable Regulation of Adult Use Cannabis Act (RERACA) Conn. Pub. Act 21-1 (2021)

**MUNICIPALITY:** Means any town, city or borough, consolidated town and city or consolidated town and borough.

**PARAPHERNALIA:** Means drug paraphernalia, as defined in CGS 21a-240.

**PERSON:** Means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other

person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

**PRODUCER:** Means a person who is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder, pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (21-1 (2021)), as may be amended from time to time.

**PRODUCT MANUFACTURER:** Means a person that is licensed to obtain cannabis, extract, and manufacture products exclusive to such license, pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**PRODUCT PACKAGER:** Means a person who is licensed to package and label cannabis pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**QUALIFYING PATIENT:** Has the same meaning as provided in CGS 222 21a-408 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time.

**RESEARCH PROGRAM:** Has the same meaning as provided in CGS 21a-408 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS ACT (RERACA):** Pursuant to Section 24 of the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**RETAILER:** Means a person, excluding a dispensary facility and hybrid retailer, who is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**SALE OR RESALE:** Has the same meaning as provided in CGS 21a 231 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**THC:** Has the same meaning as provided in CGS 21a-240 of 247.

**TRANSPORT:** Means to physically move from one place to another pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

**TRANSPORTER:** Means a person licensed to transport cannabis between cannabis establishments, dispensary facility, retailer, laboratories, and research programs pursuant to the Responsible and Equitable of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021).

**APPENDIX I  
AMENDMENTS - Contact East Haddam Planning and Zoning Office for updated Amendment Sheet.**

Revision Dates

June 8, 1992

March 22, 1993

June 1, 1995

November 15, 1995

January 6, 1996

January 23, 1996

April 1, 1997

July 8, 1997

August 1, 1997

January 13, 1998

March 10, 1998

April 2, 1998

January 26, 1999

October 1, 1999

Merger - Section 8, Moodus Village B/C/IG

November 23, 1999

Section 22 -Tower Regulations

February 8, 2000

Section 17.4 Special Standards for Planned Residential Unit Dev.

January 15, 2001

Zoning Regulations - Approved changes

April 15, 2001

Industrial General (IG) Approved changes

October 1, 2002

Section 5 Definitions

October 1, 2002

Section 7 General Requirements

October 1, 2002

Section 10 Schedule of Lots and Buildings

October 1, 2002

Section 5 Definitions

September 13, 2003

Section 10 Minimum Buildable Land Requirements

September 13, 2003

Section 10 Removal of interior lots

September 13, 2003

Section 23 Conservation Subdivision

September 13, 2003

Section 5 & 10 Building Height

April 27, 2004

Section 5 Definitions

February 1, 2005

Section 9 East Haddam Village District

February 1, 2005

Section 11 Off-Street Parking and Loading Requirements

February 1, 2005

Section 17 Floating Zones add Section 17.7

February 1, 2005

Appendix VI

February 1, 2005

Revised Map – East Haddam Village District

February 1, 2005

Revised Map – East Haddam IG-5

February 22, 2005

Section 2.3, 2.6, 14.B.1 - Uses and changes of Special exception approvals,

November 1, 2006

Section 5 Definitions - additions and revisions of definitions

November 1, 2006

Section 6 Separate sections for Lake and River to Lake -

November 1, 2006

Section 9.4 Separated sections for Lake and River L & R

November 1, 2006

Section 9.5 East Haddam Village District

November 1, 2006

Section 9.5.3, Section 9.5.4, Section 9.5.6, & Section 9.5.7,

November 1, 2006

Section 9.5 East Haddam Village District - replace the word "delegates"

November 1, 2006

Section 9.7.3.9 Include the following to the sub-zone;	November 1, 2006
Retail of Crafts and Products Associated with East Haddam’s Traditional Agricultural Heritage Arts and Crafts Galleries	November 1, 2006
Section 9 Conservation Zone per the Gateway Standards -	November 1, 2006
Section 10.1.4.1 Separated sections for Lake and River - L & R –	November 1, 2006
Building height, removal of the River Zone	November 1, 2006
Section 10.1 included 100 foot setback per the Gateway Standards	November 1, 2006
Section 10.1.3 include 100 foot setback from larger streams and 50 feet from smaller headwater streams in the Eightmile River Watershed.	November 1, 2006
Section 10.2.3.2.a Clarify language that twice the acreage for interior lots.	November 1, 2006
Section 11.2 Handicap parking - define the size of a parking area.	November 1, 2006
Section 12 Signs changes	November 1, 2006
Section 14A - Require Class A-2/T-2 maps for site plans.	November 1, 2006
Section 14B - Require tree caliper be measured at the base	November 1, 2006
Section 18 - Special Flood Hazard Regulations	August 26, 2008
Section 25 - Collection and Storage of Junk Material, Abandoned Vehicles, and Debris	June 23, 2009
Section 10.1.h Interior lots — creation of interior lots to allow flexibility in site design.	April 1, 2011
Section 14A.3.G. Requirement for filling of test pits.	April 1, 2011
Section 9 Permitted Uses Special Exception Review for 2, 3, and 4 family dwellings	April 1, 2011
Section 10.2 Accessory Units Redefine accessory units	April 1, 2011
Section 5 Definitions, Section 7 Seasonal Use Language and extension of time	April 1, 2011
Section 8.1.5 Merger of lots separated by street	April 1, 2011
Section 21 for the Regulation of Outdoor wood burning furnaces.	April 1, 2011
Section 15 Campgrounds and Recreational Camps – Section 5, Section 7	April 1, 2011
Section 12 Signs	September 2011
Section 2.8 Bonding	July 2012
Section 19 Earth Removal Regulations	July 2012
Section 27 Home Occupations	July 2012
Section 26 Outdoor Lighting	November 2012
Section 10.4.2 Alternative Soil Based Lot Review / Minimum Square	January 2014

Section 9 Health and Fitness Clubs added	December 9, 2014
Section 9.7, 9.10, 14B.1 – Exception for roof mounted solar panels	May 12, 2015
Section 29 Mobile Food Unit Regulation	May 12, 2015
Section 5 Definitions and Section 9 – Agricultural definitions & uses	April 2016
Section 17 & 9 Addition of Helistops	April 2016
Section 5 Definitions & 9.5 EHVD – add Hotels	August 9, 2016
Section 28 Stormwater Management	August 9, 2016
Section 14A & 14B Stormwater Management changes	August 9, 2016
Section 11 Parking – Stormwater Management Changes	August 9, 2016
Section 9.7 & Section 10 IG Districts reduced	September 13, 2016
Section 9.7 IG District lines amended	2017
Commercial Self-Storage Units	July 2020
Minimum Square Footage Requirements Eliminated	December 8, 2020
Section 2 – Revised to meet statutes on Site Plan Review	December 8, 2020
Section 8 – Remove abandonment clauses, timelines	December 8, 2020
Section 16 Historical Parks – added criteria for consideration	December 8, 2020
Section 15 Campgrounds – added off season use	December 8, 2020
Section 10.1.4 Building Height – added cupulas	December 8, 2020
Section 9.10 – Moodus Center District – Revised C/B/IG	October 1, 2021
Section 10.1.4 Building Height – Exceptions in Commercial Districts	October 1, 2021
Section 24 – Conversion seasonal / year-round occupancy	October 1, 2021
Section 30 – Agriculture and Agricultural Uses – New	October 1, 2021
Section 31 – Drive-Through Service	October 1, 2021
Section 32 – Cannabis Regulations	July 26, 2022

## APPENDIX II. LAND WITH LIMITATIONS FOR DEVELOPMENT

Soils referenced in the subdivision regulations, references are made in the Planning and Zoning regulations in these sections: 14A.2B.2, 17.3.10a, and 17.3.10b.

- 1). No land shall be subdivided for building purposes which consists of soil types designated as very poorly drained, which have very significant limitations, significant limitations of steep slopes for on-site absorption sewerage disposal facilities, said soils designated by the U.S. Department of Agriculture, Soil Conservation Service and the National Resources Center, as may be amended from time to time and listed in (a) and (b) below.

### **a. Soil not suitable for the installation of septic tank absorption fields.**

The soils that are categorized as being not suitable for the installation of septic tank absorption fields have been so, primarily because they are either inland wetlands or have a shallow depth to bedrock. Other limiting factors include year round and seasonal high water tables, frequent flooding and ponding, very slow permeability to substratum, steep slopes, rock outcrops, and in some cases the possible pollution of ground water.

Aa Adrian muck  
BcA Berlin silt loam, 0 to 5 percent slopes  
Ce Carlisle muck  
HSE Hollis-Rock outcrop complex, 15 to 40 percent slopes  
HyC Holyoke-Rock outcrop complex, 3 to 15 percent slopes  
HZE Holyoke-Rock outcrop complex, 15 to 40 percent slopes  
LG Leicester, Ridgebury and Whitman extremely stone fine sandy loam  
Ps Poduck fine sandy loam  
Rb Raypol silt loam  
Ru Rumney fine sandy loam  
Rv Rumney Variant silt loam  
Sb Saco silt loam  
Sc Scarboro mucky loamy fine sand  
St Suncook loamy sand  
Wd Walpole sandy loam  
We Westbrook mucky peat  
Wh Westbrook mucky peat, low salt  
Wr Wilbraham silt loam  
Wt Wilbraham extremely stony silt loam

### **b. Soils with significant limitations for the installation of septic tank absorption fields.**

The soils that are categorized as having significant limitations for the installation of septic tank absorption fields are limited by steep slopes (15-45%), seasonal high water table, stoniness, shallow depth to bedrock and slow to very slow permeability to substratum. Within each major soil grouping, there may be found, upon field investigation "pockets" of soils with slight to moderate limitations. Due to the varied range of slope in each unit (15-45%), there may be areas where the slope is acceptable. With careful testing, design and installation, a septic system can be successfully constructed subject to the provisions of the State Health Code.

CdD Canton and Charlton extremely stony fine sandy loam, 15 to 35 percent slopes  
EfA Ellington fine sandy loam, 0 to 5 percent slopes  
HrC Hinkley gravely sandy loam, 3 to 5 percent slopes  
HME Hickley and Manchester soils, 15 to 45 percent slopes  
HuD Holyoke-Cheshire very stony silt loams, 15 to 35 percent slopes  
LpA Ludlow silt loam, 0 to 3 percent slopes  
LpB Ludlow silt loam, 3 to 8 percent slopes  
LuB Ludlow very stony silt loam, 3 to 8 percent slopes  
LvC Ludlow extremely stony silt loam, 3 to 15 percent slopes  
NnA Ninigret fine sandy loam, 0 to 5 percent slopes  
PeD paxton and montauk extremely stony fine sandy loams, 15 to 35 percent slopes  
SgA Sudbury sandy loam, 0 to 5 percent slopes

WkD Wethersfield loam 15 to 35 percent slopes  
WXA Woodbridge fine sandy loam, 0 to 3 percent slopes  
WxB Woodbridge fine sandy loam, 3 to 8 percent slopes  
WyA Woodbridge very stony fine sandy loam, 0 to 3 percent slopes  
WyB Woodbridge very stony fine sandy loam, 3 to 8 percent slopes  
WzA Woodbridge extremely stony fine sandy loam, 0 to 3 percent slopes  
WzC Woodbridge extremely stony fine sandy loam, 3 to 15 percent slopes  
YaB Yalesville fine sandy loam, 3 to 8 percent slopes  
YaC Yalesville fine sandy loam, 3 to 8 percent slopes

**APPENDIX E of the Subdivision Regulation Favorable Soils – Section 10.4**  
**SOILS CLASSIFICATIONS Soils Characteristics – National Cooperative Soil Survey**

**FAVORABLE SOILS**

**Class A Soils – Slight limitations / High Potential**

ChB – Canton and Charlton fine sandy loams, 3 to 8 percent slope – soil depth of 60 inches or more – well drained soils – good potential for community development.

CsB – Cheshire silt loam, 3 to 8 percent slopes – soil depths of 60 inches or more – well drained soils – good potential for community development.

CcB – Canton and Charlton very fine sandy loams – 3 to 8 percent slopes – soil depths of 60 inches or more – well drained soils – good potential for community development.

CcC – Canton and Charlton very stony fine sandy loams, 8 to 15 percent slopes – soil depth of 60 inches or more – well drained soils – good potential for community development.

CsC – Cheshire silt loams, 8 to 15 percent slopes, soil depth of 60 inches or more – moderately drained soils – fair potential for community development.

CrC – Charlton-Hollis very stony fine sandy loam, 3 to 15 percent slopes – soil depth of 60 inches or more with rock out crops – moderate to well drained soils – good potential for community development due to bedrock.

CyC – Cheshire-Holyoke very stony silt loams, 3 to 15 percent slopes – soil depth of 60 inches or more with bedrock out crops – moderate to well drained soils – fair potential for community development due to bedrock.

CdC – Canton and Charlton extremely stony fine sandy loams, 3 to 15 percent slopes - soil depth of 60 inches or more – well drained soils – fair potential for community development due mainly to stoniness and slope.

PbB – Paxton and Montauk fine sandy loams, 3 to 8 percent slopes - soil depths of 60 inches or more - well drained soils – fair potential for community development – slow permeability.

PbC – Paxton and Montauk fine sandy loams, 8 to 15 percent slopes - soil depth to 60 inches or more - well drained soils – fair potential for community development – slow permeability.

PdB – Paxton and Montauk very stony fine sandy loams, 3 to 8 percent slopes - soil depth of 60 inches or more - well drained soils – fair potential for community development – slow permeability

PdC – Paxton and Montauk very stony fine sandy loams, 8 to 15 percent slopes, soil depth of 60 inches or more, well drained soils – fair potential for community development – slow permeability.



PeC – Paxton and Montauk extremely stony fine sandy loams, 3 to 15 percent slopes - soil depth of 60 inches or more - well drained soils – fair potential for community development – slow permeability.

WkB – Wethersfield loams, 3 to 8 percent slopes - soil depth to 60 inches or more - fair potential for community development – slow permeability.

WkC – Wethersfield loam, 8 to 15 percent slopes - soil depth of 60 inches or more - well drained soils - fair potential for community development – steep slopes and slow permeability.

WmB – Wethersfield very stony loam, 3 to 8 percent slopes - soil depth of 60 inches or more - fair potential for community development – slow permeability.

WmC – Wethersfield very stony loam, 8 to 15 percent slopes - soil depth of 60 inches or more - fair potential for community development – slow permeability.

**Group 1 – Slight limitations/low potential. permeability, groundwater may be polluted.**

AfA – Agawam fine sandy loam, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

AfB – Agawam fine sandy loams, 3 to 8 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

BoA – Branford silt loam, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

BoB – Branford silt loam, 3 to 8 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

HfA – Hartford sandy loam, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

HfA – Hartford sandy loam, 3 to 8 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

MgA – Manchester gravelly sandy loam, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

MyA – Merrimac sandy loam, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

MyB – Merrimac sandy loam, 3 to 10 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

PnA – Penwood loamy sand, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

PnB – Penwood loamy sand, 3 to 8 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

WvA – Windsor sandy loam, 0 to 3 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

WvB – Windsor sandy loam, 3 to 8 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, good potential for community development.

BoC – Branford silt loam, 8 to 15 percent slopes - depth to 60 inches or more – outwash plains and stream terraces, fair potential for community development due to slope.

HkC – Hinckley gravelly sandy loam, 3 to 15 percent slopes - depth to 60 inches or more – stream terraces, kames, and eskers, good potential for community development.

MgC – Manchester gravelly sandy loam, 3 to 15 percent slopes - depth to 60 inches or more – stream terraces, kames, and eskers, good potential for community development.

### **Class B Soils – Severe limitations / Medium Potential / Slopes**

CdD – Canton and Charlton extremely stony fine sandy loam, 15 to 35 percent slope - soil depth of 60 inches or more – well drained soils – poor potential for community development due to slope and stoniness.

PeD – Paxton and Montauk extremely stony fine sandy loams, 15 to 35 percent slopes - soil depth of 60 inches or more, well drained soils – poor potential for community development – steep slopes, stoniness, and slow permeability.

WkD – Wethersfield loam, 15 to 35 percent slope - soil depth of 60 inches or more, well drained soils, poor potential for community development – steep slopes and slow permeability.

## **QUESTIONABLE SOILS**

### **Class C Soils - Seasonal High Water Table 18 to 20 inches**

LpA – Ludlow silt loam, 0 to 3 percent slopes - soil depth of 60 inches or more – soil has a high water table at a depth of 20 inches from late autumn until mid-spring – fair potential for community development – slow permeability and seasonal high water table.

LpB – Ludlow silt loam, 3 to 8 percent slope - soil depth of 60 inches or more – soil has a high water table at a depth of 20 inches from late autumn until mid-spring – fair potential for community development – slow permeability and seasonal high water table.

LuB – Ludlow very stony silt loam, 3 to 8 percent slopes - soil depth of 60 inches or more, - soil has a high water table at a depth of 20 inches from late autumn until mid-spring – fair potential for community development – slow permeability and seasonal high water table.

WxA – Woodbridge fine sandy loam, 0 to 3 percent slopes - soil depth of 60 inches or more but soil has a seasonal high water table at a depth of about 18 inches from autumn until mid-spring. Fair potential for community development – limited by wetness and slow permeability.

WxB – Woodbridge fine sandy loam, 0 to 3 percent slopes - soil depth of 60 inches or more but soil has a seasonal high water table at a depth of about 18 inches from autumn until mid-spring. Fair potential for community development – limited by wetness and slow permeability.

WyB – Woodbridge very stony fine sandy loam, 3 to 8 percent slopes - soil depth of 60 inches or more but soil has a seasonal high water table at a depth of about 18 inches from autumn until mid-spring. Fair potential for community development – limited by wetness and slow permeability.

BcA – Berlin silt loam, 0 to 5 percent slope, glacial lacustrine terraces - soil depth of 60 inches or more, soil has a seasonal high water table at a depth of 20 inches, fair potential for community development – slow permeability and high water table.

EfA – Ellington fine sandy loam, 0 to 3 percent slopes, broad outwash terraces - depth to 60 inches or more, seasonal high water table at a depth of about 20 inches from late fall through early spring. Fair potential for community development – high water table

LvC – Ludlow extremely stony loam, 3 to 15 percent slopes, concave slopes of drumlins and slight depression in glaciated uplands, soil depth of 60 inches or more, soil has a seasonal high water table at 20 inches from autumn until mid-spring, fair potential for community development – seasonal high water table and slow permeability

NnA – Ninigret fine sandy loam, 0 to 5 percent slopes, outwash plains and stream terraces, soil depth of 60 inches or more, seasonal high water table at a depth of 20 inches from late autumn until spring fair potential for community development – seasonal high water table

SgA – Sudbury sandy loam, 0 to 5 percent slopes, broad outwash terraces and narrow stream valleys, soil depth of 60 inches or more, seasonal high water table at a depth of 20 inches from late autumn until midspring, fair potential for community development – seasonal high water table

WzA – Woodbridge extremely stony fine sandy loam, 0 to 3 percent, soil depth of 60 inches or more, seasonal high water table at a depth of 18 inches, fair potential for community development – seasonal high water table and slow permeability

WzC – Woodbridge extremely stony fine sandy loam, 3 to 15 percent slopes, soil depth of 60 inches or more, seasonal high water table at a depth of 18 inches, fair potential for community development – seasonal high water table and slow permeability

## **UNFAVORABLE SOILS**

### **Bedrock – 20 to 40 inches**

YaB – Yalesville fine sandy loam, 3 to 8 percent slopes, glacial till over bedrock – 20 to 40 inches, fair potential for community development – shallowness to bedrock

YaC – Yalesville fine sandy loam, 8 to 15 percent slopes, glacial till over bedrock – 20 to 40 inches, fair potential for community development – shallowness to bedrock

### **Slope 15 to 45% no areas exceeding 25%**

HME – Hinckley and Manchester soils, kames and eskers of outwash terraces, 15 to 45 percent slopes, depth of 60 inches or more, poor potential for community development – steep slopes

### **Class D Soils – Disturbed soils, variable in nature, on-site investigation by licensed soil scientist**

UD – Udorthents - Urban land complex

Ur – Urban land – paved roads and parking lots

### **Class E Soils – Inland Wetlands Soils**

#### **0% Applied Area – Severe limitations / Low Potential**

Rb – Raypol silt loam, 0 to 3 percent slopes, poorly drained soils in depressional areas, soil depth of 60

inches or more, poor potential for community development – wetness is the major limitation

St – Suncook loamy sand – nearly level excessively drained soil on the flood plains, poor potential for community development – flooding

Wr – Wilbraham silt loam – nearly level to gently sloping poorly drained soil in drainageways and depressions of glacial till uplands, seasonal high water table at a depth of 8 inches, poor potential for community development – wetness is the major limitation

Aa – Adrian Muck – nearly level, poorly drained organic soil. Water is at the surface most of the year, poor potential for community development – wetness is the major limitation

Ce – Carlisle Muck – Nearly level, poorly drained, organic soil. High water table and ponding, poor potential for community development – wetness is the major limitation

Lg – Liecester, Ridgebury, and Whitman soils, nearly level, very poorly drained soils, poor potential for community development – wetness is the major limitation, stoniness, slow permeability

Ps – Podunk fine sandy loam, nearly level soils on flood plains along major streams, poor potential for community development – wetness and flood hazard

Ru – Rumney fine sandy loam – nearly level soils on flood plains along major streams, poor potential for community development – wetness and flood hazard

Rv – Rumney Variant silt loam – nearly level soils on flood plains along major streams, poor potential for community development – wetness and flood hazard

Sb – Saco silt loam – nearly level, very poorly drained soils on low flood plains adjacent to streams and rivers – poor potential for community development – wetness and flood hazard

Sc – Scarboro mucky loam fine sand – nearly level, very poorly drained soil in depressions of broad glacial outwash terraces – poor potential for community development – high water table

Wd – Walpole sandy loam – nearly level, poorly drained soil in depressions of glacial outwash plains – poor potential for community development – high water table

We – Westbrook mucky peat – nearly level very poorly drained soil in tidal marshes – subject to tidal flooding – poor potential for community development – high water table, flooding

Wh – Westbrook mucky peat, low salt – nearly level, very poorly drained soil in tidal marshes – poor potential for community development – high water table, flooding

Wt – Wilbraham extremely stony silt sand – poorly drained soil in drainageways and depressions, seasonal high water table at a depth of about 8 inches – poor potential for community development – high water table, stoniness, slow permeability

**Class E Soils – Severe limitations / very low potential, 14 inches or less to bedrock rock outcrop 0% Applied Area**

HpE – Hollis-Charlton extremely stony fine sand, 15 to 40 percent slopes, moderately steep to very steep slopes, areas with bedrock outcrops, poor potential for community development – steep slopes, shallowness to bedrock, rock outcrops, and stoniness

HrC – Hollis Rock outcrop complex, 3 to 15 percent slopes, poor potential for community development –

shallowness to bedrock, rock outcrops, and stoniness

HsE – Hollis – Rock outcrop complex, 15 to 40 percent slopes, moderately steep to steep and areas of rock outcrop

HuD – Holyoke-Cheshire very stony silt loams, 15 to 35 percent slopes, moderately steep to steep slopes with underlying bedrock – poor potential for community development – steep slopes, shallowness to bedrock, rock outcrops, and stoniness

HyC – Holyoke – Rock outcrop complex 3 to 15 percent slopes, areas of bare, exposed bedrock, poor potential for community development – shallowness to bedrock, rock outcrops, and stoniness

HZE – Holyoke-Rock outcrop complex, 15 to 40 percent slope, moderately steep to steep, exposed hard bedrock – poor potential for community development – steep slopes, shallowness to bedrock, rock outcrops, and stoniness

Rp – Rock outcrop – Hollis complex, areas of hard, exposed bedrock – poor potential for community development – steep slopes, shallowness to bedrock, rock outcrops, and stoniness

### Appendix III Invasive Plant Lists

Invasive Plants in Connecticut, listed as of 2004 by the Connecticut Invasive Plants Council (as authorized by CT Public Act 03-136). Nothing listed below as invasive or potentially invasive should be planted in the Watershed Overlay District. This list is also available from the Invasive Plant Atlas of New England, University of Connecticut, at [http://invasives.eeb.uconn.edu/ipane/ctcouncil/CT\\_Invasive\\_Plant\\_List.htm](http://invasives.eeb.uconn.edu/ipane/ctcouncil/CT_Invasive_Plant_List.htm) or the USDA Natural Resources Conservation Service at <http://www.ct.nrcs.usda.gov/plants.html>.

AQUATIC & WETLAND PLANTS			
Species	Common name	Invasive	Potentially Invasive
<i>Butomus umbellatus</i> L.	Flowering rush		X
<i>Cabomba caroliniana</i> A. Gray	Fanwort	X	
<i>Callitriche stagnalis</i> Scop.	Pond water-starwort		X
<i>Egeria densa</i> Planchon	Brazilian water-weed		X
† <i>Eichhornia crassipes</i> (Mart.) Solms	Common water-hyacinth		X
<i>Hydrilla verticillata</i> (L.f.) Royle	Hydrilla	X	
<i>Iris pseudacorus</i> L.	Yellow Iris	X	
<i>Lythrum salicaria</i> L.	Purple loosestrife	X	
<i>Marsilea quadrifolia</i> L.	European waterclover		X
<i>Myosotis scorpioides</i> L.	Forget-me-not	X	
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather		X
<i>Myriophyllum heterophyllum</i> Michx.	Variable-leaf watermilfoil	X	
<i>Myriophyllum spicatum</i> L.	Eurasian watermilfoil	X	
<i>Najas minor</i> All.	Brittle water-nymph		X
<i>Nelumbo lutea</i> (Willd.) Pers.	American water lotus		X
† <i>Nymphoides peltata</i> (Gmel.) Kuntze	Yellow floating heart		X
† <i>Pistia stratiotes</i> L.	Water lettuce		X
<i>Potamogeton crispus</i> L.	Crispy-leaved pondweed	X	
<i>Rorippa microphylla</i> (Boenn. ex Reichenb.) Hyl. ex A. & D. Löve	Onerow yellowcress		X
<i>Rorippa nasturtium-aquaticum</i> (L.) Hayek	Watercress		X

† <i>Salvinia molesta</i> Mitchell complex	Giant salvinia		X
<i>Trapa natans</i> L.	Water chestnut	X	
<b>TREES</b>			
Species	Common name	Invasive	Potentially Invasive
<i>Acer ginnala</i> L.	Amur maple		X
* <i>Acer platanoides</i> L.	Norway maple	X	
<i>Acer pseudoplatanus</i> L.	Sycamore maple		X
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of heaven	X	
<i>Paulownia tomentosa</i> (Thunb.) Steudel	Princess tree		X
<i>Populus alba</i> L.	White poplar		X
* <i>Robinia pseudo-acacia</i> L.	Black locust	X	
<b>SHRUBS</b>			
Species	Common name	Invasive	Potentially Invasive
<i>Amorpha fruticosa</i> L.	False indigo		X
* <i>Berberis thunbergii</i> DC.	Japanese barberry	X	
<i>Berberis vulgaris</i> L.	Common barberry	X	
<i>Elaeagnus angustifolia</i> L.	Russian olive		X
<i>Elaeagnus umbellata</i> Thunb.	Autumn olive	X	
* <i>Euonymus alatus</i> (Thunb.) Sieb.	Winged euonymus	X	
<i>Frangula alnus</i> Mill.	Glossy buckthorn	X	
<i>Ligustrum obtusifolium</i> Sieb. & Zucc.	Border privet		X
<i>Ligustrum ovalifolium</i> Hassk.	California privet		X
<i>Ligustrum vulgare</i> L.	European privet		X
<i>Lonicera xbella</i> Zabel	Bell's honeysuckle	X	
<i>Lonicera maackii</i> (Rupr.) Maxim.	Amur honeysuckle	X	

Lonicera morrowii A. Gray	Morrow's honeysuckle	X	
Lonicera tatarica L.	Tatarian honeysuckle		X
†Lonicera xylosteum L.	Dwarf honeysuckle		X
Rhamnus cathartica L.	Common buckthorn	X	
Rosa multiflora Thunb.	Multiflora rose	X	
*Rosa rugosa Thunb.	Rugosa rose		X
Rubus phoenicolasius Maxim.	Wineberry		X
<b>WOODY VINES</b>			
Species	Common name	Invasive	Potentially Invasive
*Ampelopsis brevipedunculata (Maxim.) Trautv.	Porcelainberry		X
Celastrus orbiculatus Thunb.	Oriental bittersweet	X	
*Lonicera japonica Thunb.	Japanese honeysuckle	X	
Pueraria montana (Lour.) Merr.	Kudzu		X
<b>HERBACEOUS PLANTS</b>			
Species	Common name	Invasive	Potentially Invasive
Aegopodium podagraria L.	Goutweed	X	
Alliaria petiolata (Bieb.) Cavara & Grande	Garlic mustard	X	
Cardamine impatiens L.	Narrowleaf bittercress	X	
Centaurea biebersteinii DC.	Spotted knapweed	X	
Cirsium arvense (L.) Scop.	Canada thistle		X
Cynanchum louiseae Kartesz & Gandhi	Black swallow-wort	X	
Cynanchum rossicum (Kleov.) Borhidi	Pale swallow-wort	X	
Datura stramonium L.	Jimsonweed		X
Elsholtzia ciliata (Thunb.) Hylander	Crested late-summer mint		X
Euphorbia cyparissias L.	Cypress spurge		X



<i>Euphorbia esula</i> L.	Leafy spurge	X	
<i>Froelichia gracilis</i> (Hook.) Moq.	Slender snake cotton		X
<i>Glechoma hederacea</i> L.	Ground ivy		X
<i>Heracleum mantegazzianum</i> Sommier & Lavier	Giant hogweed		X
<i>Hesperis matronalis</i> L.	Dame's rocket	X	
<i>Humulus japonicus</i> Sieb. & Zucc.	Japanese hops		X
† <i>Impatiens glandulifera</i> Royle	Ornamental jewelweed		X
<i>Kochia scoparia</i> (L.) Schrader	Common kochia		X
<i>Lepidium latifolium</i> L.	Perennial pepperweed	X	
<i>Lychnis flos-cuculi</i> L.	Ragged robin		X
* <i>Lysimachia nummularia</i> L.	Moneywort		X
* <i>Lysimachia vulgaris</i> L.	Garden loosestrife		X
<i>Onopordum acanthium</i> L.	Scotch thistle		X
<i>Ornithogalum umbellatum</i> L.	Star-of-Bethlehem		X
<i>Polygonum caespitosum</i> Blume	Bristled knotweed		X
<i>Polygonum cuspidatum</i> Sieb. & Zucc.	Japanese knotweed	X	
<i>Polygonum perfoliatum</i> L.	Mile-a-minute vine	X	
<i>Polygonum sachalinense</i> F. Schmidt ex Maxim.	Giant knotweed		X
<i>Ranunculus ficaria</i> L.	Fig buttercup	X	
<i>Rumex acetosella</i> L.	Sheep sorrel		X
† <i>Senecio jacobaea</i> L.	Tansy ragwort		X
<i>Silphium perfoliatum</i> L.	Cup plant		X
<i>Solanum dulcamara</i> L.	Bittersweet nightshade		X
<i>Tussilago farfara</i> L.	Coltsfoot	X	
<i>Valeriana officinalis</i> L.	Garden heliotrope		X

<b>GRASSES AND GRASS-LIKE PLANTS</b>			
<b>Species</b>	<b>Common name</b>	<b>Invasive</b>	<b>Potentially Invasive</b>
Arthraxon hispidus (Thunb.) Makino	Hairy jointgrass		X
Bromus tectorum L.	Drooping brome-grass		X
†Carex kobomugi Owhi	Japanese sedge		X
Glyceria maxima (Hartman) Holmburg	Reed mannagrass		X
Microstegium vimineum (Trin.) A. Camus	Japanese stilt grass	X	
*Miscanthus sinensis Anderss.	Eulalia		X
Phalaris arundinacea L.	Reed canary grass	X	
Phragmites australis (Cav.) Trin.	Common reed	X	
Poa compressa L.	Canada bluegrass		X

? An asterisk (\*) denotes that the species, although shown by scientific evaluation to be invasive, has cultivars that have not been evaluated for invasive characteristics. Further research may determine whether or not individual cultivars are potentially invasive. Cultivars are commercially available selections of a plant species that have been bred or selected for predictable, desirable attributes of horticultural value such as form (dwarf or weeping forms), foliage (variegated or colorful leaves), or flowering attributes (enhanced flower color or size).

† A dagger (†) indicates species that are not currently known to be naturalized in Connecticut but would likely become invasive here if they are found to persist in the state without cultivation.

## Appendix IV Recommended native plants for Connecticut

*[The following list is an example of what could be listed in this section. It comes from the more detailed 2004 Connecticut Stormwater Quality Manual – Appendix A, and is meant as a general guidance for trees that are appropriate to be planted in the riparian fringe. It is available online at [http://dep.state.ct.us/wtr/stormwater/manual/Apx\\_A\\_Plant\\_List.pdf](http://dep.state.ct.us/wtr/stormwater/manual/Apx_A_Plant_List.pdf) ]*

Trees and Shrubs	
Scientific Name	Common Name
Acer rubrum	Red Maple
Alnus rugosa	Speckled Alder
Alnus serrulata	Smooth Alder
Amelanchier canadensis	Serviceberry
Betula nigra	River Birch
Cephalanthus occidentalis	Buttonbush
Cornus amomum	Silky Dogwood
Fraxinus nigra	Black ash
Fraxinus pennsylvanica	Green Ash
Hamamelis virginiana	Witch Hazel
Ilex verticillata	Winterberry
Juniperus virginiana	Eastern Red Cedar
Larix laricina	Larch, Tamarack
Lindera benzoin	Common Spice Bush
Liriodendron tulipifera	Tulip Poplar
Myrica pensylvanica	Bayberry
Nyssa sylvatica	Blackgum
Platanus occidentalis	Sycamore
Populus deltoides	Eastern Cottonwood
Quercus bicolor	Swamp White Oak
Quercus palustris	Pin Oak

Rosa palustris	Swamp Rose
Salix nigra	Black Willow
Sambucus canadensis	Elderberry
Ulmus americana	American Elm
Ulnus rubra	Slippery Elm
Viburnum dentatum	Arrowwood Viburnum
<b>Herbaceous Plants</b>	
<b>Scientific Name</b>	<b>Common Name</b>
Andropogon gerardi	Big Bluestem
Lotus corniculatrus	Birdfoot deervetch
Verbena hastata	Blue Vervain
Eupatorium perfoliatum	Boneset
Calamagrotis canadensis	Blue Joint
Lobelia cardinalis	Cardinal flower
Cyperus esculentus	Chufa
Poa palustris	Fowl Bluegrass
Glyceria striata	Fowl mannagrass
Scirpus atrovirens	Green Bulrush
Agrostis alba	Redtop
Carex spp.	Sedges
Polygonum spp.	Smartweed
Juncus effusus	Soft rush
Eupatorium maculatum	Spotted Joe-pye weed
Aster puniceus	Swamp Aster
Panicum virgatum	Switchgrass
Alisma plantago-aquatica	Water plantain
Elymus spp.	Wild-rye

## Appendix V

### **5.04 FUNCTIONAL ROAD CLASSIFICATION: FOR EXISTING AND PROPOSED ROADS:**

1. **ARTERIAL:** Route 82 –Norwich Road, Town Street, Norwich-Salem Road, Route 149 – Main Street, Moodus - East Haddam Road, Falls Road, Sipples Hill Road -, Route 151 -Moodus – Leesville Road, Plains Road, Town Street, [Route 148], Route 156 – Hamburg Road, Route 434- Mt Parnassus Road, Millington Road, Hopyard Road, Route 431 - River Road, and Route 609 – Leesville Road.

2. **COLLECTOR:** East Haddam-Colchester Turnpike, Tater Hill Road, Clark Hill Road, Smith Road, Falls Bashan Road, North Moodus Road, (junction of Sillmanville Road to Route 149), Landing Hill Road, and Haywardville Road.

### **3. RESIDENTIAL:**

Ackley Road, Ackley Cemetery Road, Alexander Road, Alger Road, Algonquin Trail, Andrews Road, A.P. Gates Road, Apple Lane, Babcock Road, Baker Lane, Baker Road, Ballahack Road, Banner Road, Banning Road, Barberry Lane, Beebe Road, Boardman Road, Bogel Road, Bogue Lane, Bone Mill Road, Bonfoey Road, Briarcliffe Road, Brooke Hill Road, Broom Road, Cantrall Road, Casner Road, Cedar Meadow Road, Cherry Swamp Road, Clark Hill Road, Cold Spring Road, Commerce Drive, Cove Road, Cragmere Road, Creamery Road, Creek Row, Cross Road, Daniel Peck Road, Daniels Road, Davison Road, Day Hill Road, Deer Run, Desmond Road, Dock Rock, Dolbia Hill Road, Early Road, East Lane, East Shore Drive, Echo Farm Road, Ed Williams, Road, Eli Chapman Road, Essex Turnpike, Fay Drive, Florida Road, Forest Way, Foxtown Cemetery Road, Geoffrey Road, Great Hillwood Road, Gristmill Road, Hall Kilbourne Road, Hedlund Road, Helon Cone Road, Hem Street, Hemlock Valley Road, Heritage Brooke Road, Highland Avenue, Hillside Road, Hilltop Road, Honey Hill Road, Hungerford Road, Joe Williams Road, Johnsonville Road, Jones Hill Road, Juda Lane, Lake Shore Drive, Lakeside Drive, Landing Hill Road, Launching Area Road, Laurel Lane, Long Pasture Lane, Longwood Drive, Lookout Drive, Lori lane, Lumberyard Road, Maple Avenue, Matthews Drive, Mill Road, Millington Road, Mitchell Road, Mott Lane, Neptune Avenue, Newberry Loop, Newberry Road, Nichols Road, O'Connell Road, O'Connell Road Extension Old East Haddam Road, Old Kentwood Road, Old Millington Road, Old Mt Parnassus Road, Old Orchard Road, Old Town Street, Olde Field Drive, Olmsted Road, Oriole Road, Overlook Road, Palmer Martin Road, Parker Road, Petticoat Lane, Phelps Road, Porges Road, Powerhouse Road, Ray Hill Road, Ray Palmer Road, Red Mill Lane, Ridge Road, Ridgebury, Ridgewood Road, Ridgewood Road Extension, Robbie Road, Salem Road, Schulman Veselak, School Road, Scoville Landing, Shanaghan Road, Sheepskin Hollow, Silas Holmes, Sillmanville Road, Sims Lane Sims Road, Southwinds Road, Starr Road, Stockburger Road, Stocking Lot Road, Stony Brook Drive, Sunset Road, Tater Hill Road, Three Bridges Road, Town Farm Road, Town Road, Trowbridge Road, Valley Brook Road, Warner Road, West Cove Road, West Road, Westwood Road, Whip-O-Whill Terrace, Whitewood Road, Wickham Road, Wigwam Road, Wildwood Road, William F. Palmer Road, Woel Road, Woodmont Circle.

### **LAKES – Public and Private:**

**Bashan Lake:** Abbe Lane, Bailey Road, Fieldstone Drive, Lakeside Drive (Sunset Acres), Laurel Cove Road, Laurel Cove Beach Road, Overlook Road, Wildwood Association (off Smith Road).

**Lake Hayward:** Briarcliff Road, Cragmere Road, East Lane, East Shore Drive, Forest Way, Glimmer Glen, Hayfield Road, Hillside Road, Hungerford Road East, Lake Shore Drive, Laurel Lane, Longwood Drive, Lookout Drive, Ridgewood Road, Ridgewood Road Extension, Sunset Road, Wildwood Road.

**Moodus Reservoir, Moodus Lake Shore, Inc. (off of East Haddam Colchester Turnpike):** Beach Road, Berry Road, Birch Road, Britain Road, Emily Road, Geronimo Road, Grama Road, Hilltop Road, Mabel

Road, Oak Road, Pine Road, Paula Road, Rock Road, Shady Road, Short Road, Steven Road, Swamp Road, Tom Road, Ward Road.

**Moodus Reservoir, Shore Acres (off East Haddam Colchester Turnpike):** Beech Tree Avenue, Dorothy Street, Launching Area Road, Oak Tree Avenue, Shore Road, Stanley Avenue.

**Moodus Reservoir, Moodus Estates (Sipples Estates):** Clearview Road, Dock Road, Dogwood Road, Knoll Road, Lakeview Road, Old Acres Road, Park Road, Short Road, Triangle Road.

**Moodus Reservoir, Moodus Estates (off Falls Bashan Road):** Blue Heron Lane, Briarwood Road, Goose Lane, Grandview Road, Lakeview Road, Laurel Road, Park Drive, Pine Tree Road, Sands Road, Sunny Heights Road, White Sands Road, Woodland Road.

**4. PRIVATE:** All streets not listed above.

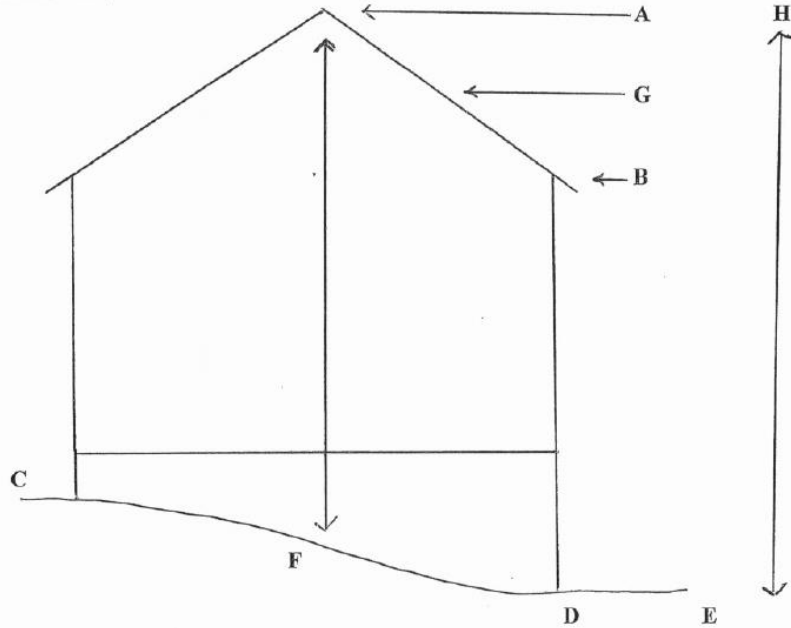
**5. SCENIC:** An Arterial, Collector, Residential or Unclassified road or section of the road which has also been designated as a scenic road by applicable Connecticut State Statute and Town Ordinance.

Beebe Road, Wickham Road, Creek Row, East Shore Drive, East Haddam – Moodus Road and Main Street – Route 149

5. **UNCLASSIFIED:** Any existing streets which are not listed above shall be classified by the Commission as Arterial, Collector, Residential or Private, or, if not a road, as a driveway or common driveway, based on a review of the Plan of Development and consultation with the Board of Selectmen. The Commission may, in its discretion, hold a public hearing to solicit such information, or may defer any classification until the completion of pending or potential adjudication by a court of competent jurisdiction. Classification of proposed streets shall be in accordance with the criteria of Section 5.05 of these regulations.

**EAST HADDAM ZONING REGULATIONS  
HEIGHT ILLUSTRATIONS**

APPENDIX VII



A = Peak, highest point of the roof

B = Eave

C = Highest ground level

D = Lowest grade level - no higher than the existing natural grade.

E = Lowest existing grade adjoining the building. Same as D

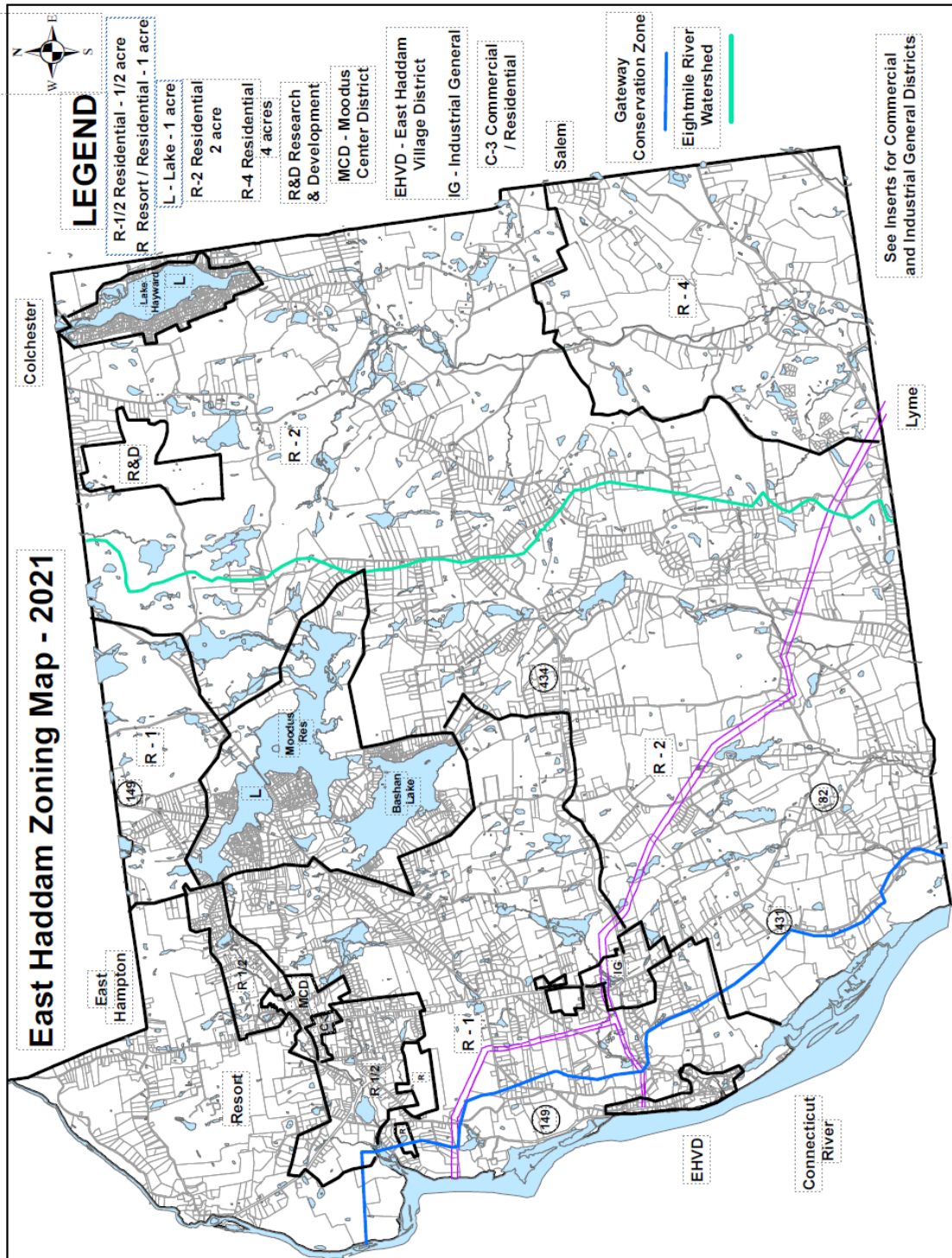
F = Grade plane =  $\frac{D-C}{2}$

G = Mean roof height =  $\frac{(F \text{ to } A) + (F \text{ to } B)}{2}$  = 30 feet maximum / 24 feet maximum in the L District

Maximum height = F to A = 40 feet maximum / 32 feet maximum in the L District

Maximum height in the Conservation Zone = E to H = 35 feet maximum

**Appendix VI – Building Height Diagram**

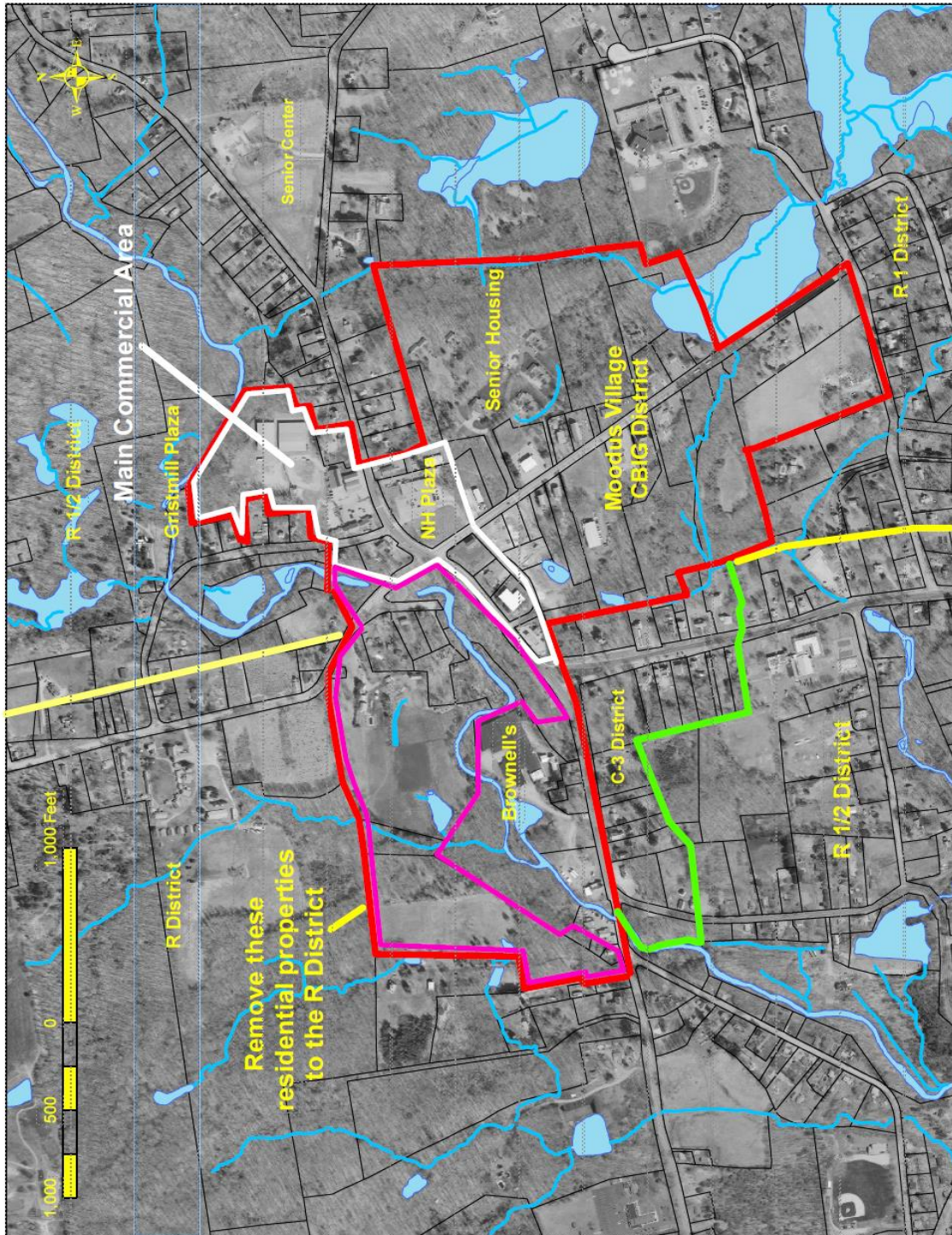


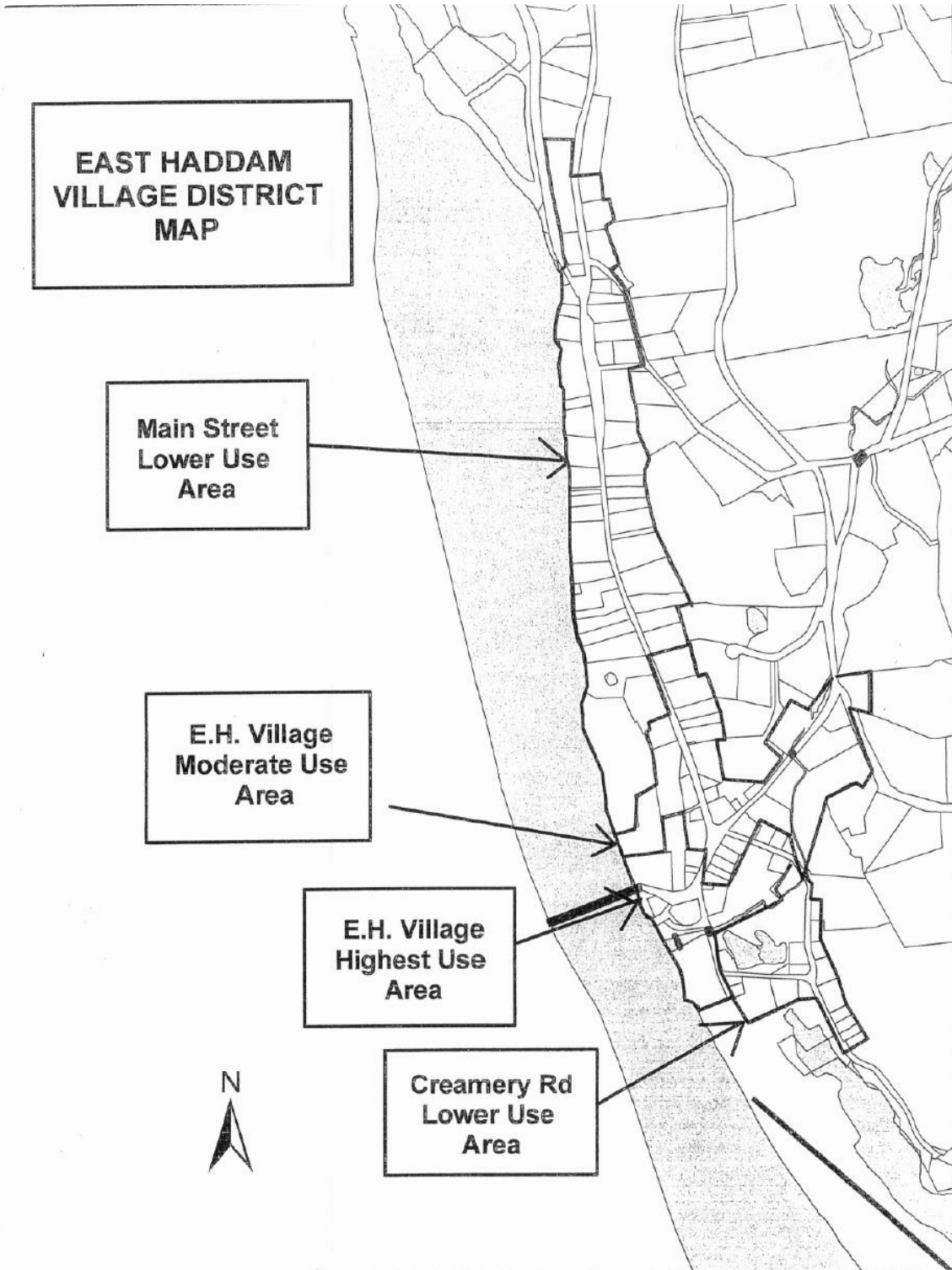
**Appendix VII – East Haddam Zoning Map**

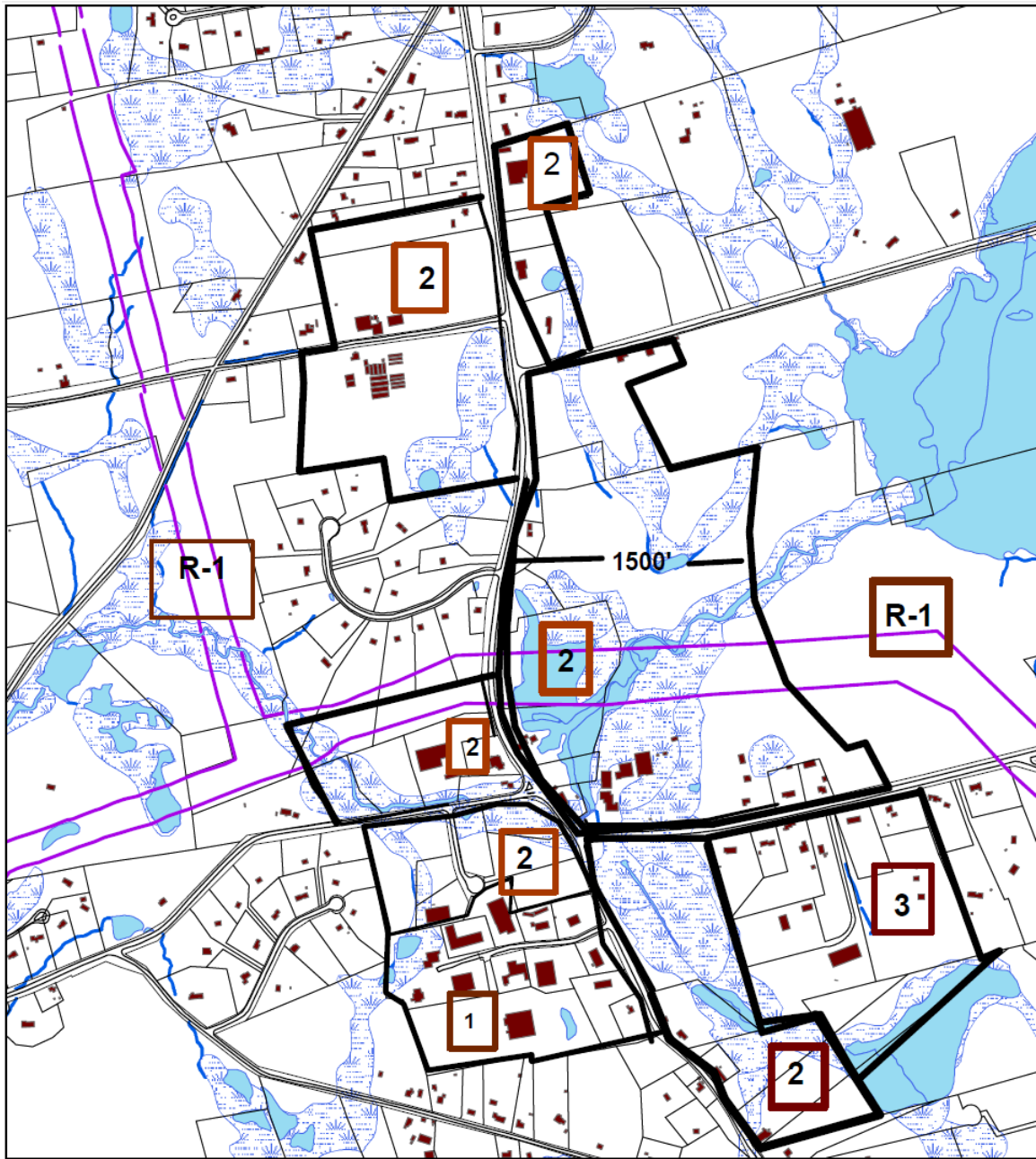


# Appendix VIII - Maps of Zoning District

## Moodus Center District



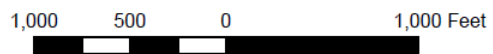


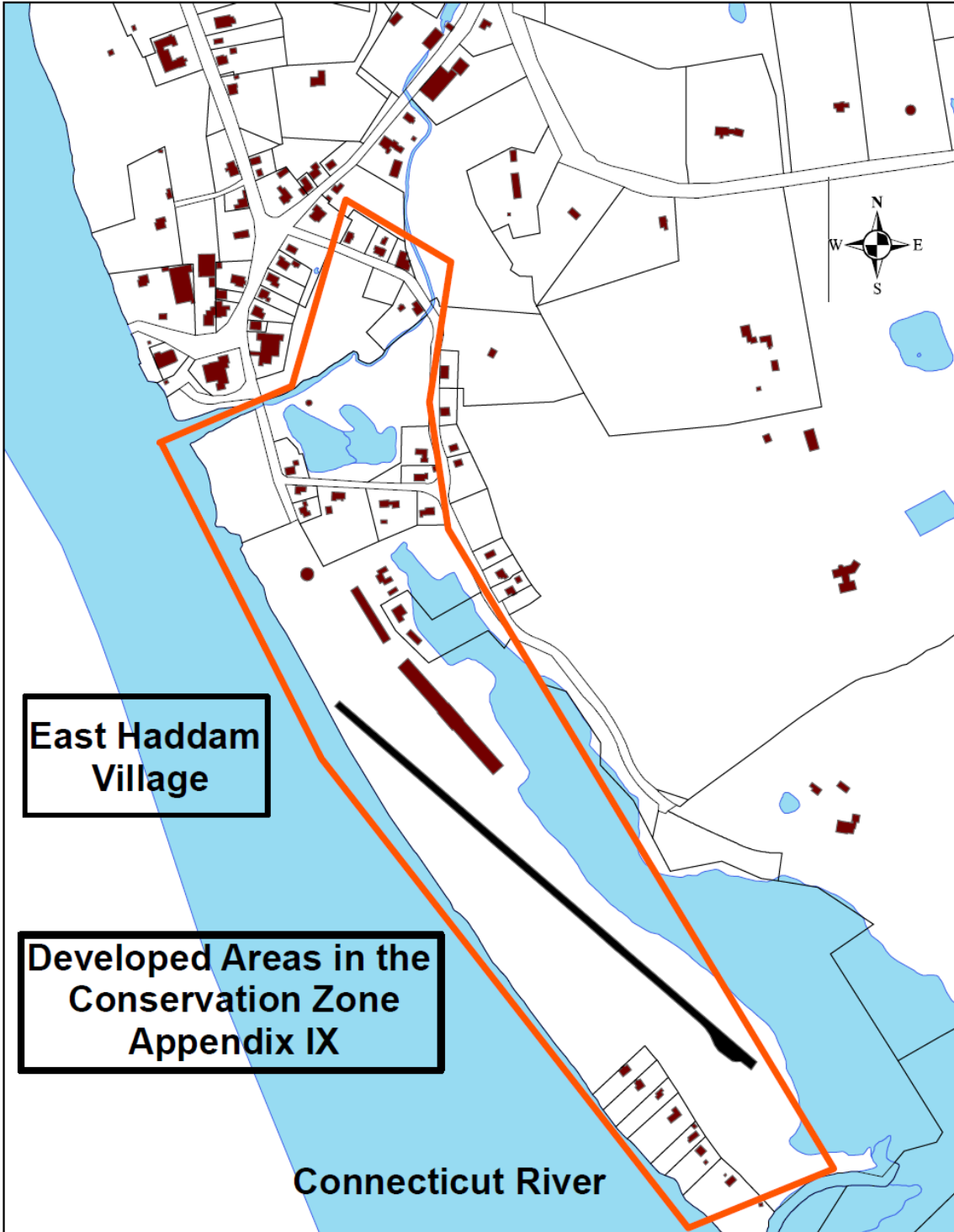


**IG SUBZONE MAP - 2017**  
**Rte 151, Rte 82, & Mt Parnassus Area**

follows property lines  
 See TC Map 2450,  
 3819, & 4003

**1** Subzone Number







# Appendix XI

## East Haddam Village Guidelines for Site Design and Compatibility Objectives



# Photo Survey of Village District

## *High Use District*



## *Medium Use District*



*Low Use District – Creamery/Lumberyard Road*



*Low Use – Main Street*



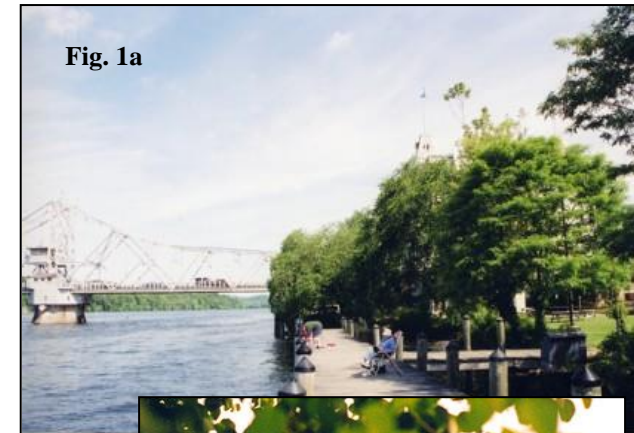




**1. Proposed Buildings or modifications to existing buildings should be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have functional or visual relationship to a proposed building or modification.**

**Guidelines:**

- 1a) Development in the village should enhance and encourage the enjoyment of the Connecticut River and other natural areas by provide or preserve visual and pedestrian connections between the village and the Connecticut River and other natural features.
- 1b) Identify existing natural features and incorporate these features as design elements in order to enhance the relationship of the built to the natural environment.
- 1c) Protect and enhance significant natural features (e.g. wetlands, streams, floodplain, rock outcrops, forested areas) and places that lend a unique character to the specific setting (e.g. special open space, rare vegetation, scenic water features, wildlife habitat, etc.).
- 1d) Preserve and protect archeological elements of site, or if they cannot be preserved have a qualified archeologist document findings in accordance with Section 4.17 through 4.17 of the East Haddam Subdivision Regulations.
- 1e) Create clear boundaries between different uses or different neighborhood densities by establishing visually interesting open spaces or vegetated buffers.
- 1f) To organize architectural composition, make use of prominent site features.



**2. All spaces, structures and related site improvements visible from public road and water ways should be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification.**

**Guidelines:**

2a) Design parking areas that are consistent with the existing scale, historic nature and aesthetic of the village, by making use of existing topography and creating small, dispersed parking areas that are easily found, interconnected by pedestrian access ways and accessible to businesses and other village venues.

2b) Create a strong architectural edge on street front by locating the majority of parking at the rear of the building, when possible, and the remainder in the side yard.

2c) Provide for a landscaped buffer screening parking from street view and from adjacent residential properties.

2d) Keep covered parking compatible in scale, character and detail with the architecture that it serves.

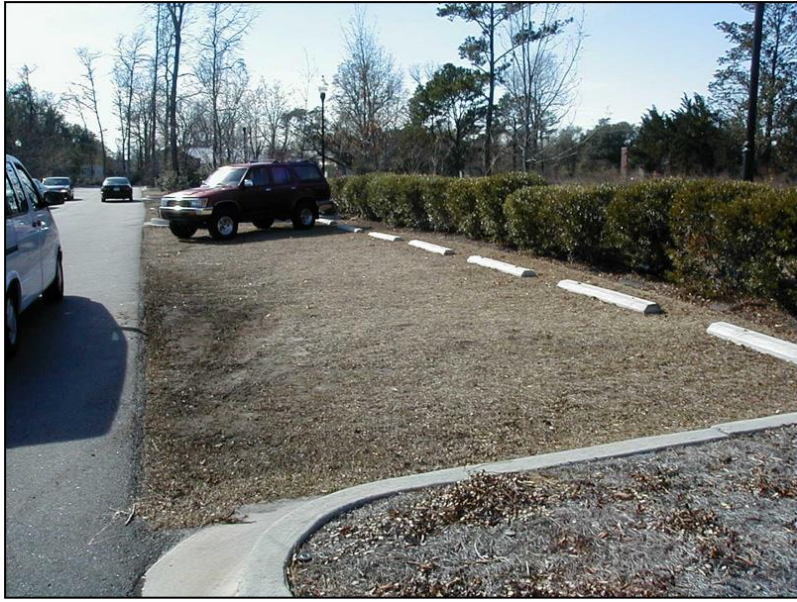
2e) Provide vehicle barriers (curbs, bollards or low walls) only where necessary to protect public safety.

2f) Illuminate parking area for security and safety, but reduce the impact of this lighting on adjacent properties through the use of cut-off fixtures and/or the reduction of lighting after hours.

2g) Design parking landscape islands and perimeters that serve multiple uses as buffers, screens, pedestrian access ways and bioretention for stormwater in order to integrate parking areas into surroundings to create a parklike setting.

2h) Use permeable materials or alternative surfacing materials for overflow, low use, or primary parking areas where practical to reduce site imperviousness and encourage infiltration of water.





**3. The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting should be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.**

**Guidelines:**

- 3a) Coordinate color, materials, architectural form, and detailing to achieve continuity with neighboring buildings and the Village as a whole to reinforce harmony and beauty
- 3b) Consider rooflines of adjacent buildings to avoid clashes of style and material.
- 3c) Establish visual continuity and building rhythms with adjacent building forms.
- 3d) Reference adjacent building roof details: Dormers, fascias, roof pitches, overhangs, etc.
- 3e) Include architectural detailing and apply it consistently throughout the design. Ensure such detailing is compatible with the historical context.
- 3f) Build protective canopies, stairs, columns, wall or roof projections and recesses, etc. to human
- 3g) scale at sidewalk level to encourage pedestrian use.
- 3h) Create visual variety, aid in climate control, and establish character by creating shadow patterns using architectural elements (e.g. overhangs, trellises, projections, reveals and awnings)



3i) Accentuate entrances with strong definition and individual legibility for individual tenants.

3j) Arrange window patterns with a visually balanced spacing and conscious rhythm.

3k) Respect, complement and/or enhance local historic detailing with compatible roof forms and shapes.

3l) Avoid large, unarticulated or monolithic areas on building facades. Use detailing to add relief and shadow patterns to otherwise flat facades

3m) Use natural materials in their traditional applications (e.g. wood, stone, brick, glass, metal etc.) and try to avoid the use of vinyl or aluminum siding, finish systems etc.

3n) Design to create visually inspiring and proportionally pleasing spatial relationships between buildings, open space and setbacks on adjacent sites.

3o) Create visual variety using building clustering, surface recesses, projections and open space interruptions.

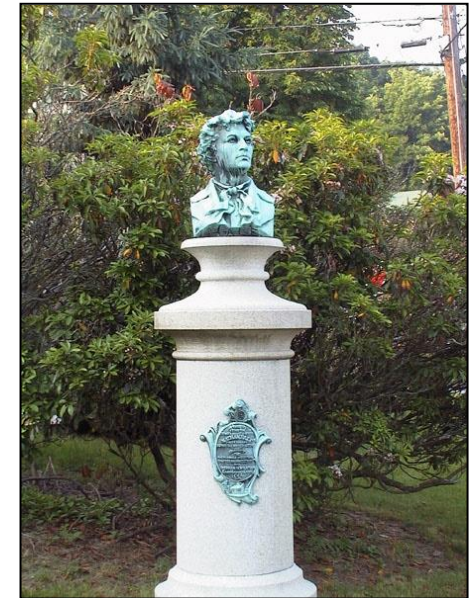
3p) Avoid long, large, unarticulated structures that are visually uninviting and do not contribute to the streetscape.



**4. The removal or disruption of historic, traditional or significant structures or architectural elements shall be minimized.**

**Guidelines:**

- 4a) Treat resources in a manner consistent with the U.S. Secretary of the Interior's standards for historic structures and the Town of East Haddam Historic District Commission's *Standards for the Treatment of Historic Properties and the Guidelines for Construction and Alterations in the Historic District of East Haddam, Connecticut* for the preservation and protection of these Historic Districts.
- 4b) Preserve and/or enhance views of historic, traditional or significant structures or architectural elements.
- 4c) Incorporate historic cultural landmarks (houses, commercial buildings, old stone walls, barns or sheds, fences, trees, etc.) into new development.



**Fig. 4c**

**5. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.**

**Guidelines:**

- 5a. New structures should coalesce with the style, scale and nature of the existing historic buildings.
- 5b. New structures should be guided by existing historic buildings and be congruent with village character.
- 5c. Pre-existing visual patterns (e.g. density, lot size, location of sidewalks and parking areas) should be continued.
- 5d. Provide safe and convenient handicapped access that blends with the architecture and landscape plan.
- 5e. Large commercial uses that serve the public should provide public facilities for general use.
- 5f. Allow mixed residential and commercial uses that are compatible in the neighborhood and do not unacceptably affect the neighborhood and businesses through the emission of noise, light, smoke or other objectionable features without adequate buffering and controls.
- 5g. Place equal aesthetic importance on all building sides (front, sides and rear).
- 5h. Design the main building entrance to be clearly visible, identifiable and inviting from the primary vantage points or public approach.
- 5i. Use sidewalks as organizing elements to define public areas.
- 5j. New walks should be of a width and material that complements existing walks and





building materials (e.g., stone and concrete).

5k. Enliven street or entrance appearance with design elements to add interest and vitality to the streetscape, engaging pedestrians. (e.g. fences, kiosks, stone walls, pots, planting beds, sculpture, water features and other ornaments).

5l. Install trash receptacles where accumulation of trash is likely to occur.



**6. Proposed streets shall be connected to the existing district road network, wherever possible.**

**Guidelines:**

- 6a. Provide sidewalks and crosswalks that ensure safe pedestrian access and foster greater connection to all areas of the village.
- 6b. Incorporate landscaping and scenic views along circulation system.
- 6c. Minimize conflicts between pedestrian and vehicle movement with design elements (vegetation, screens, structures, grade changes, etc.).
- 6d. Provide textured, patterned or other alternative walking surfaces that add to village character while providing safe passage.
- 6e. Provide transportation designs that slow traffic through the village (traffic calming).
- 6f. Provide clear sight lines at entrances.
- 6g. Minimize traffic lane widths while allowing for vehicular maneuvering.
- 6h. Minimize vehicle headlight glare on adjacent land uses.



**7. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting.**

**Guidelines:**

- 7a. Encourage planned and/or spontaneous public gathering at convenient, safe and visually engaging locations.
- 7b. Provide public areas that allow for leisure activity, river and village access (e.g. nature walks, boardwalks, benches, temporary docking, canoe/kayak launches, picnicking, fairs and festivals).
- 7c. Seating should be an essential element of a pedestrian orientated village and can be incorporated in a variety of ways, such as traditional benches, steps, ledges, or low walls.
- 7d. Create opportunity for passive recreation in natural areas or open space settings.
- 7e. Design spaces for multiple uses: festival grounds, overflow parking, passive recreation.
- 7f. Place spatial elements (e.g. green spaces, gardens or parks) to establish neighborhood landmarks.
- 7g. Use greenways and trails to encourage active recreation (e.g. walking, hiking, biking).

**Fig. 7g**



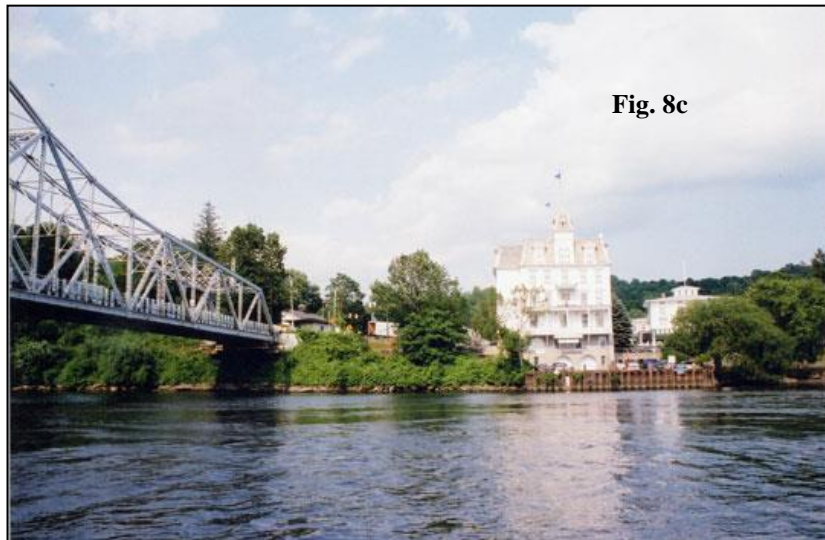
**8. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district shall be integrated into the site design.**

**Guidelines:**

- 8a. Continue pre-existing visual patterns (e.g. density, lot size, location of sidewalks and parking areas).
- 8b. Maintain important vistas.
- 8c. Establish a well-balanced proportional relationship between the building's mass and scale and the site terrain, landscapes and views.
- 8d. Design primary building orientation (horizontal or vertical) to flow from related landforms.



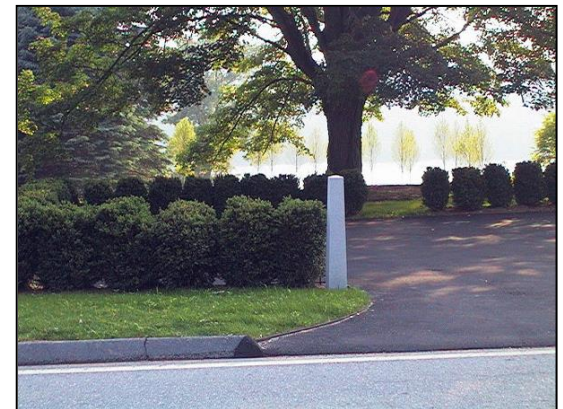
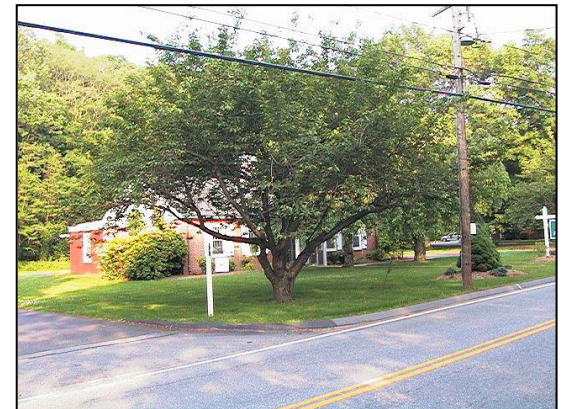
**Fig. 8b**



**9. The landscape design shall complement the district's landscape patterns.**

**Guidelines:**

- 9a) Prepare and present a comprehensive landscape plan.
- 9b) Generally plantings should be used to: define outdoor spaces, frame views, provide a transition from the manmade to natural landscape, attract wildlife, provide year round visual interest and complement the existing landscape to the village.
- 9c) Choose plant materials for their year-round interest as well as their form, texture and shape.
- 9d) Avoid unusual or invasive cultivars. Use indigenous plants where appropriate.
- 9e) Integrate mature vegetation into the design where possible.
- 9f) Protect and incorporate significant quantities of existing trees as design elements and avoid excessive tree clearing.
- 9g) Plant street trees for architectural effect and to provide shade, interest, and continuity in the village.
- 9h) Replace dead or diseased street trees with appropriate tree species.
- 9i) Use plant materials, walls or fences as transitional edges between dissimilar uses within the village.
- 9j) Vary heights and widths of landscaping materials.



9k) Balance the quantity of on-site landscaping with the scale of the proposed development.

9l) Use plant material, where possible, to mitigate local climatic conditions (wind and shade) for pedestrian comfort.

9m) Plant around buildings to establish continuity within the site and introduce human scale at the sidewalk level.

9n) Use hedges as an architectural element to separate public and private areas or to screen views into and out of a property. New hedges should be of a height and design that complements existing hedges.

9o) Avoid blocking sight lines at intersections and curb cuts and avoid conflicts with overhead or underground services.



**10. Exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings.**

**Guidelines:**

10a) Locate lighting fixtures to respond to the anticipated use (e.g. signage, site features).

10b) Avoid relative brightness differences with adjacent dissimilar land uses.

10c) Use selective night lighting of buildings.

10d) Reduce site and building lighting after business hours.

10e) Use lighting fixtures with shielding devices or sharp cut-off refractors to eliminate up lighting. Direct down lighting without light splay off site.

10f) Conceal the lighting source wherever possible from the public right-of-way.

10g) Use white light lamps (e.g. metal halide, fluorescent, incandescent) that provides true color rendition. Do not use low or high-pressure sodium sources.

10h) Coordinate lighting fixture with the architecture it serves.

10i) Install new utility services underground and bury all existing above ground services when renovating.

10j) Conceal views of all roof-mounted equipment (e.g. HVAC, plumbing, exhaust fans, etc.) from the public views. Incorporate detailing into the architectural design as opposed to an applied barrier to protect the integrity of the architecture.

10k) Screen all ground or concrete pad-mounted equipment (e.g. HVAC, electrical, gas, metering devices etc.) using evergreen plant material of different species and size, or architectural detailing complementary to the building

**Fig. 10e-h:  
Example Only**



10l) Locate and screen accessory buildings and functions (e.g. trash containers, storage sheds and emergency generators) and locate them away from parking areas, walks and adjacent land uses.

10m) Screen accessory buildings and functions using either a variety of evergreen plant materials, or an architectural enclosure in character with the primary building.

10n) Conceal garage doors and loading areas from public view.

10o) Exterior signs shall be of a size and style that is compatible with surrounding architectural themes.



Fig. 10o





**11. The scale, proportion, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.**

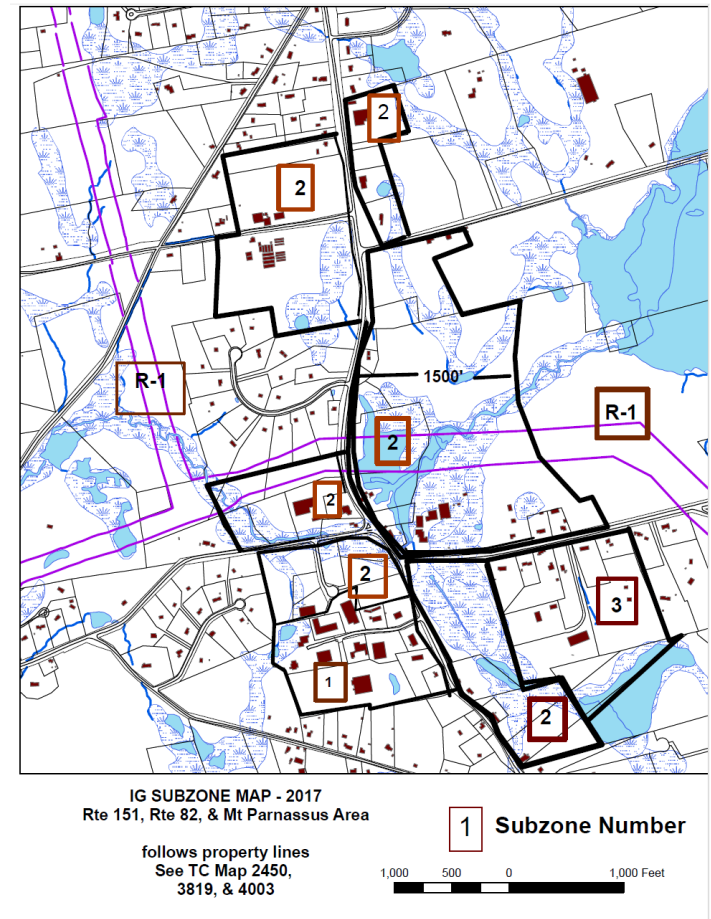
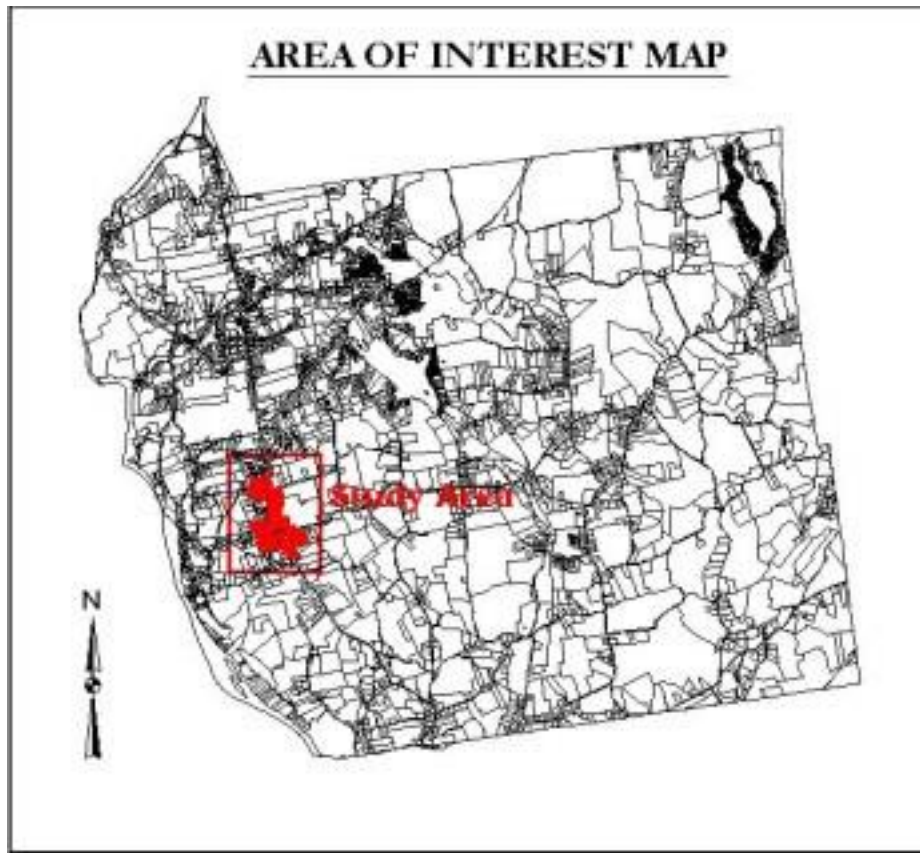
**Guidelines:**

- 11a) Balance the visual relationships of building bulk and size with its site, especially when viewed from a distant vantage point.
- 11b) Break larger building volumes into smaller forms to lessen the total building mass and provide continuity with nearby building patterns.
- 11c) Maintain proportions between building height, length and width consistent with prevailing architectural standards to avoid visual distortions and exaggerations.
- 11d) Strive for visual simplicity rather than complexity.



## **Appendix XII**

# **Standards for construction or substantial rehabilitation of commercial and industrial buildings in East Haddam IG Zones**



**The following standards for new construction or substantial rehabilitation in the new mixed-use zones seek to preserve and blend such construction with the historic character and rural heritage of the town and the area.**

*The images collected here illustrate points made in the standard on the page where the image appears.*

*An image's inclusion does not constitute a blanket approval or condemnation of the property or structure(s) nor does it imply anything of the property or structure(s) merits relative to any other standard.*

- 1. An existing old building can be combined with relatively plain new buildings and the whole will blend well as long as the old predominates in the public view and the scale and finish of the new buildings harmonize with the old.**



**Shagbark Lumber/Ace Hardware complex in IG Zone 2 is currently a good example from most perspectives**

**Retail shops with larger professional office addition integrates well in a commercial district, Madison, CT.**



**Antique shop dominates this residential structure, Madison,**



**2. Buildings that enhance the character of a community present an obvious, welcoming, human-scale face to the public.**



**Strip malls like this one at Salem Four Corners are the antithesis of this point. Note the remaining, attractive historic building is vacant.**



**East Shore Medical Center in Madison, CT looks like a wall of boxes with no clear opening or entrance.**



**Marin Environmental Services, Haddam, CT is an excellent example of community-enhancing design.**



**Eastern Savings on the green in Colchester, CT is another excellent example of community-enhancing design**

**3. Commercial buildings that are either converted homes or purpose-built to look like homes blend well in a mixed-use zone.**



**Home with professional office outbuilding, Haddam, CT looks like a traditional New England farm complex.**



**A nice-looking conversion of an apartment building into professional office suites in Madison, CT**



**The Savings Institute office off Lebanon green looks like the surrounding residences.**

**4. Grafting a one-story office addition onto an industrial building is typically less attractive than an integrated building design.**



**One-story office addition on the Marlborough Barn's new warehouse only emphasizes the unattractive mass of the larger building.**



**Industrial Park in Madison, CT: foreground building integrates stone front office with factory roofline by trim; background office building uses stepped slab and glass design.**



**Architect-designed industrial structure in Marlborough, CT with integrated office**



**The smooth, creative main facade of Go Fly A Kite in IG Zone 3 integrates offices into the factory building.**



**The office of Royal Printing in Madison, CT looks like a lean-to.**



**5. Individual building size, lines, trim, and proportions should blend with the historic character, architectural heritage, and rural nature of the area.**



**This extraordinarily attractive, recently built industrial structure fits beautifully in a mixed uses area of Middlefield, CT.**



**Hale-N-Hearty restaurant in a converted dairy barn in IG Zone 2 is another good example.**



**Shagbark Lumber/Ace Hardware complex in IG Zone 2 is currently a good example from most perspectives.**



**12,000 square foot barn at Allegra Farms just down Town Street from the East Haddam IG zones sets an example for commercial-scale, rural buildings.**

**6. Landscaping should relate the building to the land.**



**Marin Environmental Services, Haddam, CT uses traditional residential foundation and yard style landscape design.**



**This strip mall in Moodus, CT has no building-related landscaping.**



**When mature, the evergreen and deciduous plantings will somewhat soften the visual impact of this 40,000 square foot, three-story industrial building in Old Saybrook, CT**



**This industrial site in Old Saybrook, CT has no building-related landscaping.**

**7. Major additions—especially those with differing or higher rooflines—work best when they echo the existing building’s lines, fenestration, and siding.**



**The larger professional office addition copies features of the pre-existing retail structure, Madison, CT.**



**The antique shop duplicates many of the lines of the frontage residential structure, Madison, CT.**



**The professional office outbuilding follows the lines and uses the same materials as the home, Haddam, CT.**



**This strip mall at Salem Four Corners completely ignores the two-story historic commercial structure it surrounds.**

**8. Multi-light window styles and windows sized proportionate to traditional single-story/double-hung dimensions are more attractive than blank walls or other size windows.**



Large, multi-light windows open the appearance of this wall in the Reef Machine works, Middlefield, CT.



Tiny windows at the top of Marlborough Barn's warehouse office only emphasizes the unrelieved mass of the large building.



New England Propeller in IG I uses residential style windows and shutters to good effect.



Windows in the antique shop echo those of the frontage residential structure, Madison, Ct

**9. Multiple rooflines are better balanced if the buildings under them are of different sizes.**



**East Shore Medical Center in Madison, CT presents a cookie-cutter appearance of multiple boxes.**



**Marin Environmental Services, Haddam, CT is an excellent example of integrated multiple roof design**



**New larger structure integrates fairly well with pre-existing building, Madison, CT**

**10. Property lighting should not be mounted on utility poles.**



**9300 square foot office condominium in Madison, CT uses gas-light style light poles**



**Marlborough Barn's warehouse parking lot is lit by unattractive interstate highway-scale fixture.**



**Eastern Savings on the green in Colchester, Ct uses residential style Entry lights in front.**



**New England Propeller uses residential type lights**

- 11. Lighting standards shall not exceed 12 feet in parking lots. Pedestrian ways shall be illuminated by low-level, shielded lights. Lighting should be directed so illumination and glare will not be cast on the public view or adjacent property.**



**Directional lighting illuminates East Haddam's beautiful and historic Congregational Church.**



**East Haddam's Goodspeed Opera House uses period gas-style lighting fixtures,**



**low elevation mounting, shielded pedestrian lighting on walkways,**



**and directional lighting on signs.**



**12. Service bays, truck ramps, and utilities are better located out of public view.**



**Rear view of industrial building in Old Saybrook, CT industrial park**



**Front view of entry bays and propane tank enclosures on commercial building, Tylerville, CT**

**This view of the main facade of Go Fly A Kite in IG Zone 3 does not reveal loading bays and dumpsters**





**13. Structures built into grade or on the far side of a hill's crest reduce visual impact.**



Architect-designed industrial building in Marlborough, CT takes advantage of slope to rear to minimize visual impact of frontage.



This 12,552 two-story commercial building appears even larger for being placed on the top of the slope at Salem Four Corners, CT.

**14. Unless constructed to look like a barn, industrial buildings should not be red; earth tones work better.**



Shagbark Lumber/Ace Hardware complex in IG Zone 2 follows the paint color of the original farm and feed operation.



Reef Machine works in Middlefield, CT is based on a group of old commercial buildings.



Industrial Park in Madison Ct showing good uses of earth tones; notice how the buildings match the background vegetation in late winter. The barn-red paint on the Marlborough Barn's warehouse only accentuates the blank mass of the large building.



- 15. When viewed from the street, commercial and industrial buildings look best when the parking in front is minimal.**  
**The majority of parking should be to the rear or on the sides, preferably screened by planting.**



Parking is placed at the rear of the Eastern Savings Bank on Colchester Green.



Parked cars and asphalt dominate the front view of this Dunkin Donuts in Colchester, CT.



Parking is to the sides of the Peoples Bank on Main Street Colchester, CT



Parking lots are on both sides of this Fleet Bank branch in Norwichtown, CT



The parking lot dominates the appearance of this two-story professional office building in Norwichtown, CT

- 16. There should be permanent natural buffer areas screening commercial and industrial operations from the residential properties in a mixed use zone. Mature trees, existing understory plants, and stonewalls should be the basis of buffering, screening, and landscape plans.**



**Goat farm and AGA Gas Separation Plant**

**Unbuffered Mixed-use Industrial Zone in formerly rural area of Bozrah, CT**



**Active farm surrounded by Budget Furniture warehouse/retail operation (left foreground) and high-traffic TVCCA meals-on-wheels service and catering business behind barn at rear.**



**Active cropland surrounding TVCCA catering service and Budget Furniture warehouse/retail operation.**

**These rural uses are unlikely to survive beyond the current owners. Residential property in the zone is being converted to commercial uses.**



Left-behind new-growth provides only a thin seasonal buffer between the Federal Express Southeast Connecticut distribution center on the left and the multi-family townhouse development to the right in Yantic Industrial Park.

17. Visible chain link fences are unacceptably forbidding; weaving earth-tone slats through them does not improve appearances.



Self-storage operation Old Saybrook, CT



Unidentified vehicle storage lot somewhere in Connecticut.

**18. Vending machines should not be placed outside of a structure. Frontage vending machines should be avoided at all costs.**



Commercial uses with frontage vending machines, Tylerville, CT.

**19. Utilities should be screened and wires subterranean.**



Two recent subdivision developments in East Haddam with buried utility lines

This SNET switch installation in Fitchville, CT is fully screened by trees.

## 20. Wooden rails and posts should be used instead of M-rail.



Above: ConnDOT steel M-rail barrier East Haddam-Colchester turnpike;  
Right and below: wooden post and rail barrier East Haddam-Colchester  
Turnpike and Barberry Lane



**20. Buildings should not be out of scale or orientation to surrounding buildings.**



One- and two-story goat farm structures surrounded by AGA gas separation plant with five-story process tower, Bozrah, CT.



The mass of the antique shop overwhelms the residential structure in front, Madison, CT



The 12,552 square foot, two-story commercial building at left dominates the Northeast corner at Salem Four Corners, CT.



Above; the Southwest corner of Salem Four Corners, CT



**21. In most IG zones, the maximum footprint of any individual building shall not exceed 10,000 square feet.**



9300 square foot two and half-story office condominium, Madison, CT



**12,552 square foot two-story commercial building, Salem Four Corners, CT.**

10,000 square foot, one story industrial building completed 2001 in East Haddam Industrial Park (IG Zone 1).

40,000 square foot multi-story industrial building, Old Saybrook, CT.



**22.** Commercial buildings should be placed to the front of lots, industrial buildings to the rear or out of sight.



The Savings Institute office off Lebanon green sits near the front of the lot like the surrounding residences.



Eastern Savings on the green in Colchester, CT is situated only a few steps from the sidewalk.



This 12,552 two-story commercial building appears even larger for being at the back of the parking lot at Salem Four Corners, CT.



The Goodspeed Opera House paint shop (inset) in the East Haddam Industrial Park (IG Zone 2) is invisible from the public way.

**23. The most desirable configuration is a rural campus or connected set of buildings of differing but compatible sizes and rooflines.**



Above: Home with professional office outbuilding, Haddam, CT



Above: Shagbark Lumber/Ace Hardware complex (IG Zone 7) East Haddam , CT



Below: Industrial building, Middlefield, CT.

Below: Allegra Farms and Carriage Museum, East Haddam, CT



Above: Marin Environmental Services office complex, Haddam, CT



25. Despite its designation as an Industrial General District, the area retains many of the features that characterize East Haddam as an historic, rural community.

**25A. New construction or substantial rehabilitation in the IG zones should blend such construction with the historic character and rural heritage of the town and the area. The visual impression to the passer-by is now largely rural and lightly developed.**



*Standards for construction or substantial rehabilitation of commercial and industrial buildings in East Haddam IG Zones*

25. Despite its designation as an Industrial General District, the area retains many of the features that characterize East Haddam as an historic, rural community.



**25 B. Development at the center of the zones is composed of historically rural-use structures such as the former dairy barn now restaurant (above left), the feed and grain store that is now a sizable lumber yard (above right) plus residences below left and right). Unfortunately, some unscreened industrial buildings are highly visible in their midst (above and below center).**



25. Despite its designation as an Industrial General District, the area retains many of the features that characterize East Haddam as an historic, rural community.

**25 C. The intersection of State Routes 82 and 151 is particularly sensitive to changes in the IG zones. The corner lies at the heart of the zones and is a signature corner for most visitors' and many residents' sense of East Haddam.**



25. Despite its designation as an Industrial General District, the area retains many of the features that characterize East Haddam as an historic, rural community.

**25 D. The intersection of State Routes 82 and 151 has unique environmental sensitivities. The Rotary pond shelters a rare species of orchids. The brookway that Bridge Street follows can channel a destructive amount of water in a flood. Both would be immediately affected by increased run-off from impervious surfaces.**



25. Despite its designation as an Industrial General District, the area retains many of the features that characterize East Haddam as an historic, rural community.



#1

**25 E. Industrial construction and operations in the zones are now typically set back from the road (#1, 2, and 3), shielded by plantings (#1 and 4) or bermed (#4) from the public view. Even set back, the exposed buildings (#5 & 6) are discordant.**



#2



#4



#5



#6



**25 F. Trees and shrubs along the two turning, rising, and falling lanes of Town Street, Bridge Street, and Mount Parnassus Road limit sightlines, increasing the feeling of low-density development.**

