

BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, WEDNESDAY, JANUARY 10, 2024
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom
MINUTES

PZC Members Present In-Person: Chairman Tom Manning, Jeremy Flick, Marilee Manning

PZC Members Present Via Zoom: Vice Chair James Cropley, Thomas Robbins, Alternates Kawan Gordon, Diane DeNunzio

PZC Members Absent: Arlene Fiano, Alternates Steven Clark, Tom Crockett

Staff Present Via Zoom: Patrice Carson, AICP, Consulting Director of Community Development, Michael D'Amato, Zoning Enforcement Officer, Recording Secretary Linda H. McDonald

1. Call to Order: T. Manning called the meeting to order at 7:31 p.m. K. Gordon was seated for A. Fiano. D. DeNunzio was seated for S. Clark.

2. Approval of Minutes: December 13, 2023

M. Manning MOVED to APPROVE the regular meeting minutes of December 13, 2023 as presented. J. Flick SECONDED. By roll call vote, MOTION CARRIED 5:0:2 with A. Gordon and D. DeNunzio abstaining.

3. Staff Reports

P. Carson reported she has been working on codification of the regulations.

M. D'Amato shared a slide presentation and narrative on his research of examples of high-density affordable rental housing on septic in Connecticut. The information included the number of units, type of unit use, land size, units per acre, construction costs and appraisal and cost. He provided an example of a building profit and loss model, which showed, at current market prices, the example building portfolio would sell for significantly lower than the cost of the project. M. D'Amato answered questions and said it is not realistic to set density arbitrarily in the regulations without a project on the table.

T. Manning said affordable appears in two places in zoning regulations, listed in the special permit in the RMUZ and the GMUIZ. One of the special permit uses is a multi-family complex, and as part of that, there has to be 20% affordable units. Discussion followed on obstacles for developers and different approaches the commission could take in the zoning regulations, including the option of having an inclusionary zoning requirement.

T. Manning shared that he attended a course in affordable housing and current thoughts are to let developers do smaller projects within the single-family zones to create a more diverse mix of housing. He thanked M. D'Amato for his presentation.

4. Old Business

a. DISCUSSION/POSSIBLE DECISION ON BOND RELEASE REQUEST: Site Improvement Bond for Dollar General, 1100 Boston Turnpike, Garrett Homes, LLC (#PL-21-5)

P. Carson explained \$21,078.56 is being held in a bond for that site. The drainage ditch and as-built have been completed and have approval from the Town Engineer. The engineer found on his last inspection, there was some landscaping that was problematic, primarily on the berm. She said it was agreed to with Garrett Homes that the parties involved would meet on site in the spring, decide what trees needed to

be replaced and with what, have them do that work and hold the bond for that work until it is sure the trees will stay alive. It was decided that holding \$10,000 of the bond would cover that work.

T. Manning MOVED to reduce the Garrett Homes Site Improvement Bond from \$21,078.56 to \$10,000 which will be retained for proposed site improvements associated with 1100 Boston Turnpike that have not been completed as requested by Garrett Homes LLC and as reviewed and approved by Town Engineer Joseph Dillon. J. Cropley SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

5. New Business

a. 2024/25 Biennial Appointment to CRCOG Regional Planning Commission

M. Manning MOVED that Tom Manning and James Cropley (Alternate) be appointed as the Planning and Zoning Commission representatives on the CRCOG Regional Planning Commission. J. Flick SECONDED. Upon request from K. Gordon, any CRCOG meeting information will be shared with all the members. MOTION CARRIED 7:0:0.

6. Ongoing Discussion: Bolton Subdivision and Zoning Regulations

T. Manning put forward formatting and clarifying changes he would like made to the zoning regulations amended codification document.

P Carson said she would present the proposed changes to CRCOG for approval and then to be included in the amended codification document. A public hearing needs to be scheduled to adopt the amended codification with all the changes.

T. Manning MOVED to hold a hybrid public hearing on Wednesday, February 14, 2024, beginning at 7:30pm virtually and at 222 Bolton Center Road, to consider updates and amendments to the Zoning Regulations which include:

1. A complete reorganization of the Regulations to improve functionality and useability;
2. Updates to the Chapter, Article and Section numbering format;
3. Minor non-substantive changes to improve consistency amongst the use of terms and resolve document conflicts.

J. Flick SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

7. Correspondence: There was no Correspondence.

8. Adjournment: J. Cropley MOVED to adjourn the meeting at 8:39 p.m. J. Flick SECONDED. By voice vote, MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

Chapter 450 Zoning

[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Bolton as revised 9-1-1960; amended 7-12-1962; 11-1-1964; 9-1-1968; 6-6-1973; 9-4-1976; 5-3-1978; 11-20-1980; 10-21-1981; 4-21-1982; 6-27-1983; 6-1-1987; 6-21-1989; 12-7-1989; 11-28-1990; 2-8-1995; 9-18-1996; 2-1-1998; 5-1-1998; 5-25-2000; 8-1-2001; 9-1-2002; 11-26-2002; 2-21-2003; 2-1-2004; 8-25-2004; 8-26-2004; 5-24-2005. Subsequent amendments noted where applicable.]

ARTICLE I Purpose and Adoption

§ 450-1.1 Purpose.

The purpose of these regulations is to promote the general welfare of the Town of Bolton; to protect the health of its inhabitants; to encourage the most appropriate use of the land within the Town; to provide for an adequate supply of light and air and reduce the hazard from fire by regulating the location, use, and height of buildings and the area of open spaces about them.

§ 450-1.2 Adoption and effect.

The Zoning Regulations as herein set forth are approved, established and adopted. No building or land shall be used and no building shall be erected, altered, enlarged, moved or rebuilt except in conformity with the regulations herein prescribed for the zone in which such land or building is located.

ARTICLE II Definitions

[Amended 2-9-2011; 4-20-2011; 5-13-2012; 6-25-2012; 5-20-2013; 6-20-2013]

§ 450-2.1 Word usage; terms defined.

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the ~~meaning~~meanings given ~~therein~~herein. When not inconsistent with the ~~content~~context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ABUTTER

The owner of record of any property within 500 feet of the subject property of any application under these regulations.

~~ACCESS-WAY~~ACCESSWAY

A paved or unpaved surface intended for a small amount of vehicle usage; a driveway.

Style Definition: Normal

Style Definition: Heading 1

Style Definition: Heading 3

Style Definition: Horizontal Line

Style Definition: Index

Style Definition: Caption

Style Definition: Body Text

ACCESSORY BUILDING OR STRUCTURE

A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the bulk regulations to such building.

ACCESSORY DWELLING

A subordinate dwelling incidental to the principal dwelling on a lot.

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 or on a contiguous lot under the same ownership.

ADU

See "dwelling, accessory." [Added eff. 11-1-2021]

AFFORDABLE DWELLING

A housing unit that will be conveyed by deed containing covenants or restrictions which shall require that, for a forty-year period after the initial occupation of the unit, such unit shall be sold or rented at or below prices which will preserve the unit as housing for which persons and families pay 30% or less of their annual income, where such income is less than 80% of the median income. "Median income" shall be defined as the lesser of the state median income, or the area median income for Bolton as determined by the U.S. Department of Housing and Urban Development, after adjustment for family size.

AGRICULTURE

As defined in ~~the State of Connecticut General Statutes~~C.G.S. § 1-1(q), as amended from time to time.

ALTER; ALTERATION

A. 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.

B. 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.

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AQUIFER

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

AWNING

A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

BANNERS, PENNANTS, AND BALLOONS

Any animated, rotating, fluttering or ~~non-stationary~~ nonstationary device made of flexible materials designed to attract attention.

BASEMENT

A portion of the building partially underground, but having less than half its average height below the grade plane (as opposed to a "cellar").

BED-AND-BREAKFAST

A building, or 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 no more than six rooms in a Business Zone and no more than three room in a Residence Zone to transients, and capable of including, as an accessory use, the serving of breakfast only, and exclusively to persons occupying the facility.

BERM

An elevated strip consisting of earthen or other material, usually intended to serve as a buffer.

BEST MANAGEMENT PRACTICE (BMP)

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

~~BOARDING HOUSE~~BOARDINGHOUSE

A building in which the primary use is the rental of individual rooms, and the furnishing of meals, to tenants who use such building as their place of residence.

BUFFER

An area of land which is provided for the purpose of mitigating visual, noise, and other negative impacts.

BUILDABLE AREA

The land remaining, after subtraction of regulated wetlands and regulated watercourses and their associated buffers, that is used for calculation of allowable construction area on a lot.

BUILDING

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials; also, any other structure more than eight feet high, excluding a public utility pole or flagpole.

BUILDING COVERAGE AREA; BUILDING COVERAGE

The area of the ground beneath a building (i.e., dripline), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings.

BUILDING HEIGHT

The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE

An imaginary line which runs parallel to the property line at a distance equal to or greater than the minimum yard dimension for the required yard along that property line, delineating an area between the property line and the building line where no structure shall be located except as otherwise allowed by these regulations. The building line may also be called the ~~set-back~~"setback line."

BULK

The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these regulations; and also includes any provisions of these regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

CANOPY, ENTRANCE

A roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from precipitation. Entrance canopies shall be attached to the building and supported from the ground up.

CANOPY, STRUCTURAL

A rigid, multi-sided structure, either attached to a building, or freestanding, open on three or on all sides, and supported by columns or posts imbedded in the ground, such as a gasoline service station canopy.

CELLAR

The portion of the building partially underground, having half, or more than half, of its average height below the grade plane (as opposed to a "basement").

COMMISSION

The Bolton Planning and Zoning Commission.

CONTINUING-CARE RETIREMENT COMMUNITY

A development consisting of housing restricted to elderly residents, and containing separate living units, but with additional common facilities such as a common dining room, recreation room, and medical and dental offices exclusively serving such residents.

CUL-DE-SAC STREET

~~A permanent cul-de-sac street is a~~ **PERMANENT CUL-DE-SAC STREET** ~~A~~ street closed at one end and that ~~can not~~ cannot be extended. ~~A temporary cul-de-sac street is a~~

B. TEMPORARY CUL-DE-SAC STREET ~~A~~ street closed at one end and that may be extended.

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DAY-CARE CENTER

A. A use of land or buildings which offers or provides a program of supplementary care for compensation to more than 12 related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week. "Day-care center" does not include services which are:

- (1) Administered by a public or private school system which is in compliance with ~~Connecticut General Statutes Section C.G.S. § 10-188;~~
 - (2) Recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs;
 - (3) Informal arrangements among neighbors or relatives in their own homes;
 - (4) ~~Drop in~~ **Drop-in** supplementary child-care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently.
- B. "Day-care center" includes "child ~~Day~~-care center" as defined in ~~Section C.G.S. § 19a-77 of the Connecticut General Statutes~~, but does not include a "family ~~Day~~-child-care home" or "group ~~Day~~-child-care home" as defined in said section. **[Amended during codification]**

DAY-CARE HOME, FAMILY

A facility within a private family dwelling in which care is provided for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three hours nor more than 12 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 who are in school full time, including the provider's own 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.

DAY-CARE HOME, GROUP

A facility which offers or provides a program of supplementary care to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week.

DECK

A flat, open structure mounted to the ground surface by vertical posts or pilings, and intended for recreational purposes.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. See § 450-3.18 for the definition applicable to flood hazard areas. [Amended during codification]

DISTURBED AREA

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

~~**DOCK**~~

~~A flat, open structure anchored to a lake or pond bottom by vertical posts or pilings, having one end abutting the ground above the surface of the water, and intended for recreational purposes.~~

DUPLEX

Same as "dwelling, two-family".

DWELLING

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

DWELLING COMPLEX, MULTIPLE

One or more principal buildings designed for use as multiple dwellings, plus related facilities, all erected on a single tract of land.

DWELLING UNIT

A building or portion thereof which is arranged to be occupied as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

DWELLING, ACCESSORY

A subordinate dwelling or apartment incidental to the principal single-family dwelling on a lot, either attached or detached. Also referred to as an "ADU." [Added eff. 11-1-2021]

DWELLING, MULTIPLE OR MULTIFAMILY

A residential building containing three or more dwelling units, including townhouse dwellings.

DWELLING, SINGLE-FAMILY

A residential building containing only one dwelling unit.

DWELLING, TOWNHOUSE

A multifamily dwelling that contains three or more dwelling units that are attached by a common or shared wall, and in which each dwelling unit extends from the foundation to the roof and has vacant land on at least two sides.

DWELLING, TWO-FAMILY

A residential building containing only two dwelling units.

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.

EXCAVATION OPERATIONS

Any operation involving excavating, grading, filling or removal of earth, sand, gravel, soil, minerals, loam, fill, clay, peat moss, and other earth products, and the transportation on land or roads, public or private, in the Town of Bolton of any such products from the site of such an operation.

EXTEND, or TO MAKE AN EXTENSION

An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, nonresidential use of land, buildings, or structures.

FACADE, GROUND-FLOOR

The facade measured from the finished ceiling height of the first floor, or 15 feet from natural grade, whichever is less.

FAMILY

A person or a group of persons who live together as a single housekeeping unit.

FARM

An establishment where the primary activity is agriculture.

FARM STAND

A structure used for the sale of agricultural and homemade products which are produced substantially on the premises, as well as including value-added farm goods which shall not exceed 10% of sales. Such stand shall be set back a minimum of 20 feet from the front lot line and 50 feet from any street intersection, and shall not ~~to~~ exceed 10 feet in height unless part of an existing structure.

FARMER'S MARKET

One or more vendors located on a common parcel of land for the purpose of selling agricultural products, including value-added farm goods such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and regulations, as well as hand-crafted items.

FLAG, NONCOMMERCIAL

Graphic devices designed to enhance the aesthetic appearance of a street or area and containing no advertising copy.

FLAG, PUBLIC

A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or noncommercial organization.

FLOOD INSURANCE RATE MAP (FIRM)

~~The map of the Town of Bolton on which the Federal Insurance Administration has delineated special flood hazard areas and risk premium zones, as amended. See the definition in § 450-3.18 of these regulations. [\[Amended during codification\]](#)~~

FLOOD INSURANCE STUDY

~~An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, as prepared by the Federal Insurance Administration. See the definition in § 450-3.18 of these regulations. [\[Amended during codification\]](#)~~

FLOOD, BASE

~~The flood having a 1% chance of being equaled or exceeded in any given year; also, the "one-hundred-year flood," as portrayed on the Bolton Flood Insurance Rate Map, as amended. See the definition in § 450-3.18 of these regulations. [\[Amended during codification\]](#)~~

FLOODWAY

~~See the definition in § 450-3.18 of these regulations. [\[Amended during codification\]](#)~~

~~The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as shown on the Floodway Map, as prepared and amended by the Federal Insurance Administration.~~

FLOOR AREA

The area of lowest horizontal plane within the outer surface of the exterior walls of a building, room, etc.

FOUNDATION

The basic support structure of a building or, for purposes of minimum area, the basic exterior dimensions of the building, excluding porches, overhangs, hatchways, etc.

FRONTAGE

A continuous length of that portion of a lot abutting on a single street other than a state-owned limited-access highway. [\[Amended 6-1-2006\]](#)

GARAGE

A building or part thereof; accessory to a main building and providing for the storage of vehicles.

GOVERNMENT AGENCY FACILITY

Any use of land or building by a department, commission, independent agency, regional water or sewer authority or district, or other instrumentality of the United States, the State of Connecticut, the Town of Bolton; or any regional agency of which the Town of Bolton is a current member.

GROUNDWATER RECHARGE/INFILTRATION

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

HOME OCCUPATION

Any occupation which is customarily or may properly be carried on for compensation entirely within a dwelling, by the residential occupant thereof.

HOTEL/MOTEL

A building designed and used primarily for occupancy of transients which provides or offers accommodations for seven or more persons, exclusive of employees living on the premises, and which provides rooms for public assembly, and may include serving of food. [Amended during codification]

IMPERVIOUS COVERAGE

Any material which reduces surface storage and infiltration of water, and increases the volume of stormwater runoff, including but not limited to buildings and all equipment pads and platforms, etc., except that all walkways, parking areas and driveways, and patios constructed of pervious materials approved by the ZEO shall not be counted in the impervious coverage calculation. **[Amended 2-15-2014]**

INLAND WETLAND

See "wetland" and "watercourse," below.

INTERIOR LOT

A lot in an open space conservation development (OSCD) that has less than the required frontage on a public street but has at least 50 feet of lot frontage and is located immediately behind a lot or lots that comply with the zoning dimensional requirements, including lot frontage, and has a corridor at least 50 feet wide to the street. **[Added 11-01-2017]**

JUNKYARD

- A. Except for the specific exceptions noted below, the use of any area of any lot, whether inside or outside a building, for any of the following purposes:
 - (1) The commercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, including old cordage or other waste or discarded or secondhand materials; or

- (2) The commercial dismantling, demolition or abandonment of automobiles, other vehicles, machinery, equipment or parts thereof; or
- (3) Any other place of storage or deposit, including any business, which has stored or deposited two or more unregistered motor vehicles or used parts of motor vehicles or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

B. As specific exceptions, the following shall not be considered a junkyard:

- (1) The display of unregistered vehicles for the specific purpose of sale in association with an authorized and licensed automotive dealership;
- (2) The accessory storage of unregistered vehicles, equipment or parts associated with a permitted or proposed business, provided said storage has been specifically approved by the Zoning Commission; [Amended during codification]
- (3) The parking of unregistered farm vehicles and associated equipment and parts for use on site in association with an active farm;
- (4) The interior storage of unregistered vehicles as per the accessory use provisions of Section 3Q-§ 450-3.17 of these regulations;
- (5) The ~~non-commercial~~noncommercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, provided that any materials or waste classified as hazardous by the State of Connecticut are stored and disposed of as required by the Connecticut Department of Energy and Environmental Protection;
- (6) Recycling collection facilities for glass, paper, aluminum and/or plastic items.

LIVESTOCK

Horses, cattle, sheep, or similar animals.

LIVING AREA

The area of the lowest horizontal plane within the interior walls of a building, room, etc.

LOT

A parcel of land on which a principal building (or buildings) and its accessories are placed or may be placed, together with the required open spaces.

LOT OF RECORD

A lot for which a deed has been recorded in the Office of the Town Clerk of the Town of Bolton, which lot met the requirements of these regulations and of the Bolton Subdivision Regulations, as the same were in force at the time of such recording. See § **450-3.3** of these regulations.

LOW-IMPACT DEVELOPMENT (LID)

~~Low Impact Development is~~ A site design strategy intended to maintain or replicate ~~predevelopment~~~~pre-development~~ hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. See § 450-16.2L.

MANUFACTURING, LIGHT

The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing and manufacturing from extracted or raw materials into finished products.

MIXED USE

Allowance for more than one type of permitted use on a single property, within a single building, or multiple properties, within a unified village-style development within the GMUIZ and RMUZ Zones.

MOBILE VENDOR

Any person who dispenses food or beverages from a truck, van, bus, car, pushcart, trailer, stand or similar conveyance. [Added during codification]

MOTEL

See "hotel/motel";.

~~NON-CONFORMING~~NONCONFORMING BUILDING OR STRUCTURE

A building or structure legally existing on 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 or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these regulations. See: § 450-3.3 of these regulations. ~~[from former definition of "Nonconforming Use"]~~ [Amended during codification]

~~NON-CONFORMING~~NONCONFORMING LOT

A lot of record; subject to the requirements of § 450-3.3 of these regulations.

~~NON-CONFORMING~~NONCONFORMING 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. See § 450-3.3 of these regulations.

OFFICE

A room or business within a building; for the purpose of conducting a professional service, excluding retail, manufacturing; and warehousing operations.

OPEN LOT SALES

A principal use for the sale of any items from a location outside of a building. The term ~~Open Lot Sales~~ "open lot sales" does not include outdoor sales for business or industrial uses that are depicted on an approved site plan review or special permit plan; nor does it include tag sales, nonprofit rummage sales, or other occasional outdoor sales accessory to a permitted principal use.

OPEN SPACE

A. Any land, the preservation or restriction of the use of which would:

- (1) Maintain and enhance the conservation of natural or scenic resources;
- (2) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;
- (3) Enhance public recreation opportunities;
- (4) Preserve historic sites;
- (5) Promote connections between natural or man-made corridors ("greenways"); or
- (6) Promote the orderly development of the Town of Bolton.

B. Such lands may include but are not limited to:

- (1) Land left in its natural, undisturbed state;
- (2) Agricultural land;
- (3) Forests; and
- (4) Areas used for passive or active recreation.

PARKING AREA

An area of land containing parking and/or loading spaces, drive aisles directly serving such spaces, and any required landscaping island, lighting fixtures, and traffic control signage.

PERVIOUS MATERIAL

Any ground cover or material through which water can penetrate at a rate comparable to that of water through undisturbed soils.

[Amended 2-15-2014]

PRINCIPAL BUILDING

That single building, or ~~inter-related~~ interrelated group of buildings, in which is conducted the principal use of the lot on which the building is situated.

PRINCIPAL USE

The primary purpose or function for which a premises is used, designed, or intended to be used.

PRODUCE

Fruits and vegetables.

PUBLIC

A use of land or buildings, excluding a government agency facility, which is open to the general public, with or without the payment of a fee.

REAR LOT

A lot in an R-1 Zone which contains less frontage and more acreage than normally required in that zone and complies with § 450-11.6 of these regulations. [Added 11-1-2017]

RECYCLABLE

Items which are cleaned and/or processed for the purpose of reuse, either in their current form or in a different form.

RESTAURANT, "FAST-FOOD"

The retail sale of food to the general public for consumption on the premises, or where a significant portion of the consumption take place or is designed to take place outside the confines of the building occupied by such use; and which is characterized by a high volume of patronage, the promise of rapid service of meals; and a resulting short duration of stay and rapid turnover; and including drive-in or curbside service as an accessory use. See § 450-3.27 of these regulations.

RESTAURANT, FULL-SERVICE

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. See § 450-3.27 of these regulations.

RESTAURANT, TAKE-OUT

The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use. See § 450-3.27 of these regulations.

ROOMING HOUSE

A building in which the primary use is the rental of individual rooms to tenants who use such building as a place of residence.

SEDIMENT

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

SETBACK

The distance between a structure and the property line, street line or other clearly denoted reference point.

SHED

An accessory building that has no more than 120 square feet of ground-floor area, is no more than 10 feet high and is not used for the storage of cars or trucks.

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, advertisement or other device used to attract the attention of the public 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~~rooflines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

SIGN AREA OR FACE

The plane 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 surface 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 where the sides are back-to-back and located no more than 18 inches apart and parallel, shall be considered to have only one sign face.

SIGN, ABANDONED

Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed, or a permitted temporary sign for which the permit has expired.

SIGN, ADVERTISING

A sign, including that type of sign commonly known as a "billboard", 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.

SIGN, AERIAL

A balloon or other airborne flotation device which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.

SIGN, AWNING

A sign affixed or crafted onto the face of an awning.

SIGN, BANNER

A temporary sign which is constructed of cloth, canvas, or other type of natural or man-made fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

SIGN, BUSINESS

A sign which directs attention to a business, commodity, service, entertainment, or other use which is currently conducted, sold, or offered upon the same lot where such sign is displayed.

SIGN, BUSINESS IDENTIFICATION

A sign directing attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.

SIGN, CANOPY

A wall sign that is located on the roof, fascia, soffit, or ceiling of a canopy.

SIGN, CHANGEABLE COPY

A sign on which message copy is changed manually in the field through the utilization of changeable panels containing fixed letters, numbers, logos, or pictorial copy.

SIGN, DIRECTIONAL

A sign permanently erected or permitted on private property to direct and regulate pedestrian and vehicular traffic.

SIGN, DIRECTORY

A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

SIGN, ELECTRONIC MESSAGE

A sign with a fixed or changing display and/or message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic message sign.

SIGN, ENTRANCE CANOPY

A sign affixed or crafted onto the face of an entrance canopy.

SIGN, EXTERNALLY ILLUMINATED

A sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays ~~there from~~therefrom are visible elsewhere than on the sign face, or the area immediately around it, but in no event visible 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 an internally illuminated sign.

SIGN, FLASHING

Any sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times.

SIGN, FREESTANDING

A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

SIGN, GRAPHIC LIGHT PROJECTION

An image projected onto a surface by a graphic light projection system which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise.

SIGN, IDENTIFICATION

A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, INFLATABLE

A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

SIGN, 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.

SIGN, LED

A sign consisting of light-emitting diodes that emit visible light when electricity is applied and can spell out letters or numbers or alphanumeric or projected images.

SIGN, MESSAGE BOARD

A sign on which message copy is changed manually in the field through the utilization of attachable letters, numbers, symbols and other similar characters. A changeable copy sign is not a message board sign.

SIGN, MOVING

Any sign, or any portion of any sign which is capable of any movement whatsoever; excluding barber poles, clocks, flags, banners, and real estate signs permitted under §§ 450-18.5 and 450-18.6.

SIGN, MOVING MESSAGE BOARD

Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time-and-temperature sign.

SIGN, ~~NAME PLATE~~ NAMEPLATE OR PUBLIC CONVENIENCE

Any sign of authorized commercial and industrial uses identifying the building occupant, store hours, or other ~~non-advertising~~ nonadvertising notices.

SIGN, NEON

An illuminated sign ~~affected~~ effected by a colorless, odorless light source consisting of a neon or gas tube that is bent to form letters, symbols, or other shapes.

SIGN, NO-TRESPASSING

Any sign on a premises restricting the right to enter such premises and indicating the private nature of such premises.

SIGN, OUTDOOR ADVERTISING AND/OR OFF-PREMISES

See "sign, advertising¹."

SIGN, OVERHANGING

Any sign extending at an angle from a building which is its sole or principal support.

SIGN, PENNANT

Any geometric-shaped cloth, fabric, or other lightweight material normally fastened to a stringer which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

SIGN, POLITICAL

A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election.

SIGN, PORTABLE

A sign ~~designated~~designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure, including but not limited to the following signs: trailer signs (with or without wheels), menu and sandwich boards, hot air or gas-filled balloons or umbrellas used for advertising, signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way (except signs identifying the related business when the vehicle is being used in the normal day to-day operation of that business), sidewalk or curb signs, and A-frame signs, or similar type signs.

SIGN, PROJECT

Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

SIGN, PUBLIC

Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local governmental authorities, or any sign on private property mandated by any governmental entity within the dimensional parameters designated by that entity.

SIGN, REAL ESTATE

A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

SIGN, ROOF

Any sign erected, constructed, or maintained upon the roof of a building.

SIGN, ROTATING

Any sign which revolves around one or more fixed areas.

SIGN, SPECIAL EVENT

A sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.

SIGN, TEMPORARY

Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period.

SIGN, VEHICLE

A vehicle the substantial purpose of which is a sign, and a permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view suggesting that the substantial purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle, with the exception of any message or lettering required by state or federal law.

SIGN, WALL

Any sign painted, posted, or otherwise affixed to any portion of a building or structure that is visible or intended to be visible from the exterior of said building or structure.

SIGN, WINDOW

Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or the public right-of-way.

SOIL

Any unconsolidated mineral or organic material of any origin.

SOLAR ACCESS WINDOW

The angle of sky from which direct sunshine is unobstructed at least 75% of the time between 9:00 a.m. and 3:00 p.m. on December 21 at the foundation level of a proposed structure.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED

A solar collection system that has a supporting framework that is placed on, or anchored in, the ground and that is not attached to any building or other structure. **[Added 1-1-2014]**

SOLAR ENERGY SYSTEM, ROOF-MOUNTED

A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction. **[Added 1-1-2014]**

SOLAR ENERGY SYSTEM, SMALL-SCALE

An accessory solar collection system that may or may not be interconnected to the local utility electrical grid on the customer's side of the electric meter, which system shall be designed to generate no more electricity than that needed for direct consumption on the subject property with capacity no greater than would be necessary to serve the primary use and any permitted accessory uses. [Added 1-1-2014]

SPECIAL FEATURES

When used in the context of § 450-7.1C(3) herein, this term shall mean the following: [Added 8-19-2009]

- A. Wetlands and watercourses as field-verified in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Bolton;
- B. One-hundred-year floodplain as identified by the National Flood Insurance Program; and;
- C. Slopes 25% or greater, based on two-foot contour intervals in accordance with a T-2 survey.

STREET

Any existing avenue, boulevard, road, lane or highway that is accepted and actively maintained by either the Town of Bolton, any other municipality or the State of Connecticut; or any proposed roadway which is shown on a subdivision map approved by the Bolton Planning and Zoning Commission and duly recorded in the Bolton Town Clerk's office and which is formally bonded for completion and dedication to the Town of Bolton. [Amended 6-1-2006]

STREET LINE

The points of intersection of a street with abutting land.

STREET RIGHT-OF-WAY

An area of land in single ownership which includes, but is not limited to, a street, and which may contain land for possible future widening of such street, and which is intended for the use of motor vehicles and pedestrians.

STRUCTURE

That which is built, constructed, installed or erected.

SUBDIVISION

A division of land as defined in ~~Section C.G.S. § 8-18 of the Connecticut General Statutes~~, as amended from time to time.

SWIMMING POOL

Any structure designed or used for swimming purposes having 150 square feet or more of bottom area and/or having a maximum capacity in excess of 3,000 gallons.

TEMPORARY USE

A nonpermanent use established for a fixed period of time. [Added during codification]

TOWNHOUSE

See "dwelling, townhouse"-.

UNDERLYING DISTRICT

In the case of an overlay district, ~~that~~the zoning district upon which the overlay district is located.
~~See Section 10 [Article X?].~~ **[Amended during codification]**

UNIFIED VILLAGE-STYLE DEVELOPMENT

A development on a single parcel, or multiple parcels combined to create a single development project, designed with mixed uses, unified access, parking, and utilities, and unified architectural and site design theme under the Architectural and Site Design Guidelines of the Town of Bolton. This type of development may be limited to a single parcel with the future potential for inclusion into a multi-parcel development capable of meeting the above criteria.

USE

Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel. ~~2-14~~

WATERCOURSE

A body of water as defined by ~~Connecticut General Statutes Section C.G.S. § 22a-38~~, as amended from time to time.

WETLAND

All wetlands and watercourses as defined in the Connecticut General Statutes, as amended from time to time.

YARD

A space not occupied by a building, open to the sky, on the same lot as the principal building.

YARD, FRONT

The space across the full width of the lot and extending from the front line of the building to the street line.

YARD, REAR

The space across the full width of a lot and extending from the rear line of the principal building to the rear lot line.

YARD, SIDE

The space extending from the front yard to the rear yard between a building and the adjacent side line of the lot. The side yard of a corner lot adjacent to the side street shall meet the front depth requirement of the side street.

ZONING ENFORCEMENT OFFICER(S)

The official designated in accordance with these regulations to enforce the Bolton Zoning Regulations and to issue zoning permits.

ARTICLE III General Provisions

Part 1 General Use Regulations

§ 450-3.1 Use of buildings, structures and land.

For the purpose of these regulations, any lawful buildings or structures, or use of a building, structure or land or part thereof may be constructed, altered, enlarged and used for any purpose whatsoever which is not hazardous, injurious, noxious, offensive or detrimental to a neighborhood and which is permitted under these regulations and does not violate any of the provisions of any rules, regulations or ordinances of the Town of Bolton in regard to health and safety of its inhabitants.

§ 450-3.2 Existing uses not affected.

These regulations shall not apply to existing buildings or structures, nor to the existing use of any buildings, structures, or of land to the extent of that use at the time of the adoption of these regulations. Additions or alterations to existing buildings or structures shall conform to these regulations.

§ 450-3.3 Nonconforming uses.

It is the specific intention of these regulations that all uses, lots, buildings or structures of any kind which are nonconforming to these regulations shall be diminished and permanently discontinued over time. In addition, the following ~~is~~are noted:

A. Any use existing in any building or structure or on any land or part thereof at the time of the adoption of ~~the Regulations~~these regulations, or an amendment thereto, which ~~rendered~~renders such use not permitted, may be continued. If any nonconforming building or structure is destroyed by fire or other cause, it may be rebuilt with no greater nonconformity than at the time of destruction, and such reconstruction or alteration shall be completed within one year of the date of such damage or destruction. [Amended during codification]

B. Any existing nonconforming use shall be considered terminated ~~if all of the following occur:~~

~~(1) Such nonconforming use is discontinued for a period of at least one year, and;~~

~~(in accordance with C.G.S. § 8-2) At the end of such one-year period, the Commission or its agent sends written notice via registered letter (return receipt requested) to the owner of the property containing the discontinued use, notifying such owner of the Commission's intent to consider such use, as terminated unless written response to the contrary is received by the Commission or its agent within 30 consecutive days after receipt of such registered letter, and;~~

~~(3) No such written response is received by the Commission or its agent within the above mentioned time period, or such response indicates that such use has indeed been discontinued.~~amended.
[Amended during codification]

C. No nonconformity of any kind shall be expanded or intensified, except as follows: **[Amended 10-13-2010]**

- (1) A single-family dwelling within a business or industrial zone, such dwelling existing as of the effective date of these regulations, may be expanded so long as it retains its status as solely a single-family dwelling. However, no trailer or mobile home dwelling shall be expanded or intensified.
- (2) The Zoning Enforcement Officer may issue a zoning permit in connection with the change in use from one permitted commercial or industrial use to another such permitted use on a site which has a preexisting nonconformity as to the parking requirements of Article **XV**, provided that the increase in parking demand as a result of the change in use is no more than a 5% increase (or an increase of one space, whichever is greater) over the number of parking spaces as shown on the site plan approved by the Commission. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission.

§ 450-3.4 Completion of existing buildings.

Nothing herein contained shall require any change in the location, construction or designated use of a building, construction of which has been started prior to June 1, 1960.

§ 450-3.5 Dwellings or structures on small lots.

No buildings or structures shall be constructed on any lot which is smaller than required by these regulations for the zone in which the lot is located unless the following conditions can be met:

- A. Such lot has been owned separately and distinctly from any adjoining lot as evidenced by a deed recorded in the Office of the Bolton Town Clerk on or before May 12, 1954.
- B. Such lot has been continuously owned after May 12, 1954, as a separate and distinct lot from any adjoining lot.
- C. Such ~~a~~ lot is not a lot which conformed to earlier zoning regulations and was thereafter made smaller by any voluntary act of an owner of such lot.

§ 450-3.6 Number of dwellings on ~~a~~ lot.

Except as provided in Article **VI** and § **450-7.1D** of these regulations, not more than one dwelling shall be built on any one lot.

§ 450-3.7 Wetland conservation.

No building or structure shall be permitted within 50 feet of any lake, pond, swamp, watercourse, ~~or~~ flood zone as defined by the Regulations of the Bolton Inland Wetlands Commission and by the Connecticut General Statutes; except that the Planning and Zoning Commission may permit such building, after approval by the Inland Wetlands Commission, if it can be shown that the building or structure will not cause pollution or compromise the ecology, and such structures shall be built to satisfy minimum requirements of § **450-3.18** of these regulations.

§ 450-3.8 **Issuance of zoning permits and building permits. [Amended 10-13-2010]**

- A. A zoning permit, approved by the Zoning Enforcement Officer, shall be obtained before a change in use on a property or the construction of any building, addition or structure other than a fence under eight feet high.
- B. Notwithstanding the requirements of §§ ~~450-8.1B(2), 450-8.2B(2) and 450-9.2B(2)~~, the Zoning Enforcement Officer may issue a zoning permit in connection with the change of occupancy of an existing commercial or industrial building to another conforming use which does not increase the parking requirements for the property as set ~~down~~forth in Article XV. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission.
- C. A building permit, approved by the Building Official, shall be obtained before the construction of any building, addition or structure other than a fence under eight feet high.
- D. No ~~Building permits for buildings~~ or ~~Use Permits~~ for land or ~~a principal structure~~ shall be issued until the following conditions have been met: [Amended during codification]
- (1) A sanitation permit shall have been obtained from the Town Sanitarian.
 - (2) As per the Town ordinance, a driveway permit shall have been obtained for the driveway location and construction approved by the Town Engineer and Board of Selectmen or the State Traffic Commission.
 - (3) A plot plan shall be provided showing:
 - (a) Lot boundaries, area, and location. Lot boundaries shall be prepared by a land surveyor licensed in the State of Connecticut, and shall be certified Class A-2 as described in "Recommended Standards for Surveys and Maps in the State of Connecticut," prepared and adopted by the Connecticut Association of Land Surveyors, Inc., as amended;
 - (b) Proposed and existing buildings and structures. Plans for proposed buildings and structures shall be certified Class A-2 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut,") if a foundation is required;
 - (c) Septic tank, primary and reserve leach fields and test pits;
 - (d) Water supply well location;
 - (e) Driveway, with suitable culvert size, flare, grade, and sight lines;
 - (f) Existing and proposed contour lines at two-foot intervals in all areas, unless otherwise directed by the Zoning Enforcement Officer. Such contour lines shall be proposed by a land surveyor licensed in the State of Connecticut, and shall be certified Class T-1, T-2, or T-3 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut");
 - (g) Inland wetlands and watercourses so designated by a soil scientist certified in the State of Connecticut;

- (h) Solar access window (See § 450-3.15, if applicable);
 - (i) Erosion and sediment control plan when required, including location and design details of proposed soil erosion and sediment control measures and stormwater management facilities and their sequence of installation and the sequence of grading and final stabilization of the site;
 - (j) Method(s) of stormwater drainage.
- (4) A narrative description of any required erosion and sediment control plan describing:
- (a) The construction project;
 - (b) The schedule for grading and construction activities, including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and sequence for final stabilization of the project site.

§ 450-3.9 **Erosion and sediment control.**

- A. Removal of vegetation. No vegetation shall be stripped or earth removed in anticipation of construction until a building permit has been issued, except when it is otherwise authorized by a certified erosion and sediment control plan approved by the appropriate Town authorities.
- B. Erosion and sediment control. When the disturbed area of a building or work site exceeds 1/2 acre, has a grade in excess of 10% or is a part of a subdivision approved before July 1, 1985, the builder shall file an erosion and sediment control plan which shall be certified by the Zoning Enforcement Officer or the Tolland County Soil Conservation District as complying with the requirements of PA 83-388 as delineated in "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended. Such plan shall include but not be limited to a map and narrative. For subdivisions approved after July 1, 1985, the erosion and sediment control plan may be wholly or partially available from the subdivision plan.
- C. Bonding.
 - (1) Bond required. If a certified erosion and sediment control plan ("plan") is required under Subsection B of this section, no building permit shall be approved by the Planning and Zoning Commission or its agent until a cash bond has been furnished to the Planning and Zoning Commission securing the actual implementation and maintenance of the plan.
 - (2) Form of bond. All cash bonds shall be submitted in the form of a check payable to the "Town of Bolton." Each bond shall be deposited in a separate escrow account. Interest shall be paid in accordance with prevailing rates comparable to other Town accounts. The Town shall not guarantee a minimum interest rate to be paid on cash bonds.
 - (3) Amount of bond. The amount of the bond shall be greater than or equal to ~~the greater of:~~
 - (a) ~~140% of the cost, as estimated by a qualified engineer and an amount approved by the Commission or its agent, of all erosion and sedimentation controls required by the Plan, or~~

~~(b) \$5 per lineal foot of control barrier called for by the Plan.Town Engineer. [Amended during codification]~~

- (4) Posting of bond; release of funds. The bond shall be posted, and those measures in the plan that are scheduled for installation prior to development must be implemented, before any site work or disturbance whatsoever is begun on the lot that is the subject of the plan. No portion of the bond shall be released until the Commission or its agent shall determine that no further Town supervision of the plan or its maintenance is required, at which time the bond shall be returned, with interest; provided, however, that the Commission may, at its option, retain up to 10% of the bond for a period of up to one year following completion of implementation of the plan, to secure continued maintenance of the plan. Any interest accrued on the bond shall be deemed part of the bond and shall be available to the Town for implementation and maintenance of the plan.
- (5) Inspections and increase in bond amount. The Commission or its agent may make inspections during development to ensure that the Plan is being adequately implemented and maintained. If the Commission should determine that further erosion and sediment control measures are required, and the amount of the bond is therefore insufficient, the Commission may require an additional sum to be deposited as part of the bond.
- (6) Draw on bond. If the Commission or its agent shall determine that unforeseen developments or emergencies require immediate remedial action, or that the plan is not being properly and adequately implemented and maintained, the Town may, after due notice to the owner (or the developer, if the bond has been furnished by the developer), to the extent allowed by law, draw on the bond to defray the costs of any measures undertaken by the Town or any employee, agent or contractor hired by the Town, to address such an emergency or to implement or maintain the plan. The owner and developer of any lot subject to a bond pursuant to this section shall be deemed to have granted permission to any Town employee or agent or any contractor hired by the Town to enter such lot for the purpose of taking any and all measures deemed necessary by the Commission to address such an emergency or to implement and maintain the plan. The Town shall not be liable for any damage to real or personal property while undertaking to implement or maintain the plan.
- (7) Exemptions. Applicants for building permits for single-family homes on lots that are not part of a subdivision are exempt from the bond requirements of this Subsection C.

§ 450-3.10 **Minimum buildable area.**

No buildings or structures shall be constructed on any lot which does not contain a contiguous area of no less than 3/4 of the area required by the zoning regulations, exclusive of all wetlands, watercourses, and associated fifty-foot buffer, as per § 450-3.7 of these regulations, unless the lot has been continuously owned separately and distinctly from any adjoining lot, as evidenced by a deed recorded in the office of the Bolton Town Clerk, on or before June 21, 1989.

§ 450-3.11 **Lot drainage.**

No water shall be run into any street or highway unless it is directed into a storm sewer, drainage ditch or a natural watercourse, subject to the approval of other regulatory agencies, where required.

§ 450-3.12 **Common or shared driveways.**

Driveways serving more than one lot shall not, generally, be allowed. The Planning and Zoning Commission may allow a common or shared driveway which shall serve no more than three lots if it is deemed by the Commission to be the only prudent and feasible access to the properties or if it is recommended by the Inland Wetlands Commission in order to diminish the adverse impact on a wetland, or if it is proposed under the open space subdivision procedure.

§ 450-3.13 **Building on lots with no principal building.**

In any case where an accessory building such as a garage, shed, etc. is proposed for any lot lacking a principal building, the special permit procedure shall be followed. (See Article XVI of these regulations).

§ 450-3.14 **Substantial differentiation. [Amended during codification]**

If, in reviewing a plot plan for development of a lot within an approved subdivision, the Town official or Town agent responsible for such review is of the opinion that the proposed development differs substantially from that which was depicted on the approved subdivision plans, such official or agent shall refer the plot plan to the Planning and Zoning Commission for review and approval.

§ 450-3.15 **Solar energy techniques.**

In the case of any application for development of any building or buildings intended for human occupancy, the applicant shall demonstrate that heit has prepared a site design which seeks to maximize solar access, as required by the Connecticut General Statutes. The site design techniques shall include, but not be limited to, building orientation, street and lot layout, vegetation, natural and man-made topographical features, and protection of solar access within the development.

§ 450-3.16 **Not-for-profit motor vehicle repair.**

The repair of motor vehicles on a not-for-profit basis may be conducted within any zoning district, subject to the following conditions:

- A. Not more than one motor vehicle shall be repaired, worked on, or analyzed in any way at any one time;
- B. Motor vehicle accessories, parts or repair tools, or any vehicles not currently being repaired, worked on, or analyzed in any way, shall not be kept or stored outside;
- C. No motor vehicle rated at more than two-ton capacity shall be worked on, repaired, or analyzed in any way, except for:
 - (1) Agricultural equipment belonging to a resident of the subject premises and intended for agricultural use; and
 - (2) Such vehicle belonging to a resident of the subject premises and not intended for commercial use;
- D. Such repair operation shall not in any way create objectionable levels of noise, dirt, or odor to neighboring properties so as to create a nuisance.

§ 450-3.17 **Storage.**

A. The storage of vehicles, vehicle parts, camp trailers, recreational motor homes, boats, equipment or miscellaneous materials may be considered accessory to a residential use, provided all the conditions listed below are met:

- (1) Said storage shall not contain the characteristics of a junkyard as defined in Article II of these regulations.
 - (2) Said storage is of a size, scope and nature that it is clearly accessory to an existing residential use on the subject lot;
 - (3) Said storage shall not constitute an existing or potential health, safety or environmental risk;
 - (4) Location; screening.
 - (a) Said storage, both inside and outside, shall be in a location that meets existing building setback requirements for the subject zone or within a completely enclosed building on the subject lot. Outside storage shall be limited to the following:
 - [1] One unregistered vehicle or equivalent in parts, or one unregistered camp trailer, boat, or recreational home; and;
 - [2] Limited amounts of equipment or miscellaneous materials that are stored in a ~~50~~-fifty-square-foot area and do not constitute a junkyard as defined in Article II of these regulations.
 - (b) The above uses shall be screened from adjacent streets and properties with fencing or evergreen plantings, unless screening is waived by the Planning and Zoning Commission due to site and/or neighborhood characteristics.
 - (5) Any unregistered vehicles, boats camp trailers or recreational motor homes and any equipment or material on the subject lot shall, as applicable, be listed with the Town Assessor and thereby appropriately taxed.
- B. The parking of tractor trailer trucks, trucks over 15,000 pounds gross weight or trailers over 15,000 pounds gross weight is not allowed in the residence zones.
- C. The parking of farm vehicles and associated equipment and parts for use on site in association with an active farm shall not be subject to § 450-3.17 of these regulations.
- D. Any questions regarding accessory storage and whether it complies with these standards shall be reviewed with the Planning and Zoning Commission.

§ 450-3.18 **Special flood hazard areas.**

A. Purpose. It is the purpose of this section to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or; in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels; and natural protective barriers; which are involved in the accommodation of ~~flood-waters~~floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion of flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert ~~flood waters~~floodwaters or which may increase flood hazards to other lands.

B. Objectives. The objectives of this regulation are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (5) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and;
- (6) To ~~insure~~ensure that potential ~~home-buyers~~homebuyers are notified that property is in a flood area.

C. Definitions. For the purpose of this section, certain terms, words and phrases shall, whenever used in this section only, have the meanings defined as follows:

AREA OF SHALLOW FLOODING

A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

BASE FLOOD

The flood having a 1% chance of being equaled or exceeded in any given year; also the "100-year flood," as portrayed on the Bolton Flood Insurance Rate Map, as amended. [Amended during codification]

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.

FLOOD BOUNDARY AND FLOODWAY MAP

An official map of the Town of Bolton on which the Federal Insurance Administration has delineated the ~~one-hundred~~100-year, 500-year and floodway boundaries.

FLOOD INSURANCE RATE MAP

An official map of the Town of Bolton on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk-premium zones applicable to the Town, as well as base flood elevations at selected locations.

FLOOD INSURANCE STUDY

The official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.

FLOODWAY

~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~ The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as shown on the Floodway Map, as prepared and amended by the Federal Insurance Administration. [Amended during codification]

FLOOR

The top surface of an enclosed area in a building (including basement)); i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement).

MANUFACTURED HOME

A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park vehicles, or travel trailers and similar transportable structures placed on site for 180 consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of this section of the Zoning Regulations (not the revision date) and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE

A vehicle which is

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

SPECIAL FLOOD HAZARD AREA

The area within a community subject to 1% or greater chance of flooding in any given year, as identified on the community's FIRM.

START OF CONSTRUCTION

- (1) Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The "actual start" means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
- (2) Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE

A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

- (1) Any combination or repairs, reconstruction, alteration, or improvements to a structure during the life of a structure, the cost of which equals or exceeds 25% of the market value of the structure, as

determined by the cost approach to value, the quantity survey method or the square foot method either:

- (a) Before the improvement or repair is started; or
 - (b) If the structure has been damaged and is being restored, before the damage occurred.
- (2) For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

D. General provisions.

- (1) Lands to which this section applies. This section shall apply to all special flood hazard areas within the jurisdiction of the Town of Bolton.
- (2) Basis for establishing the special flood hazard areas. The special flood hazard areas identified by the Federal Emergency Management Agency in its flood study dated June 1, 1981, with accompanying FIRM and floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this section.
- (3) Establishment of the floodplain development permit. A zoning permit shall be required in conformance with the provisions of these Zoning Regulations prior to the commencement of any development activities.
- (4) Warning and disclaimer of liability. The degree of flood protection required by this section of the Zoning Regulations is considered the minimum reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This shall not create liability on the part of the Town of Bolton or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made ~~there~~ underthereunder.

E. Administration.

- (1) Designation of administrator. The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this section.
- (2) Certification. Where required under this section, a 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 section. Such certification must be provided to the Zoning Enforcement Officer.

- (3) Application.
- (a) A building permit, zoning permit, site plan approval and/or special permit shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.
- (b) The Zoning Enforcement Officer will review all development permits to assure that the requirements of this regulation have been satisfied.
- (c) The Zoning Enforcement Officer will notify adjacent communities and the Connecticut Department of ~~Energy and Environmental Protection, Inland Water Resources Division~~ prior to any alteration or relocation of a watercourse, and evidence of such notification will be sent to the Federal Emergency Management Agency. Maintenance shall be provided ~~with~~within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
[Amended during codification]
- (d) The Zoning Enforcement Officer will advise ~~the~~ applicant that additional federal or state permits may be required; and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: stream channel encroachment line permit, water diversion permit, dam safety permit, corps of Engineers 404 permit.
- (e) The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.
- (f) Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations, shall be prohibited in the special flood hazard area, except in conformance with these regulations.
- (g) When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Officer will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other ~~sources~~sources in order to administer these regulations. The Zoning Enforcement Officer may require the applicant to obtain such information.
- (h) The Zoning Enforcement Officer will record and maintain the following:
- [1] The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;~~;~~
- [2] The elevation (in relation to mean sea level) to which the new or substantially improved structures have been ~~flood-proofed;~~floodproofed;

[3] Certification as to floodway heights; and

[4] Any and all certifications required under these regulations.

- (i) The Zoning Enforcement Officer will make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The Zoning Enforcement Officer may require the applicant to provide sufficient topographic information to make such an interpretation.
- (j) The Zoning Enforcement Officer will maintain all records pertaining to the provisions of this section.

F. Provisions for flood hazard reduction.

(1) General standards. In all special flood hazard areas, the following provisions shall apply:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or ~~accumulation~~ accumulating within the components during conditions of flooding.
- (e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of ~~flood-waters~~ floodwaters into the system.
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of ~~flood-waters~~ floodwaters into the ~~systems~~ system and discharges from the system into ~~flood-waters~~ floodwaters.
- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (h) In any portion of a watercourse which is altered or ~~re-located~~ relocated, the flood-carrying capacity shall be maintained.
- (i) Manufactured homes are prohibited in all special flood hazard areas.

- (j) Use of land, construction or other activities permitted within this section shall be subject to approval by all applicable federal or state agencies.
- (2) Standards for streams without established base flood elevations, floodways, floodways and/or flood mapping.
 - (a) The Zoning Enforcement Officer will obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 410-3.12 of the Subdivision Regulations as criteria for requiring that new construction, substantial improvements; or other development in Zone A on the community's FIRM ~~meet~~ meets the standards in Subsection G of this section.
 - (b) In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, ~~substantial~~ substantial improvement; or other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
 - (c) 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 Town's request or not), the Town will adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.
- G. Specific standards. The following provisions shall apply in all areas of special flood hazard A1-30, AE and AH Zones where base flood elevations data has been provided.
 - (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.
 - (2) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall a) be ~~flood-protected~~ floodproofed to one foot above the base flood elevation so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.
 - (3) Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (a) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification (with supporting technical data) by a registered professional

engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design, when utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

- H. Variance procedure. Requests for variances from the requirements of this section shall be heard and decided by the Zoning Board of Appeals.
- (1) Floodway prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (2) Criteria for variances.
- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of ~~aan~~ historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and result in the loss of historic designation of the building;
- (b) Variances may only be issued upon ~~(a1)~~ a showing of good and sufficient cause, ~~(b2)~~ a determination that failure to grant the variance would result in exceptional hardship, and ~~(e 3)~~ a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public; or conflict with existing local laws or ordinances. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection ~~(b2)~~ above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under this section.
- (c) Any applicant to whom a variance is granted will be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance may be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- (d) The Zoning Board of Appeals will maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

§ 450-3.19 **Temporary signs.**

Temporary signs shall not be displayed more than 30 days before the event to which they are directed and shall be removed no more than 10 days after the event is over.

§ 450-3.20 **Outdoor lighting ~~regulations.~~**

- A. Purpose. The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties; and to reduce glare. All business, residential; and community

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roadways, sidewalks; and Town property luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

B. Definitions. For purposes of this ~~Subsection~~section, the following terms shall be defined as follows:

DIRECT LIGHT

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

FULL CUT-OFF TYPE FIXTURE

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

FULLY SHIELDED LIGHTS

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

GLARE

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

HEIGHT OF LUMINAIRES

~~The height of luminaires shall be~~ The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHTING

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

ISODIAGRAM

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

LAMP

The light source component of luminaires that produces the actual light.

LIGHT POLLUTION

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

LIGHT TRESPASS

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

LUMEN

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

LUMINAIRE

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

OUTDOOR LIGHTING

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

RATIO

Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination should be no less than 1/4 the average level of illumination.

UPLIGHTING

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

- C. Lighting plan. Outside lighting for ~~non-residential~~nonresidential and multifamily uses will be subject to a site plan review, unless waived by the Commission, and shall be accompanied by a lighting plan showing:
 - (1) The location, height and type of any outdoor lighting luminaires, including building=~~u~~mounted;
 - (2) The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
 - (3) The type of lamp: metal halide, compact fluorescent, high=~~p~~pressure sodium;
 - (4) The Commission may require an isodiagram showing the intensity of illumination expressed in footcandles at ground level~~;~~.
- D. General requirements~~;~~.
 - (1) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across~~;~~) the property lines and disabling glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed.~~(see Section 3 Appendix. (See Appendixes A and B), below.)~~
 - (2) All lighting for parking and pedestrian areas will be full cut-off type fixtures.
 - (3) Lighting for display, building and aesthetics shall be from the top and shine downward, not ~~up-~~lighteduplighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.

- (4) All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.
 - (5) Floodlighting is prohibited.
 - (6) Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
 - (7) Gasoline service stations. Maintained illumination recommendations set by the Illuminating Engineering Society of North America (See ~~Section 3~~ Appendix B) below.) will be observed and not exceeded. All area lighting will be full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off-site glare for roadways.
 - (8) All streetlighting shall be "cut-off" fixtures.
 - (9) Outdoor playing areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
 - (10) Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, light areas and dark surroundings.
 - (11) All ~~non-essential~~nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security ~~;~~ motion or infrared sensor lighting is encouraged. (~~"Non-essential/Nonessential"~~ can apply to display, aesthetic, parking and sign lighting ~~;~~.)
 - (12) Lighting designed to highlight flagpoles shall be low ~~level;~~ should be targeted directly at the flag.
 - (13) The height of luminaires, except streetlights in public rights-of-way, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.
 - (14) Exemptions ~~;~~ Traditional seasonal lighting and temporary lighting used by police, Fire Department or emergency services ~~are~~is exempt from these regulations.
- E. Special permits. The Planning and Zoning Commission may grant a special permit modifying the requirements of this section, provided it determines that such modification is consistent with the purpose of these regulations, in the following cases:
- (1) Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists ~~;~~
 - (2) Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
 - (3) Where a minor change is proposed to an existing nonconforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;
 - (4) Where special lighting is indicated for historic buildings;

- (5) Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity:-
- (6) Where ornamental ~~up-lighting~~ uplighting of a sculpture, buildings or landscape features will enhance the character of the area.

Section 3 Appendix A

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

		Basic	EnhanceEnhanced Security
Minimum horizontal illuminance	lux	2	5
	fc	0.2	0.5
Uniform ratio, maximum to minimum		20:1	15:1
Minimum vertical illuminance	lux	1	2.5
Minimum vertical illuminance	fc	0.1	0.25

Source:- IESNA RP 20-98

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Section 3 Appendix B

Appendix B

Service Station or Gas Pump Area Average Illuminance Levels

Average Illuminance on Described Area

Area Description	(lux/footcandles)
Approach with dark surroundings	15/1.5
Driveway with dark surroundings	15/1.5
Pump island area with dark surroundings	50/5
Building facades with dark surroundings	20/2

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Section 3 Appendix A

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

	Basic	Enhance Enhanced Security
Service areas with dark surroundings		20/2
Landscape highlights with dark surroundings		10/1
Approach with light surroundings		20/2
Driveway with light surroundings		20/2
Pump island area with light surroundings		100/10
Building facades with light surroundings		30/3
Service areas with light surroundings		30/3
Landscape highlights with light surroundings		20/2

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§ 450-3.21 Coordination of permits issued pursuant to these regulations with permits issued by Aquifer Protection Agency. [Added 9-9-2009]

Any applicant who proposes a regulated activity as defined under § 350-2.1 of the Bolton Aquifer Protection Area Regulations shall first obtain from the Aquifer Protection Agency an aquifer protection permit pursuant to ~~Section 9~~Article VIII of those regulations prior to receipt of a zoning permit, site plan review, special permit, or variance under these regulations.

§ 450-3.22 Minor modifications. [Amended 10-13-2010]

A. The Zoning Enforcement Officer may issue a zoning permit in connection with the minor modification of an approved site plan or special permit pursuant to Article XVI, provided that all changes meet the criteria and requirements of this section. The Zoning Enforcement Officer may require the submission of a site plan meeting the requirements of Article XVI, Part 1, and this section in conducting his or her review. Upon approval of a minor modification of a special permit, the Zoning Enforcement Officer shall cause to be recorded in the Office of the Town Clerk a certificate of approval bearing the signature of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission. Any modifications that do not meet the criteria and requirements of this section shall require the approval of the Planning and Zoning Commission. The Commission may process such modifications as a site plan review without special permit approval or public hearing should it determine that such changes will have no significant impact on traffic, drainage, or other

considerations affecting public health and safety. The Zoning Enforcement Officer may, in his discretion, refer any minor modification to the Commission for approval notwithstanding that such minor modification otherwise complies with the criteria and requirements of this section.

B. A "minor modification" is a modification which meets the following criteria:

- (1) Any increase in building area does not exceed 5% of the area of buildings as shown on the site plan approved by the Commission.
- (2) Any increase in parking area does not exceed 5% of the number of parking spaces (or an increase of one space, whichever is greater) as shown on the site plan approved by the Commission.
- (3) Any adjustment in landscaping location and configuration does not reduce the overall green space, numbers of trees and shrubs, or any buffering of abutting parcels or uses, as shown on the site plan approved by the Commission.
- (4) Any adjustment or relocation of parking areas or driveways does not substantially alter the traffic flow or general driveway locations as shown on the site plan approved by the Commission.
- (5) Any adjustments in the location of drainage structures or utilities are substantially compliant with the site plan approved by the Commission.
- (6) No change to the location or design of any public improvement is proposed.
- (7) The Town Engineer has issued a report confirming that the existing drainage structures are in good condition and functioning as designed and that such drainage systems are adequate to accommodate any additional runoff resulting from the proposed changes. In connection therewith, the Zoning Enforcement Officer may require the submission of a modified drainage report for review by the Town Engineer.
- (8) The Director of Community Development has issued a favorable report on the proposed changes, which shall include reports by the Health District, Wetlands Agent, Fire Marshal, and/or any other applicable municipal official or department which the Director determines should be consulted.

§ 450-3.23 Change of use. [Amended 10-13-2010]

Notwithstanding the requirements of §§ 450-8.1B(2), 450-8.2B(2) and 450-9.2B(2), the Zoning Enforcement Officer may issue a zoning permit for a change of use in a commercial or industrial zoning district to another use permitted by right in such zone, subject to the minor modification provisions of § 450-3.22. Any increase beyond these thresholds may be approved in accordance with § 450-3.22, or Article XVI at the discretion of the Commission. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission.

**Part 2
Special Regulations**

§ 450-3.24 Motor vehicle sales/service and fuel and motor oil sales.

Motor vehicle sales/service and fuel and motor oil sales (excluding not-for-profit motor vehicle repair; see § 450-3.16):

- A. Location approval. In accordance with ~~Conn. Gen. Stats~~C.G.S. § 14-321, no property shall be used for the sale of fuel or other products regulated under Chapter 250 of the Connecticut General Statutes unless the Planning and Zoning Commission makes a written finding that such location is suitable for the sale of fuel and other products.
- B. Parking/Storage of vehicles. No vehicle shall be parked, stored or displayed so as to interfere with a safe and convenient on-site circulation pattern ~~or~~ interfere with driver sight lines or traffic flow at the access drive to the site or along any public road. All parking, which shall be considered to include vehicles using fuel pumps, shall comply with the requirements of Article **XV** of these regulations.
- C. Location of fuel pumps. Fuel pumps shall be not less than 20 feet from the street line. Where an overhead canopy is proposed above any fuel pumps, such canopy shall not extend beyond the building lines along all sides of the property. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, ~~and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.~~ [Amended during codification]
- D. Lighting. See § **450-3.20D**, and, in particular, Subsection **D(7)**.
- E. Service bays. No service bay shall face the street line; except on a corner lot, where service bays may face one street line.
- F. Motor vehicle car washes shall be permitted as accessory uses, provided that:
 - (1) Adequate traffic flow patterns are established which prevent conflict with fuel and service patrons, and which prevent waiting traffic from extending into the street.
 - (2) The site is to be served by public sanitary sewers or approved washwater recycling equipment and there is no discharge of washwater into or onto the ground, or into the septic system.
 - (3) All site and floor surfaces which may receive washwater shall be pitched to drains connected to public sanitary sewers or approved washwater recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.
 - (4) No service bay shall face the street line; except on a corner lot, where service bays may face one street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.
- G. Convenience store retail trade shall be permitted as an accessory use, provided that:
 - (1) Adequate vehicular and pedestrian traffic flow patterns are established which prevent conflict with fuel and service patrons.
 - (2) Adequate parking for the additional retail trade use is provided in accordance with Article **XV** ~~(Off-Street, Parking and Truck Loading)~~ and Fire Lane Requirements.

- (3) To ~~insure~~ensure adequate supervision for both the fuel sale and retail trade uses, there shall be at least one employee on duty for the sale of fuel, and one additional employee for the retail trade use. Depending on the size of the facility, and the anticipated volume of vehicular traffic and public activity, the Commission may require additional security measures as a condition of the retail trade use.
- (4) There shall be no seats, stools, tables, or other facilities for the on-site consumption of food.
- (5) ~~Rest room~~Restroom facilities shall be provided for employees and may be required by the Commission for customers.
- (6) There shall be no overnight parking associated with the retail trade use, other than for employees.

§ 450-3.25 **New and used car sales.**

- A. No vehicle at a permitted new or used car sales use shall be parked, stored or displayed so as to interfere with a safe and convenient on-site circulation pattern or interfere with driver sight lines or traffic flow at the access drive to the site or along any public road. [Amended during codification]
- B. Used car sales shall be permitted only as an accessory use to:
 - (1) A new car dealer sales and display room having a minimum area of 700 square feet on the premises; or
 - (2) A licensed general repair service.

§ 450-3.26 **Seasonal or temporary commercial uses. [Amended 2-9-2011]**

- A. Standards for vendors associated with seasonal or temporary commercial uses. The following standards shall apply to vending which is associated with seasonal or temporary uses as indicated in Subsections **B(1)**, **B(2)**, **C(2)**, **D(1)**, **D(2)(b)**, **E(2)(a)**, **E(3)** and **E(4)(a)**:
 - (1) The operation must remain truly mobile and shall be removed daily, in its entirety, from any approved location between sunset and sunrise.
 - (2) There shall be no more than one mobile vendor per property.
 - (3) The location of any vending vehicle, cart, trash container, sign, etc. shall not obstruct line of sight or flow of traffic both on- and off-site and shall not obstruct the use of any required parking space, driveway, or walkway. There shall be adequate off-street parking for patrons of existing establishments and those of the mobile food vendor. All trash containers, signs, etc. related to the use shall not be located more than 15 feet from the vending vehicle.
 - (4) The mobile vendor shall be limited to one temporary freestanding sign, not to exceed 16 square feet per side. Flags, pennants, pinwheels, flashing lights, or other devices, intended to attract attention to the use, but potentially distracting to motorists, shall be prohibited.
 - (5) The mobile vendor shall provide written permission from the owner of the property where he/she/the vendor intends to locate.

- (6) For approval, the mobile vendor shall provide a simplified site plan indicating the location of any vending vehicle, cart, sign, etc. in relation to buildings, sidewalks, parking spaces, and driveways.
- (7) The mobile vendor shall provide adequate trash containers on the property and shall be responsible for maintaining a litter-free condition on the entire site associated with this use while the applicant exercises the permit or lease. The vendor shall post a trash pick-up bond ~~in the amount of \$50~~ to ensure site clean-up. **[Amended during codification]**
- (8) Upon vacating a property, the mobile vendor shall remove all traces of his/her business and restore the property to its original condition. When the portion of the property being used by a mobile food vendor and his/her patrons is not paved, the property owner shall post a site restoration bond in an amount to be determined by the Zoning Enforcement Officer to cover the cost of restoring the property to its original condition.
- (9) The applicant shall pay an application fee as set down by the Commission.
- (10) Mobile food vendors must have a valid vending license from the Board of Selectmen and food permit from the Health District in addition to the approval cited above.

B. Mobile vending general permits.

- (1) Construction site mobile food vending general permit. The Zoning Enforcement Officer may issue a general permit for mobile food vending on bona fide construction sites for the duration of the construction project, provided such vending occurs within the confines of the construction site, and such vending is not open to the general public, but exclusively for the benefit of construction workers, and related contractors and subcontractors. Any vendor shall comply with the requirements of Subsection **A(1), (3), (7) and (10)**, with the exception that no bonds shall be required.
- (2) Transient mobile vending general permits. The Zoning Enforcement Officer may grant a general permit for mobile vending (food or general merchandise) on any commercial or industrially zoned site, provided that the vendor has secured the permission of the property owner; the vendor does not occupy any one site for more than one hour per day; and ~~provided~~ that the vendor adheres to the standards and requirements of Subsection **A(1) through (4) and (10)**.

C. Seasonal commercial agricultural uses.

- (1) Farm stands accessory to a farm. Farm stands accessory to a farm in any zone may be permitted upon site plan review by the Commission subject to the following special requirements: **[Amended 4-20-2011]**
- (a) Square footage. The building area of a farm stand shall not exceed 250 square feet for every 10 acres under active cultivation, up to a maximum of 1,000 square feet of building area. If, at any time, a farm is reduced in the area of active cultivation, by sale of land or reduction in cultivation, the area of the farm stand shall be reduced to maintain conformance with this section. Farm stands shall be designed in such a way that removal of the building is feasible when and if its building area must be reduced.

- (b) Site planning, parking, signs. Farm stands shall comply with all parking, illumination, and other regulations applicable to commercial uses in the Neighborhood ~~Commercial~~ Business Zone, regardless of the zone in which the farm stand is located. Signs shall be in accordance with § ~~450-18.7A(4)~~ and (5).
- (c) Products sold; vending permits.
 - [1] Products sold. Operators of farm stands shall be limited to the sale of fruits and vegetables grown substantially on the premises, and to value-added farm goods prepared from fruits and vegetables grown on the premises, such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and local regulations.
 - [2] Vending permit. Operators of farm stands shall secure a vending permit from the Zoning Enforcement Officer for the sale of value-added farm goods prepared from fruits and vegetables ~~grown~~ grown substantially on the premises. Such permit shall be issued for a period not to exceed 200 days on an annual basis. Such ~~pre-packaged~~ prepackaged food items, including food items ancillary to produce grown substantially on the premises, such as prepackaged beverages, shortcakes, etc., are permitted under such vending permit, provided that these items constitute less than 10% of total farm stand sales. An approval from the Board of Selectmen, the Health District or State ~~Health~~ Department of Public Health for any ~~pre-packaged~~ prepackaged food shall be required before the approval of a vending permit. [Amended during codification]
 - (2) ~~Farmers~~ Farmer's markets of temporary or mobile construction. ~~Farmers~~ Farmer's markets of temporary or mobile construction may be approved by the Planning and Zoning Commission in any zoning district by site plan review under the following conditions:
 - (a) Any vendor shall comply with the requirements of Subsection ~~A(1), (3), (4), (6), (7), (8) and (10)~~, with the exception that no bonds shall be required, and any signage shall be mounted on the booth or affixed to the vendor's cart. The simplified site plan shall also include:
 - [1] The location of potential ~~vendor's~~ vendors' tents/tables, traffic control measures, other amenities in relation to buildings, sanitary facilities, parking, access drives, fire lanes, and other improvements (if any) on the site;
 - [2] The days and hours of operation of the farmer's market and other land uses on the site, if any; and
 - [3] The signature of the property owner on the application and/or written permission in the form of an attached letter.
 - (b) Products sold shall be limited to Connecticut-grown ~~and~~ and raised produce, flowers, meat, poultry, dairy, and other agricultural products, as well as food, beverage, and craft items (e.g., preserves, cider, dried flower arrangements) made from Connecticut-grown ~~and~~ and raised products, subject to food permits, when required, and all other applicable Public Health Code requirements.
 - (c) The Commission shall determine whether the proposed ~~farmers~~ farmer's market is appropriate for the proposed location and will not negatively impact other uses on-site or on nearby properties.
 - (d) Temporary off-site signage shall be permitted in accordance with ~~[Section 18F.1.e]~~ § ~~450-18.65~~.

D. Seasonal or holiday sales of general merchandise.

- (1) The Zoning Enforcement Officer may approve a vending permit for the sale of general merchandise in an outdoor setting either on developed or vacant lots in a GB, NB, or I Zoning District for a period not to exceed 30 days, subject to the submission of a simplified site plan depicting parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site. Such approval shall be subject to the requirements of Subsection A(3), (4), (5), (6), (7) (without bond), A(8), (9) and (10).
- (2) Mobile general merchandise vendors associated with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.
 - (a) Mobile general merchandise vendors within Town property or in Town rights-of-way are authorized by ordinance by the Board of Selectmen, and are not regulated by the Planning and Zoning Commission.
 - (b) The Zoning Enforcement Officer shall issue general merchandise vending permits on private property in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization for periods of up to 30 days in duration, subject to the submission of a simplified site plan depicting parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site. Such approval shall be subject to the requirements of Subsection A(2), (3), (4), (5), (6), (7), (8) and (10), except that no bonds shall be required.

E. Mobile food vending. **[Amended 5-20-2013]**

- (1) Mobile food vendors within Town property or in Town rights-of-way are authorized by ordinance by the Board of Selectmen regulated by the Health District and are not regulated by the Planning and Zoning Commission.
- (2) Mobile food vendors associated with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization. The Zoning Enforcement Officer may issue food vending permits in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization, subject to the same requirements as set ~~down~~forth in Subsection A(3), (5), (6), (7), (8) and (10), except that no bonds shall be required.
- (3) Mobile food vendors associated with special grand-opening events or special seasonal sales events. The Zoning Enforcement Officer may issue food vending permits in GB, NB, or I Zoning Districts in connection with grand opening events, or special seasonal sales events (no more than three per year) for periods of up to five days in duration for each event, and subject to the requirements of Subsection A(3), (4), (5), (6), (7) (without bond), A(8), (9) and (10).

- (4) Mobile food vendors on vacant lots.
- (a) The Zoning Enforcement Officer may issue food vending permits in GB and I Zoning Districts on vacant lots for periods up to 30 days in duration, subject to the requirements of Subsection **A(1)** through **(10)**.
- (b) Mobile food vendors shall not be allowed on a property within 1,000 feet of the property line of a property containing a permanent eating establishment or an establishment that sells alcoholic beverages for on-premises consumption.

§ 450-3.27 **Restaurants.**

- A. Food service shall be primarily to customers seated at tables or at counters within an enclosed building. Outdoor dining shall be allowed as an accessory use to a restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, noise and crowd control, unauthorized access or use, safe and adequate access/egress for pedestrians/vehicles, and where the site is suitable for such accessory outdoor café service. An outdoor dining use as an accessory use to a restaurant shall require an application for a zoning permit, which shall include a narrative of information regarding the outdoor dining use, including a plan of the area to be used, how it will be set up and protected, an adequate parking plan, and other relevant information required by the Zoning Enforcement Officer about the use. The application for a zoning permit shall be submitted to the Zoning Enforcement Officer for their action. **[Amended eff. 11-1-2021]**
- B. The Commission may approve a specific request for pedestrian outdoor window service as an accessory use to a restaurant, provided that the applicant demonstrates, to the satisfaction of the Commission, that adequate provision has been made for pedestrians to park and safely reach the window, without crossing through adjacent lanes of moving traffic or stacking lanes for drive-through service; and a covered, sheltered, illuminated area has been provided for pedestrians adjoining the drive-in window. Drive-through service as an accessory to restaurants is permitted in business zones (except NB) if approved as part of a special permit/site plan review, where the Commission determines that said proposed facility meets all other zoning standards and regulations for one drive-through lane and appropriate associated canopies per building facility, located completely behind the plane of the front wall of the principal building; the architectural and site design guidelines, materials, and details of the facility are compatible and similar to the architectural design, materials and details of the principal building; and the vehicular ~~circulation~~ circulation and stacking areas required for said facility do not pose a danger to pedestrian safety or to the general parking and circulation needs of the site. **[Amended 11-18-2015, eff. 12-1-2015]**
- C. Take-out service of food to be consumed off the premises may be permitted as an accessory use to a restaurant.
- D. No restaurant located as the principal use of a building on a separate lot shall have fewer than 30 seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room. A restaurant which is part of a unified shopping center or other multi-use (i.e., more than two principal uses) shall have no fewer than 10 seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.

E. Fast-food restaurants shall be required to meet the following additional standards:

- (1) The applicant shall provide a traffic study prepared by a qualified traffic engineer which contains, at a minimum, an analysis of current and projected traffic volumes, peak hour projections, turning movements, sight lines, parking demands, access for emergency vehicles, deliveries and loading, and such other factors as may be relevant for the particular site and its conditions.
- (2) Buildings shall be designed to serve the intended use, and to be in harmony with the architectural character of a small rural town. Buildings are not to be advertisements in themselves, including the use of "motif" colors. All building designs must be approved by the Commission per Article XVI of these regulations.
- (3) Glass shall occupy no more than 30% of the exterior wall surface of the building, and all glass shall be tinted.
- (4) No "fast-food" restaurant shall be located less than 50 feet from any Residential Zone, measured from any point on the site to any zone line.
- (5) The control of litter shall be the sole and exclusive responsibility of the owner/operator of the "fast-food" restaurant which generated it, and adequate provisions shall be made for its containment, recovery, and removal from the site and from any surrounding properties where it may be found. This obligation shall be secured by a cash bond to be posted with the Commission, the size of which shall be determined by the Commission based on the size and anticipated volume of off-site consumption of food. Further, violation of this provision shall be considered a violation of these regulations, and shall subject the owner/operator to those penalties set forth in these regulations and the Connecticut General Statutes.

F. Any outdoor dining that has not been the subject of a zoning enforcement action or nuisance activity report as of November 30, 2021, which is operating with a permit issued pursuant to 2020 Gubernatorial Executive Order 7 MM, or any extension or amendment or reissuance thereof, shall be permitted to continue to operate pursuant to that permit. **[Added 9-23-2020, eff. 11-1-2021]**

§ 450-3.28 **Hotel/Motel, Hotels and motels.**

Each hotel/motel shall comply with the following requirements:

- A. The Commission may require or permit that a hotel/motel have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility.
- B. The maximum number of rooms permitted on a lot shall be determined as follows: 4,000 square feet of land per room if all rooms are on one floor; 2,500 square feet per room if rooms are on two or more floors.
- C. Each room shall have a minimum livable floor area of 275 square feet or, alternatively, 225 square feet for 50% of the rooms, provided the remaining 50% contain a minimum of 325 square feet.
- D. The site shall be served by public water and sewer, or, alternatively, the application for special permit shall be accompanied by a written report from the Town Sanitarian indicating that the septic

system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed.

- E. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation.
- F. The site shall be in a location which is convenient to major arterial roads, fire and other emergency services, and adequate stormwater drainage facilities.
- G. Parking and loading shall be in accordance with the requirements of Article **XV** of these regulations.
- H. Alcoholic beverages may be permitted in accordance with the regulations of the State ~~of~~ Liquor Control Commission. [Amended during codification]
- I. The site shall be designed so as to protect bedroom windows from glare from automobile headlights, streetlights, driveway/parking lot lighting, and other light sources on or off the site.
- J. Accessory swimming pools shall be adequately enclosed and screened by fencing and landscaping.
- K. All buildings shall be designed to be compatible with the traditional architecture of New England inns, especially with regard to roof pitch, exterior materials and detailing, and with clusters of small buildings preferred to a lesser number of larger ones. Access to rooms shall only be from an interior hallway and not directly from an outdoor space.

Part 3
Water Supply for Fire Protection
[Amended 1-1-2006; 12-10-2014]

§ 450-3.29 **Purpose.**

In order to maintain a consistent fire protection plan for the Town of Bolton, the Planning and Zoning Commission may require an easement appropriate to allow for the construction and maintenance of a cistern or dry hydrant.

§ 450-3.30 **Applicability.**

This Article **III**, Part 3, of the Zoning Regulations shall apply to any application for subdivision or resubdivision, special permit or a site plan review.

§ 450-3.31 **Grant of easement by owner.**

The owner(s) of the land where the cistern or body of water and associated dry hydrant are proposed to be located, shall grant, at no cost to the Town, a permanent easement to the Town of Bolton and the Bolton Fire Department, for purposes of access for construction, firefighting, training, inspection, testing and maintenance.

§ 450-3.32 **Subdivisions and resubdivisions.**

In the case of any application for subdivision or resubdivision the following shall apply to any dwelling in a subdivision or resubdivision of 10 or more lots that was approved after January 1, 2006. This

regulation is meant to be cumulative based upon the creation of the 10th lot of the subdivision of the property or the 9th new lot created by a resubdivision of the property.

- A. A permanent water supply for fire protection, approved by the Bolton Fire Marshal and Fire Chief, in accordance with these regulations, shall be made available not later than the completion of the first building foundation on the property for the subject application.
- B. The permanent water supply for fire protection shall consist of a cistern made of fiberglass, reinforced concrete, or other material acceptable to the Planning and Zoning Commission, and necessary appurtenances, such as fire department connection riser, vents, etc., as necessary, and shall have a capacity of 15,000 gallons for subdivisions of 10 lots to 20 lots and at least 30,000 gallons of water for 21 lots or more, unless the Commission finds that the applicant has established one of the following:
 - (1) That the construction project is located within a Town-approved cistern area. The Commission may accept a letter of approval issued by the Board of Selectmen to establish this exception.
 - (2) The subdivision plan indicates that any building will be fully sprinklered per NFPA 13D or 13R, as currently adopted by the State of Connecticut.
- C. The cistern fire department connection riser shall be located within five feet of a paved surface accessible by the fire apparatus. The intervening ~~access way~~accessway between the paved surface and the riser shall be a paved surface at least six feet in clear width.
- D. The location of the cistern fire department connection riser shall be located in accordance with the following requirements:
 - (1) For single-family detached dwellings, no part of a dwelling shall be more than 2,000 feet, as measured along roads and driveways, from the cistern fire department connection riser.
 - (2) For dwellings other than single-family dwellings, no part of the dwelling shall be more than 1,500 feet, as measured along roads and driveways, from the cistern fire department connection riser.
- E. The design, siting and installation criteria for this permanent water supply shall be designed by a professional engineer, properly licensed and registered in the State of Connecticut. A set of plans, signed and stamped by the engineer, and the engineer's cost estimate for the complete installation, shall be provided as part of the application for the subdivision. This permanent water supply shall be designed as a water supply for firefighting in accordance with nationally recognized criteria such as National Fire Protection Association (NFPA) Publication #1142, the edition current as of the date of the application. The design of such a water supply must include, but not be limited to, depth of groundwater and ledge, anticipated loading requirements on top of the structure and protection against freezing.
- F. An alternative permanent water supply may be substituted for the cistern if approved by the Fire Marshal and Fire Chief. This approved alternative permanent water supply is a body of water and dry hydrant assembly that, based upon an engineering analysis conducted in accordance with Subsection E above, is shown to comply with the requirements of NFPA Standard #1142, the edition current as of the date of the application. This alternative permanent water supply shall

comply with the distance requirements of Subsection **D** above. All requests for approval of a natural or man-made on-site surface water supply must be accompanied by a drainage analysis prepared by a licensed professional engineer. Such an analysis must state the minimum number of gallons available during the dry season of the year and shall indicate the source and amount of water that is supplied to the surface water supply during all weather conditions.

- G. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall grant a permanent easement to the Town of Bolton and the Bolton Fire Department, for purposes of access for firefighting, training, inspection, testing and maintenance.
- H. The owner(s) of land where the water supply is located shall design and install the cistern. The Bolton Fire Department will fill, test and accept the cistern. After two years of operation satisfactory to the Bolton Fire Marshal and Fire Chief the Town will take responsibility for inspection and maintenance. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall provide the Town of Bolton performance and maintenance bonds for the satisfactory installation and operation of the permanent water supply as determined by the Bolton Fire Marshal and Fire Chief. The bonds shall comply with the applicable portions of Subdivision Regulations, § ~~410-13.4~~, and Chapter **410**, Article **XV**, or ~~Zoning Regulations § 450-16.10~~, except as otherwise required by this Article **III**, Part 3. To account for future cost increases and unforeseen costs, the performance bond amount shall be equal to at least 125% of the engineer's cost estimate to provide the complete installation of the permanent water supply and appurtenances. In no case shall the performance bond amount be less than \$5,000 plus \$1.50 per gallon of the required capacity of the permanent water supply. The time for the satisfactory completion of the installation and operation of the permanent water supply shall be the earliest time of the following applicable requirements: the time stated by the Planning and Zoning Commission in an approval action, or the time required by this Article **III**, Part 3, and §§ ~~450-16.4~~ and ~~450-16.11~~ ~~16~~ of the Zoning Regulations. Failure to satisfactorily install and operate the permanent water supply within the required time shall be a cause for the Town of Bolton to require immediate and full payment of the performance bond funds for use in providing a satisfactory permanent water supply. Upon the satisfactory complete installation and operation of the permanent water supply, the performance bond may be replaced by a maintenance bond equal to 20% of the performance bond, for the continued satisfactory condition and operation of the permanent water supply. The maintenance bond shall remain in ~~effectiveeffect~~ for two years after the date that the Planning and Zoning Commission determines that permanent water supply is installed and operating to the satisfaction of the Bolton Fire Marshal and Fire Chief.
- I. The Bolton Fire Marshal and Fire Chief shall act to approve, modify and approve or disapprove any plans for a permanent water supply for fire protection in accordance with these regulations and shall provide a report to the Commission describing such action within 65 days of the receipt of such plans. For any disapproval or modification of plans, the report must include the reason(s) as to why the plans were determined to not comply with these regulations. The failure of the Fire Marshal and Fire Chief to act within this ~~sixty-five 65-day periodsperiod~~ shall be considered as an approval of the plans.
- J. At such time that the Town or other acceptable authority has placed in service cisterns, dry hydrants, or pressurized water systems designed for fire protection that meet the distance requirements of these regulations, then water supplies or approved alternates, such as sprinklers,

would not be necessary for any size or class of construction unless required by other state building, fire or life safety codes.

Part 4
Solar Energy Systems

[Added 1-1-2014]

§ 450-3.33 **Small-scale solar energy systems.**

- A. Purpose: to promote the use of solar energy systems in accordance with the Connecticut General Statutes and the Town of Bolton Plan of Conservation and Development while protecting the public health, safety and welfare.
- B. Small-scale solar energy systems, including ground- and roof-mounted systems, shall be permitted as an accessory use by right in all zoning districts, subject to the requirements set forth in the zone in which it is to be located and this section.
- C. The construction of the small-scale solar energy system shall be in accordance with an approved building permit application.
- D. Dimensional requirements in all zones:
 - (1) Small-scale solar energy systems shall meet all the minimum yard setbacks as required for the primary use in the zone ~~it is in which they are~~ to be located. In measuring a pole-mounted tracking system that moves to track the sun, the ~~drip line~~drip line of the farthest extension of the tracker shall not extend into any required yard.
 - (2) Small-scale solar energy systems, including any mounts, shall not exceed the maximum height allowed for the primary use in the zone ~~it is in which they are~~ to be located.
 - (3) Small-scale solar energy systems shall comply with the maximum lot and impervious coverage percentages as required in the zone ~~it is in which they are~~ to be located. In measuring coverage, the mounting or foundation that touches the ground shall be the footprint and counted as lot and impervious coverage.
 - (4) Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for interconnection to system components and/or the local utility power grid.
 - (5) Small-scale solar energy systems shall be subject to the same type of review as the use to which ~~it is~~they are an accessory.
 - (6) Separate flush- or rack-mounted small-scale solar energy systems mechanically fastened to and/or secured with ballast installed on the roof of a building or structure shall meet ~~3D1.c.2 and the requirements of Subsections E, F, G and H below, and: [Amended during codification]~~
- (a) Shall not project vertically more than six inches above the peak of the sloped roof to which ~~it is~~they are attached; or

- (b) Shall not project vertically more than five feet above a flat roof installation.
- (c) It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
- E. Appearance. Appearance, color, and finish of the small-scale solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- F. Code compliance. A small-scale solar energy system shall comply with all applicable construction and electrical codes.
- G. Removal. All obsolete or unused systems shall be removed within 12 months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.
- H. Violations. Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install, or operate a small-scale solar energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

ARTICLE IV Establishment of Zones

§ 450-4.1 Districts. [Amended 6-25-2012]

For the purpose of these Zoning Regulations, the Town of Bolton is hereby divided into nine zones, as follows:

Residence R-1 Zone

Residence R-2 Zone

Residence R-3 Zone

Golf Course Overlay Zone (GCOZ)

General Business Zone (GB)

Neighborhood Business Zone (NB)

Rural Mixed Use Zone (RMUZ)

Industrial Zone (I)

Gateway Mixed Use Industrial Zone (GMUIZ)

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§ 450-4.2 **Zoning Map.**

A. The boundaries of each of the ~~said~~ zones are hereby established as shown, defined and bounded on a map entitled:

"MASTER ZONING MAP

Town of Bolton, Connecticut Bolton Zoning Commission"

Dated - 1973

Revised - 1983

Revised - 1985

Revised - 1987

Revised - 1995

Revised - 2000

Revised - 2001

Revised - 2005

Revised - 2010

B. This Master Map and all explanatory matter thereon are hereby made a part of these regulations. Reference shall be made to the Master Map for ~~the~~ latest changes and specific zone boundaries.

C. A copy of the Master Map in on file in the office of the Town Clerk.

ARTICLE V
Prohibited Uses

§ 450-5.1 **Nuisances prohibited.**

No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke or noise, or is a nuisance or menace to health or safety.

§ 450-5.2 **Use variances.**

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

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§ 450-5.3 **Bulk regulations.**

No land, open space, or yard required by these regulations for a lot, shall be included as a part of the area, space or yard of another lot. No lot shall be made smaller than the minimum requirements of the zone in which it is located by any voluntary act of the owner.

§ 450-5.4 **Specifically prohibited uses.**

The following uses of land and buildings are prohibited in any zone, whether public or private land:

- A. The parking of mobile homes or trailers for more than 15 days when used for human occupancy, except on a temporary basis during construction of a home for a period not to exceed six months in accordance with a zoning permit approved by the Zoning Enforcement Officer. Such permit may be extended one additional six-month period by a further permit approved by the Zoning Enforcement Officer.
- B. Parking of mobile homes or trailers for use as office, warehousing space or any other business use except:
 - (1) On a temporary basis under a variance granted by the Zoning Board of Appeals;
 - (2) As an accessory use during construction for which a valid building permit has been issued;
 - (3) As a permanent installation covered by a building permit.
- C. Trailer or mobile home camps or developments for manufactured homes where such homes have their narrowest dimension as less than 22 feet, and where such homes are not built in accordance with federal manufactured home construction and safety standards.
- D. Junkyard of any description, except disposal facilities operated for and under the control of the Town of Bolton.
- E. Dumping of any material other than earth, grass clippings, leaves, ashes, cinders or other materials necessary for grading purposes.
- F. Prohibited signs are those listed in § 450-18.4. **[Amended 4-20-2011]**
- G. Rooming houses and ~~boarding houses~~; boardinghouses. **[Amended 4-20-2011]**
- H. The quarrying of stone or rock.
- I. The burying or storage of any construction debris, junk, garbage, solid waste or hazardous waste without approval from the Connecticut Department of Energy and Environmental Protection.

ARTICLE VI Residence Zones

§ 450-6.1 Permitted uses.

In all Residence Zones, no building or land shall be used and no building or structure shall be erected or altered except for the following uses:

- A. Single-family detached dwellings;
- B. Two-family dwellings in R-1 and R-2 Zones, subject to the following:
 - (1) Both dwelling units shall be equal or nearly equal in floor area;
 - (2) The two-family dwelling shall maintain the exterior appearance of a single-family dwelling.
- C. Not more than one ADU accessory to a single-family detached dwelling, subject to a zoning permit, and subject to the following conditions: **[Amended eff. 11-1-2021]**
 - (1) The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
 - (2) For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.
 - (3) Only one ADU with a maximum of one bedroom shall be allowed per parcel.
 - (4) The ADU shall not exceed 35% of the total of the aboveground floor area of the primary dwelling and shall not exceed 900 square feet.
 - (5) The applicant shall submit a site plan to demonstrate that two parking spaces for the primary dwelling and one parking space for the ADU will be provided.
 - (6) An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
 - (7) No such unit shall be rented for a period of less than six months.
 - (8) A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
 - (9) Design and construction should be consistent with the primary dwelling.
- D. State or Town parks.
- E. Farming.
- F. Town-owned schools, libraries, ~~office~~offices, fire stations and other civic buildings authorized by a Town meeting under the jurisdiction of the Public Building Commission.

G. Privately owned houses of worship, schools, colleges, libraries and other civic buildings subject to a special permit, to be issued upon demonstration that the following criteria have been met to the satisfaction of the Planning and Zoning Commission: **[Added 6-25-2012]**

- (1) The use shall be compatible with neighboring uses;
- (2) The use shall not hinder future sound development of the community;
- (3) The use shall not create a nuisance;
- (4) Minimum requirements shall conform to all applicable sections of the Zoning Regulations pertaining to Residence Zones.

H. Customary home occupations. In all cases, such occupation shall be situated either in the same dwelling used by the head of such occupation as his or her primary legal residence (and shall occupy a floor area not more than 30% of the living area of the residence~~);~~) or within an accessory building on the same premises, such building having a floor area not more than 30% of the living area of the residence and a height of not more than 10 feet measured from ground level to the eaves. There shall be no excessive exterior artificial lighting nor any display (other than one sign not exceeding three square feet in area and not less than 20 feet from the street line) which will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Additionally, the occupation shall not be visible from the street or adjoining property by display of products or equipment, shall not cause a nuisance from noise, odors, fumes, vibrations or other sources, and shall not tend to excessively draw people and vehicles to the premises. In addition, the following ~~is~~~~are~~ noted:

- (1) Any customary home occupation is permitted by right if it meets all of the above requirements, plus the following:
 - (a) There shall be no nonresident employees~~;~~ and~~:~~
 - (b) There shall be no vehicles, associated solely with the business, parked on the premises~~;~~ and~~:~~
 - (c) No clients or customers shall visit the premises.
- (2) Any customary home occupation that involves nonresident employees, and/or on-site customers or clients and/or one vehicle with trailer associated solely with the business, may be permitted subject to the site plan review procedure and subject to the following:
 - (a) All requirements of ~~the first paragraph of~~ Subsection **H(1)** of this section are met;
 - (b) No more than two nonresidents of the premises are employed in the business at any one time;
 - (c) Adequate off-street parking spaces are provided for customers, clients and employees.
 - (d) One vehicle with trailer associated solely with the business may be parked on the premises so long as:

- [1] Said vehicle with trailer does not exceed 18,000 pounds gross weight; and
 - [2] If said vehicle with trailer exceeds 10,000 pounds gross weight the Commission may require it to be screened from view.
 - (3) No automobile repair business or small engine repair business shall be conducted as home occupations.
- I. Commercial stabling of horses, subject to special permit and further subject to the following:
- (1) The conditions listed under Subsection **J** of this section are met;
 - (2) All horse trailers are parked and maintained in a neat and orderly manner;
 - (3) There shall be no outside storage of equipment associated with the horses and/or their stabling.
- J. Livestock and poultry. **[Amended eff. 9-1-2015]**
- (1) Keeping of livestock or poultry, except as permitted by Subsection **J(2)** below, shall be subject to the following requirements:
 - (a) The lot or parcel upon which one head of livestock or up to 10 head of poultry are kept or pastured shall have a minimum area of two acres;
 - (b) After the first head of livestock or 10 head of poultry the lot or parcel shall have at least one additional acre for each additional livestock or each additional 10 head of poultry (or a pro-rata proportion of one acre for fewer than 10 additional head of poultry) kept or pastured;
 - (c) An appropriate building shall be provided for the keeping of such livestock or poultry under Subsection **J(1)**. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all cleanings shall be confined;
 - (d) All buildings and structures (other than fences under eight feet high) for the keeping and housing of livestock or poultry under Subsection **J(1)** shall be located a minimum distance of 125 feet from any street line, 40 feet from any side or rear property line, 25 feet from any existing well and, in addition, 100 feet from any existing dwelling located on an adjacent property.
 - (e) A site plan review shall be required if more than three head of livestock and/or more than 20 head of poultry are proposed for keeping simultaneously.
 - (2) Chickens. No more than six hens may be kept on any property located in residence zoning districts as an accessory use as of right to a residential use. Such accessory use shall require a **Zoning** certificate of **zoning** compliance and shall also meet the following requirements: **[Amended during codification]**
 - (a) No rooster shall be kept on the property.
 - (b) An appropriate building shall be required and shall include an attached or adjacent enclosure, visually screened from adjacent properties, to which all hens and cleanings shall be confined.

- (c) All areas, buildings and structures for the keeping, housing and pasturing of hens under Subsection J(2) shall be located in the rear of the property and shall meet the required yard setbacks and shall be 25 feet from any existing well.
- (3) Under Subsection J(1) and (2), all housing and keeping of animals shall be within the minimum recommended standards of the State of Connecticut Departments of Agriculture and Public Health. Animals shall be housed in permanent buildings and shall be provided with fencing and sanitation for their security and welfare. They shall be so kept as to not create a hazard or nuisance.
- K. Bed-and-breakfast establishments subject to site plan review, and subject to the following conditions:
 - (1) The operators of such establishment shall reside on the subject property as their primary legal residence, either within the same building as the establishment or within a separate existing dwelling;
 - (2) No more than three guest bedrooms shall be provided;
 - (3) No guest shall use such establishment as his or her place of residence. No guest shall stay at such establishment for longer than seven consecutive nights;
 - (4) The operators of such establishment shall comply with all applicable state and local health regulations, and shall obtain all required health permits prior to commencement of operation.
- L. Child day-care centers operated by not-for-profit organizations, as well as family and group day-care homes.
- M. Continuing-care retirement communities, consisting of congregate housing developments, which may include extended health care facilities, subject to granting of a special permit and subject to meeting all of the following requirements:
 - (1) Uses permitted shall consist of independent residential dwelling units for persons at least 62 years of age; and in the case of multiple occupancy of a unit, one person shall be over age 62 and all others over the age of 50;
 - (2) Accessory or additional uses shall be limited to the following:
 - (a) Extended health care facility;
 - (b) Community buildings* and recreation area;
 - (c) Administrative offices;*
 - (d) Storage buildings for maintenance equipment for the subject site.

* These uses shall be exclusively for the use of residents of such community, development, or facility, and their guests; in the case of an extended health care facility, such use shall be primarily for residents of the development, but from time to time may be used by

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nonresident patients ~~(meeting the same age requirements as stated in Subsection M(1) above)~~ as beds may be available.

- (3) The following area, density, parking and setback requirements shall apply:
 - (a) Minimum lot area: 10 acres.
 - (b) Maximum number of dwelling units per acre:
 - [1] R-1 and R-2 Districts: 4.
 - [2] R-3 District: 6.
 - (c) Maximum lot coverage (total of all buildings): 25%.
 - (d) Maximum impervious coverage: 65%.
 - (e) Minimum floor area:
 - [1] Studio (efficiency) dwelling units: 500 square feet.
 - [2] One-bedroom dwelling units: 700 square feet.
 - [3] Two or more bedroom dwelling units: 850 square feet.
 - (f) Minimum setback distances for all buildings, including porches and decks:
 - [1] Front yard: 60 feet.
 - [2] Side and rear yards: 50 feet.
 - (g) Minimum separation distance between residential buildings: 30 feet.
 - (h) Maximum building height: 35 feet.
 - (i) Minimum number of parking spaces.
 - [1] Each dwelling unit: 1.5.
 - [2] Health_care facility: one for each two beds, plus one for each two employees, plus one for each doctor assigned to staff.
 - [3] One space for each shuttle vehicle.
 - [4] Administrative offices: five per 1,000 square feet of floor area.
 - (j) Minimum road width: as required by the Town of Bolton Fire Marshal.

- (k) Number of beds in extended health care facility: minimum of 30% of number of dwelling units permitted, but no more than 60 beds.
- (4) The site may be serviced in full by a community septic system meeting the requirements of ~~Section 7C.7 of these Regulations;~~ the Connecticut Public Health Code; [Amended during codification]
- (5) Sidewalks (minimum width: six feet) shall be provided throughout the interior of the site;
- (6) No continuing-care retirement community, congregate housing development, or life-care facility shall be either partially or totally converted to a multiple dwelling complex without first satisfying the requirements of these regulations as they relate to a multiple dwelling complex, and gaining the approval of the Planning and Zoning Commission via the special permit procedure.

N. Multiple dwelling complexes (traditional), as follows:

- (1) Intent. The general intent of this ~~sections~~ subsection is to promote a broader range of housing within the Town of Bolton, in terms of both affordability and living arrangement.
- (2) Applicability. A traditional multiple dwelling complex may be permitted only within the R-2 Zone, and furthermore, only where one of the following two circumstances ~~exist~~ exists:
 - (a) Upon any parcel of land comprised of an area of at least 70,000 square feet;
 - (b) Upon a parcel of land comprised of an area of at least 10 acres which the Planning and Zoning Commission has determined is better suited for a traditional multiple dwelling complex instead of an OSCD multiple dwelling complex for one or more of the reasons set forth in ~~Section 7C.7;~~ the Connecticut Public Health Code. [Amended during codification]
- (3) Procedure. a special permit application to the Planning and Zoning Commission in accordance with Article **XVI** of these regulations; is required for any traditional multiple dwelling complex.
- (4) Density. The density of a traditional multiple dwelling complex shall be 70,000 square feet of land area for the first three dwelling units, plus 10,000 square feet of land area for each additional dwelling unit, up to a maximum of 48 dwelling units, inclusive of all phases. No building within a traditional multiple dwelling complex shall contain ~~less~~ fewer than three; nor more than six dwelling units.
- (5) Dimensional requirements.
 - (a) Minimum lot frontage: 50 feet.
 - (b) Minimum front yard: 50 feet.
 - (c) Minimum side yard: 50 feet.
 - (d) Minimum rear yard: 50 feet.
 - (e) Maximum building height: 35 feet or 2 1/2 stories.

- (f) Maximum lot coverage: 15%.
- (g) Maximum impervious coverage: 20%.
- (6) Dwelling unit requirements.
 - (a) The minimum floor area requirements are as follows:
 - [1] Studio (efficiency) dwelling unit: 500 square feet.
 - [2] One-bedroom dwelling unit: 700 square feet.
 - [3] Two (or more) bedroom dwelling unit: 850 square feet.
 - (b) Each building shall have a full cellar in order to provide adequate interior storage area. The cellar floor area shall be equally divided among all dwelling units within each building, and each space shall be fully partitioned from abutting space. Interior access between each dwelling unit and its related cellar space shall be provided.
- (7) Separation distance. Within any type of multiple dwelling complex, the separation distance between buildings shall be at least that distance required by the Town of Bolton Fire Marshal, but in no case, shall it be less than 30 feet. **[Amended 12-9-2015, eff. 12-15-2015]**
- (8) Roads, parking and sidewalks.
 - (a) At a minimum, all interior roads shall be paved to the standards of the Town of Bolton for local streets. Interior road widths shall, at a minimum, meet the standards required by the Town of Bolton Fire Marshal.
 - (b) All parking shall be as required in Article **XV** of these regulations.
 - (c) Pedestrian access between all buildings, as well as between all parking areas and buildings, shall be by sidewalks. Sidewalks shall be a minimum of four feet in width and paved with Portland cement concrete or other material approved by the Planning and Zoning Commission.
- (9) Ownership of improvements. All site improvements, including interior roads, shall be privately owned and maintained unless otherwise authorized by the Town of Bolton or other public agency.
- (10) Landscaping and buffering.
 - (a) Disturbance of natural vegetation shall be kept to an absolute minimum. All disturbed areas not proposed to be covered by an impervious surface shall be fully landscaped, and shall be so indicated on the landscaping plan.
 - (b) All front, side and rear yard areas not to be disturbed during construction shall remain in their natural state. If any front, side and rear yard areas are disturbed during construction, they shall be replanted to at least as good a condition as existed prior to construction, including number, height, and caliper of plantings, unless otherwise specified by the Planning and Zoning Commission. Such replanting shall be indicated on the landscaping plan.

- (c) In such cases where it is the opinion of the Planning and Zoning Commission that additional landscaping is needed to buffer the development from abutting properties, the Commission may specify such additional buffering, thickly planted and of appropriate height and caliper. Recommended plantings are hemlock, arborvitae, viburnum, elderberry, winterberry, wild rose, hawthorn, birch, poplar, shadbush, maple, and white cedar, or an appropriate combination of these items.
- (11) Community septic systems. The requirements concerning community septic systems shall be exactly the same as those stated in ~~Section 7C.7. of these Regulations;~~ the Connecticut Public Health Code. [Amended during codification]
- (12) Traditional multiple dwelling complex for the elderly.
- (a) Traditional multiple dwelling complexes for the elderly may be permitted by special permit. The applicant shall submit a written document with the special permit application stating that each dwelling unit shall be occupied at all times by at least one person 62 years of age or older, and that no resident of the complex shall be less than 50 years of age. However, no tenant shall be evicted due to a change in personal circumstances, such as the death of a co-occupant, divorce, etc. In addition, one unit without age restriction may be set aside for occupancy by a maintenance manager for the complex.
- (b) A traditional multiple dwelling complex for the elderly shall meet all requirements as stated within this Subsection N, with the following exceptions:
- [1] No dwelling unit shall have a floor area greater than 1,000 square feet;
- [2] Minimum parking space requirements shall be 1 1/2 spaces per dwelling unit;
- [3] Density requirements shall be the same, except that a maximum of 60 dwelling units, inclusive of all phases, may be allowed.
- (c) No multiple dwelling complex for the elderly shall be occupied as anything other than a multiple dwelling complex for the elderly unless a further special permit application, stating the intended change, is filed and approved by the Planning and Zoning Commission.
- O. Open space conservation development multiple dwelling complexes ~~(; See § 450-7.1D);~~.
- P. Accessory uses customarily incidental to the above uses and located on the same lot with the building to which they are accessory. The side yard and rear yard regulations for an accessory building shall be those of the zone in which ~~it is~~ they are erected, except as provided in Article VII of these regulations. Business uses are excluded, except as provided in § 450-6.1H of these regulations.
- Q. Architectural and site design guidelines. Section 450-6.1M (continuing-care retirement communities) and N (multiple dwelling complexes) shall be subject to the Bolton, CT Architectural and Site Design Guidelines (Appendix C). **[Added 6-25-2012]**

§ 450-6.2 **Signage.** [Amended 4-20-2011]

All uses permitted under this ~~section~~article are subject to the requirements of Article ~~XVIII~~ (~~Signage~~).

§ 450-6.3 **Use variances.**

The Zoning Board of Appeals may only grant use variances in accordance with the following requirements:

- A. Uses shall not be permitted by variance in the R-1 Zone if such uses are not otherwise allowed in the R-1 Zone.
- B. Uses shall not be permitted by variance in the R-2 Zone if such uses are not otherwise allowed in the R-2 Zone.
- C. Uses shall not be permitted by variance in the R-3 Zone if such uses are not otherwise allowed in the R-3 Zone.

ARTICLE VII
Special Residential Development Provisions

[Amended 6-25-2012]

§ 450-7.1 **Open space conservation development (OSCD).**

A. Purpose:

- (1) The preservation or provision of open space with special character that will benefit the present and future generations of Bolton residents, including active or passive recreation areas, important wetlands systems, steep slopes, farmland, and/or areas containing significant natural features, such as unusual terrain, vegetation, wildlife and scenic vistas.
- (2) To promote development of land in a way which is sensitive to the environment.
- (3) To promote a development that is compatible with surrounding residential areas.
- (4) To preserve or provide a recreation use, active or passive, which is compatible with open space preservation and which will directly or indirectly promote the general welfare of the residents of the Town of Bolton.
- (5) To give to the Commission the ability to determine whether a parcel of land is better suited for development under traditional subdivision and zoning requirements, under the open space conservation development (OSCD) requirements or under the fee in lieu of open space requirements.

(See Article II, Definitions, for the definitions of terms, words, etc. that are applicable to this section, such as "open space" and "wetlands.")

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B. Location of development.

- (1) To the extent feasible, any earth-moving, excavation, filling and subsequent construction associated with an open space conservation development shall take place:
 - (a) On the most suitable soils for ~~sub-surfacesubsurface~~ septic disposal;
 - (b) Away from legally designated inland wetlands soils, watercourses, and ~~one-hundred~~100-year floodplain areas;
 - (c) On the least fertile soils for agricultural uses;
 - (d) On land of less than 25% slope;
 - (e) In locations least likely to block or interrupt scenic vistas, as seen from the public road or roads abutting the parcel in question;
 - (f) In locations having the greatest advantage in terms of solar access for proposed residences.
- (2) Where conflicts exist among the above preferred locations, the Planning and Zoning Commission will make the ultimate determination.

C. Subdivision.

- (1) Applicability and suitability.
 - (a) The requirements and criteria of an OSCD apply to any application for development in any Residence Zone in which the parcel or contiguous parcels of land involved comprise a total area of at least 10 acres, with the exception that the Planning and Zoning Commission may waive the OSCD subdivision requirements as follows:
 - [1] For a subdivision application of at least 10 acres but proposing no more than seven lots for sale or building development. **[Amended during codification]**
 - [2] Prior to filing a subdivision application an applicant may file an application requesting the Planning and Zoning Commission to waive the OSCD requirements in favor of an alternate open space proposal that is suitable to the Town, such as a traditional development or a fee in lieu of open space. The applicant must provide four sets of conceptual plans depicting the proposed development of the subject parcel. For this depiction, the proposed layout of lots, streets, utilities and open space (if a fee in lieu of open space is not being proposed) may be in conceptual forms but all other information, expressly including natural resource information, must be in final form in accordance with the Zoning Regulations and the Subdivision Regulations. Based upon the review of the conceptual plans, the Planning and Zoning Commission, at its discretion, may waive or may not waive the OSCD subdivision requirement. The Commission shall make its decision on waiving the requirements within 65 days of being requested to do so, subject to any extension granted by the applicant. If the Commission does not act within the time limits it shall be deemed a denial of the waiver.

- (b) The Planning and Zoning Commission may determine that an OSCD may not be suitable for the proposed location for the following, or other reasons:
 - [1] Nonconformance with Subsections **A**, **B** and **C** of this section.
 - [2] Open space which may be too isolated from other existing or potential open space to be of significant value for the intended use.
 - [3] Open space which may be too close to an existing use that might conflict with its function.
 - [4] Wetlands or other conditions that may interfere with the open space function.
 - [5] A different use may be a more suitable use for the proposed open space area, such as:
 - [a] Preservation of the land in its natural condition.
 - [b] A road.
 - [c] A drainage facility.
 - [d] Another public improvement.
 - [6] Other reasons that impact the health, safety and welfare of the citizens of the Town or the intent of these regulations as set forth in Subsection **A**.
- (c) The Planning and Zoning Commission is the sole authority for determining if an OSCD or any other open space proposal is suitable for the Town. To make a decision on the suitability of an open space proposal, the Commission may consider information from appropriate sources, including but not limited to the Bolton Plan of Conservation and Development and the Open Space Plan for Bolton.
- (2) Subdivision application procedure. An applicant for subdivision as described in Subsection **C** may pursue one of the following options:
 - (a) The applicant may file an application for an OSCD subdivision with the Planning and Zoning Commission, meeting all the criteria stated within this section as well as all procedures and requirements as stated in the Bolton Subdivision Regulations.
 - (b) The applicant may file an application for a traditional subdivision that includes an alternative for an OSCD subdivision. The application must include four sets of plans depicting development of the subject parcel as a traditional, non-OSCD subdivision, and four sets of plans depicting development of the subject parcel as an OSCD subdivision in accordance with these Zoning Regulations and the Bolton Subdivision Regulations. The Planning and Zoning Commission shall have the authority to require modifications to either or both plans. The Planning and Zoning Commission may approve or modify and approve either the traditional, non-OSCD subdivision plans or the OSCD subdivision plans, or may disapprove both plans in accordance with the standards set forth in these regulations.

- (c) If the Planning and Zoning Commission has granted a waiver from the OSCD subdivision requirements, as described in Subsection C, then the applicant may submit a non-OSCD subdivision application in accordance with the Bolton Subdivision Regulations, provided that the application incorporates the conceptual plans upon which the waiver was based.
- (3) Open space requirements. Open space to be preserved or reserved on any parcel developed under this section shall consist of an area or areas comprising, in sum, a minimum of 40% of the total parcel area, and should not include any land that is covered by buildings, parking areas, sidewalks, driveways, or roadways, except as expressly approved by the Commission for the use of the open space. The percentage of open space land that is comprised of special features that, taken in the aggregate, shall not exceed 50% or 1 1/2 times the percentage of special features located on the entire parcel, whichever is less; except that, in the sole discretion of the Commission, and by a majority vote of all its members, portions of open space lands that the Commission has identified as especially worthy of preservation, may contain a greater area of special features, provided that the Commission shall require the payment of a partial fee -in lieu of open space as set down in Section 4.5 of the Bolton Zoning Regulations. The area to be preserved or reserved as open space shall be identified and so designated on the site development plan. The open space land must include access to the land appropriate for its intended use as approved by the Planning and Zoning Commission. The location and boundaries of the open space, even if it is to be left in its natural state, shall be identified at the time that the application is submitted and shall be subject to the approval or the modification and approval of the Planning and Zoning Commission. It is the intention of this section to preserve open space parcels of significant size or having other characteristics as set forth in Subsections A, B and C of this section. Any subsequent change in the use to the open space area shall require approval of the Planning and Zoning Commission.
- (4) Lot density. Multiplying the total square footage of the subject parcel by 0.75, then dividing by the traditional minimum lot area for the Residence Zone in which the subject parcel is located, the resulting number (fraction removed) equals the maximum number of lots within an OSCD subdivision.
- (5) OSCD subdivision -dimensional requirements.

<u>Zone</u>	<u>Min. Minimum Lot Area</u> ² (square feet) ^{**}	<u>Min. Minimum Lot Frontage</u> ¹ (feet) [±]	<u>Min. Minimum Front Yard</u> ¹ (feet) [±]	<u>Min. Minimum Side Yard</u> (feet)	<u>Min. Minimum Rear Yard</u> (feet)
R-1	24,000	140	30	20	35
R-2	24,000	140	30	20	35
R-3	13,500	100	30	10	25

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- (a) Maximum building height, minimum floor area, maximum lot coverage, and maximum impervious cover requirements shall be the same as for a traditional, non-OSCD subdivision in the applicable Residence Zone. [Amended during codification]

*Notes:

~~All lots shall have frontage abutting an existing or proposed public road right-of-way. The Planning and Zoning Commission may permit an interior lot or lots within an OSCD subdivision, such lots having a minimum frontage of 50 feet, a minimum front yard setback of 60 feet, and a minimum lot area equal to double the amount shown in the above table for the applicable zone. In considering whether to permit such lot or lots, the Planning and Zoning Commission shall consider whether the scenic character of the subject property, as viewed from the abutting public road, will be significantly enhanced, and whether existing natural features will be preserved.~~

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~~**1 Section 3J. of these Regulations shall be applied to this requirement. All lots shall have frontage abutting an existing or proposed public road right-of-way. The Planning and Zoning Commission may permit an interior lot or lots within an OSCD subdivision, such lots having a minimum frontage of 50 feet, a minimum front yard setback of 60 feet, and a minimum lot area equal to double the amount shown in the above table for the applicable zone. In considering whether to permit such lot or lots, the Planning and Zoning Commission shall consider whether the scenic character of the subject property, as viewed from the abutting public road, will be significantly enhanced, and whether existing natural features will be preserved.~~

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- (6) Shared driveways.
 - (a) The Planning and Zoning Commission may permit no more than three lots within an OSCD subdivision to share portions of driveways, subject to the common driveway requirements in the Subdivision Regulations.
 - (b) In determining whether to permit such shared portions, the Planning and Zoning Commission shall consider whether or not scenic character, natural features preservation, and motor vehicle traffic safety will be enhanced by such an arrangement.
 - (7) Community septic systems. The Planning and Zoning Commission may permit a shared or community septic system or systems arrangement within an OSCD subdivision, provided that: [Amended during codification]
 - (a) The proposed system or systems shall meet all requirements for construction, installation and maintenance of the Connecticut Department of Energy and Environmental Protection, Water Compliance Division and/or the Connecticut Department of Public Health Services, as applicable;

(b) A letter of approval from the Connecticut Department of Energy and Environmental Protection, Water Compliance Division or the Connecticut Department of Public Health-~~Services~~, whichever is applicable, concerning the design of such system or systems shall be submitted to the Planning and Zoning Commission as part of the final application for subdivision.

D. Multiple dwelling complex.

(1) Applicability and suitability. The requirements and criteria of an OSCD are as described in Subsection C and apply to any application for a multiple dwelling complex in an R-1 or R-2 Zone in which the parcel or contiguous parcels of land involved comprise a total area of at least 10 acres. The OSCD requirements may not be waived for a multiple dwelling complex as they may be for a subdivision.

(2) Procedure.

(a) R-1 Zone. The applicant shall file a special permit application with the Planning and Zoning Commission, meeting all the criteria stated within this § 450-7.1, as well as all requirements of § 450-6.1N and Article XVI of these regulations, except as modified by this § 450-7.1.

(b) R-2 Zone. An applicant for a multiple dwelling complex as described in Subsection D(1) shall pursue one of the following two options:

[1] The applicant shall file a special permit application with the Planning and Zoning Commission, meeting all the criteria stated within this section, as well as all applicable requirements of § 450-6.1N and Article XVI of these regulations, except as modified by this § 450-7.1.

[2] Site plan review.

[a] The applicant shall initially file a site plan review application with the Planning and Zoning Commission to decide whether the multiple dwelling complex will be a traditional (non-OSCD) development or an OSCD. The application shall include four sets of conceptual plans depicting development of the subject parcel as a traditional, non-OSCD multiple dwelling complex and four sets of conceptual plans depicting development of the subject parcel as an OSCD multiple dwelling complex.

[b] For both depictions, the proposed layout of buildings, roads, parking areas, utilities, and landscaping may be in conceptual form, but all other information, expressly including natural resource information, is to be in final form pursuant to the applicable requirements of this section as well as § 450-6.1N and Article XVI of these regulations. The Planning and Zoning Commission is the sole authority for determining if a proposal is suitable for the Town based on the requirements in these Zoning Regulations and based upon information in the Town of Bolton Plan of Conservation and Development and in the Town of Bolton Open Space Plan. The Planning and Zoning Commission shall have the authority to require modifications to either or both plans. The Planning and Zoning Commission may approve, modify and approve or disapprove the type of development to be in accordance with either the traditional, non-OSCD multiple dwelling complex conceptual plans or the OSCD multiple dwelling complex conceptual plans, or may disapprove both plans in accordance with the standards set forth in these regulations. Once the Planning and Zoning Commission has approved the site plan review application for the type of development, the