

SECTION 3 - GENERAL PROVISIONS

3A1. 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.

3A2. 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.

3A3. NON-CONFORMING USES

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

3A3.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 which rendered such use not permitted, may be continued. If any non-conforming building or structure is destroyed by fire or other cause, it may be rebuilt with no greater non-conformity 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.

3A3.b. Any existing non-conforming use shall be considered terminated if all of the following occur:

1. such non-conforming use is discontinued for a period of at least one year, and;
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 thirty 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.

3A3.c. No non-conformity of any kind shall be expanded or intensified, except as follows:

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 pre-existing non-conformity as to the parking requirements of Section 15, 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 & Zoning Commission.

3A4. 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.

3A5. 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:

- 3A5.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.
- 3A5.b. Such lot has been continuously owned after May 12, 1954 as a separate and distinct lot from any adjoining lot.
- 3A5.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.

3A6. NUMBER OF DWELLINGS ON A LOT

Except as provided in Sections 6 and 7D. of these Regulations, not more than one dwelling shall be built on any one lot.

3A7. WETLAND CONSERVATION

No building or structure shall be permitted within fifty (50) feet of any lake, pond, swamp, watercourse, 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 Section 3R of these Regulations.

3A8. ISSUANCE OF ZONING PERMITS AND BUILDING PERMITS

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.

Notwithstanding the requirements of Sections 8A2b, 8B2b, and 9B1b, 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 in Section 15. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

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.

No Building or Use Permit for land or a principal structure shall be issued until the following conditions have been met:

- 3A8.a. A Sanitation Permit shall have been obtained from the Town Sanitarian.
- 3A8.b. 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.
- 3A8.c. A plot plan shall be provided showing:
 - 1. 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;
 - 2. 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;
 - 3. septic tank, primary and reserve leach fields and test pits;
 - 4. water supply well location;
 - 5. driveway, with suitable culvert size, flare, grade, and sight lines;
 - 6. existing and proposed contour lines at two (2) 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").
 - 7. inland wetlands and watercourses so designated by a soil scientist certified in the State of Connecticut;
 - 8. solar access window (See Section 3A.15. if applicable);
 - 9. erosion and sediment control plan when required including location and design details of proposed soil erosion and sediment control measures and storm water management facilities and their sequence of installation and the sequence of grading and final stabilization of the site;
 - 10. method(s) of storm water drainage.

- 3A8.d. A narrative description of any required Erosion and Sediment Control Plan describing:
1. The construction project;
 2. the schedule for grading and construction activities including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and sequence for final stabilization of the project site.

3A9. EROSION AND SEDIMENT CONTROL

- 3A9.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.
- 3A9.b. Erosion and Sediment Control: When the disturbed area of a building or work site exceeds one half (1/2) acre, has a grade in excess of ten (10) percent 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.
- 3A9.c. Bonding:
1. Bond Required. If a certified Erosion and Sediment Control Plan ("Plan") is required under section 3A9.b of these regulations, 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 equal to the greater of (1) one hundred forty percent (140%) of the cost, as estimated by a qualified engineer and approved by the Commission or its agent, of all erosion and sedimentation controls required by the Plan, or (2) five dollars (\$5.00) per lineal foot of control barrier called for by the Plan.
 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 ten percent (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 Section 3A9.c of these regulations.

3A10. MINIMUM BUILDABLE AREA

No buildings or structures shall be constructed on any lot which does not contain a contiguous area of no less than three quarters (3/4) of the area required by the zoning regulations, exclusive of all wetlands, watercourses, and associated 50 foot buffer, as per Section 3A7. 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.

3A11. 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.

3A12. 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 (3) 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.

3A13. 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 Section 16 of these regulations).

3A14. SUBSTANTIAL DIFFERENTIATION

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 Commission for review and approval.

3A15. 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 he 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.

3A16. 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:

3A16.a. not more than one motor vehicle shall be repaired, worked on, or analyzed in any way at any one time;

3A16.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;

3A16.c. no motor vehicle rated at more than two (2) 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;

3A16.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.

3A17. STORAGE

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:

- 3A17.a. Said storage shall not contain the characteristics of a junk yard as defined in Section 2 of these Regulations.
- 3A17.b. Said storage is of a size, scope and nature that it is clearly accessory to an existing residential use on the subject lot;
- 3A17.c. Said storage shall not constitute an existing or potential health, safety or environmental risk;
- 3A17.d. 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 square foot area and do not constitute a junk yard as defined in Section 2 of these Regulations.

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.

- 3A17.e. 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.

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.

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 Section 3A17. of these regulations.

Any questions regarding accessory storage and whether it complies with these standards shall be reviewed with the Planning and Zoning Commission.

3A18. SPECIAL FLOOD HAZARD AREAS

3A18.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 flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
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 or which may increase flood hazards to other lands.

3A18.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 flood plains;
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 that potential home buyers are notified that property is in a flood area.

3A18.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:

1. Area of shallow Flooding: a designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
2. Base Flood: the flood having a one percent chance of being equaled or exceeded in any given year.
3. 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.
4. Flood Boundary and Floodway Map: an official map of the town of Bolton on which the Federal Insurance Administration has delineated the 100-year, 500-year and floodway boundaries.

5. 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.
6. 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.
7. 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.
8. 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.
9. Lowest Floor: the lowest floor of the lowest enclosed area (including basement).
10. 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.
11. Manufactured Home Park or Subdivision: a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
12. 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.
13. Recreational Vehicle: a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
14. Special Flood Hazard Area: the area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM.
15. Start of Construction: 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.

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.

16. Structure: a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.
17. 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 percent of the market value of the structure before the damage occurred.
18. Substantial Improvement: 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 percent 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. 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.

3A18.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 under.

3A18.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 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 the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - d) The Zoning Enforcement Officer will advise applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but 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 source 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: a.) the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, b.) the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, c.) certification as to floodway heights and d.) any and all certifications required under these regulations.
- j) 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 filed conditions). The Zoning Enforcement Officer may require the applicant to provide sufficient topographic information to make such an interpretation.
- k) The Zoning Enforcement Officer will maintain all records pertaining to the provisions of this Section.

3A18.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 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 into the system.
- f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

- 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 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 Section 3.13 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 the standards in Section 3A18.g.
- b) In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substation improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- 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 (1) foot at any point along the watercourse.

3A18.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-proofed to one foot above 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:

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.

3A18.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 a historical building, a determination that the variance is the minimum necessary 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 (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship, and; (c) 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 (b) 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.

3A.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 ten days after the event is over.

3A.20. OUTDOOR LIGHTING REGULATIONS

3A.20.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 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.

3A.20.b. Definitions:

For purposes of this Subsection, 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 degree horizontal plane from the base, or the purpose of the design as 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 centerline 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-degree 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-foot candle 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 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 degree horizontal plane.

3A.20.c. Lighting Plan

Outside lighting for non residential 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 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 pressure sodium;
4. The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground level;

3A.20.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 A & B).
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-lighted, 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) will be observed and not exceeded. All area lighting will 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 street lighting 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 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 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 right-of-ways, 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 exempt from these regulations.

3A.20.e. Special Permits

The Planning & 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 non-conforming 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 of sculpture, buildings or landscape features will enhance the character of the area.

**Section 3 Appendix A
Recommended Maintained Illuminance Values for Parking Lots**

		Basic	Enhance 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

**Section 3 Appendix B
Service Station or Gas Pump Area Average Illuminance Levels**

Area Description	Average Illuminance On Described Area (lux /foot candles)

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
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

3A.21 Coordination of Permits Issued pursuant to these Regulations with Permits Issued by the Aquifer Protection Agency

Any applicant who proposes a Regulated Activity as defined under Section 2(a)(35) of the *Bolton Aquifer Protection Area Regulations* shall first obtain from the Aquifer Protection Agency an Aquifer Protection Permit pursuant to Section 9 of those Regulations prior to receipt of a zoning permit, site plan review, special permit, or variance under these Regulations.

3A.22. MINOR MODIFICATIONS

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 Section 16, 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 Section 16A 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 & Zoning Commission. Any modifications that do not meet the criteria and requirements of this section shall require the approval of the Planning & 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.

- A "Minor Modification" is a modification which meets the following criteria:
- a. Any increase in building area does not exceed 5% of the area of buildings as shown on the Site Plan approved by the Commission.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Any adjustments in the location of drainage structures or utilities are substantially compliant with the Site Plan approved by the Commission.
 - f. No change to the location or design of any public improvement is proposed.
 - g. 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.
 - h. 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.

3A23. CHANGE OF USE
 Notwithstanding the requirements of Sections 8A2b, 8B2b, and 9B1b, 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 Section 3A21. Any increase beyond these thresholds may be approved in accordance with Section 3A21, or Section 16 at the discretion of the Commission. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

SECTION 3B SPECIAL REGULATIONS

- 3B.1 Motor Vehicle Sales/Service and Fuel and Motor Oil Sales (excluding Not-For-Profit Motor Vehicle Repair; See Section 3A.16):
- 3B1.a. Location Approval: In accordance with Conn. Gen. Stats. §14-321, no property shall be used for the sale of fuel or other products regulated under Chapter 250 of the 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.
- 3B1.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 Section 15 of these Regulations.

3B1.c. Location of Fuel Pumps: Fuel Pumps shall be not less than twenty (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.

3B1.d. Lighting. See Section 3A.20.d, and, in particular, subsection 3A.20.d.7.

3B1.e. Service Bays. No service bay shall face the street line, except on a corner lot, where service bays may face one (1) street line.

3B1.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 (1) 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.

3B1.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 Section 15 (Off-Street Parking and Truck Loading).
3. To insure adequate supervision for both the fuel sale and retail trade uses, there shall be at least one (1) employee on duty for the sale of fuel, and one (1) 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. 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.

3B.2 New and Used Car Sales

- 3B2.a. 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.
- 3B2.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.

3B.3 Seasonal or Temporary Commercial Uses

3B3.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 Sections 3B3.b.1, 3B3.b.2, 3B3.c.2, 3B3.d.1, 3B3.d.2.2, 3B3.e.2.1, 3B3.e.3.1, and 3B3.e.4.1:

- 3B3.a.1 The operation must remain truly mobile and shall be removed daily, in its entirety, from any approved location between sunset and sunrise.
- 3B3.a.2 There shall be no more than one mobile vendor per property.
- 3B3.a.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.
- 3B3.a.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.
- 3B3.a.5 The mobile vendor shall provide written permission from the owner of the property where he / she intends to locate.
- 3B3.a.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.
- 3B3.a.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.

3B3.a.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.

3B3.a.9 The applicant shall pay an application fee as set down by the Commission.

3B3.a.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.

3B3.b Mobile Vending General Permits

3B3.b.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 Section 3B3.a.1, 3B3.a.3, 3B3.a.7, and 3B3.a.10, with the exception that no bonds shall be required.

3B3.b.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 1 hour per day; and provided that the vendor adheres to the standards and requirements of Section 3B3.a.1 - 3B3.a.4., and 3B3.a.10.

3B3.c. Seasonal Commercial Agricultural Uses

3B3.c.1 Farm Stands Accessory to a Farm

3B3.c.1.1 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:

3B3.c.1.2 Square Footage: The Building Area of a Farm Stand shall not exceed 250 square feet for every ten (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.

3B3.c.1.3 Site Planning, Parking, Signs: Farm Stands shall comply with all parking, illumination, and other regulations applicable to commercial uses in the Neighborhood Commercial Zone, regardless of the zone in which the Farm Stand is located. Signs shall be in accordance with Section 18G1.d. and e.

3B3.c.1.4 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.

3B3.c.1.4.1 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 growth substantially on the premises. Such permit shall be issued for a period not to exceed 200 days on an annual basis. Such pre-packaged 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 for any pre-packaged food shall be required before the approval of a vending permit.

3B3.c.2 Farmers Markets of Temporary or Mobile Construction

3B3.c.2.1 Farmers Markets of temporary or mobile construction may be approved by the Planning & Zoning Commission in any zoning district by Site Plan Review under the following conditions:

3B3.c.2.1.1 Any vendor shall comply with the requirements of Section 3B3.a.1, 3B3.a.3, 3B3.a.4, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.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:

3B3.c.2.1.1.1 The location of potential vendor's 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;

3B3.c.2.1.1.2 The days and hours of operation of the farmer's market and other land uses on the site, if any; and

3B3.c.2.1.1.3 The signature of the property owner on the application and/or written permission in the form of an attached letter.

- 3B3.c.2.1.2 Products sold shall be limited to Connecticut-grown/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/raised products, subject to food permits, when required, and all other applicable Public Health Code requirements.
- 3B3.c.2.1.3 The Commission shall determine whether the proposed farmers market is appropriate for the proposed location and will not negatively impact other uses on-site or on nearby properties.
- 3B3.c.2.1.4 Temporary off-site signage shall be permitted in accordance with Section 18F.1.c
- 3B3.d Seasonal or Holiday Sales of General Merchandise
- 3B3.d.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 thirty (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 Section 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7 (without bond), 3B3.a.8, 3B3.a.9, and 3B3.a.10.
- 3B3.d.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.
- 3B3.d.2.1 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 & Zoning Commission.
- 3B3.d.2.2 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 up to thirty (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 Section 3B3.a.2, 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.10, except that no bonds shall be required.
- 3B3.e Mobile Food Vending
- 3B3.e.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 & Zoning Commission.

- 3B3.e.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.
- 3B3.e.2.1 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 in Section 3B3.a.3, 3B3.a.5, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.10, except that no bonds shall be required.
- 3B3.e.3 Mobile Food Vendors associated with special grand-opening events or special seasonal sales events.
- 3B3.e.3.1 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 3 per year) for periods up to 5 days in duration for each event, and subject to the requirements of Section 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7 (without bond), 3B3.a.8, 3B3.a.9, and 3B3.a.10.
- 3B3.e.4 Mobile Food Vendors on Vacant Lots
- 3B3.e.4.1 The Zoning Enforcement Officer may issue food vending permits in GB & I zoning districts on vacant lots for periods up to thirty (30) days in duration, subject to the requirements of Section 3B3.a.1 through 3B3.a.10.
- 3B3.e.4.1.1 Mobile food vendors shall not be allowed on a property within 1000 feet of the property line of a property containing a permanent eating establishment or an establishment that sells alcoholic beverages for on-premises consumption.
- 3B.4 Restaurants
- 3B4.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. (effective 11/01/21)
- 3B4.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 circulations 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.

The amendment of this Section 3B4.b. was approved on November 18, 2015.

The effective date of this Section 3B4.b. is December 1, 2015.

- 3B4.c. Take-out service of food to be consumed off the premises may be permitted as an accessory use to a restaurant.
- 3B4.d. No restaurant located as the principal use of a building on a separate lot shall have fewer than thirty (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 ten (10) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.
- 3B4.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 Section 16 of these Regulations.
 3. Glass shall occupy no more than thirty (30%) percent of the exterior wall surface of the building, and all glass shall be tinted.
 4. No "fast food" restaurant shall be located less than fifty (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.

- 3B.4.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 7MM, or any extension or amendment or reissuance thereof shall be permitted to continue to operate pursuant to that permit. (effective 11/01/21)

The amendment of this Section 3B4.f. was approved on September 23, 2020.

- 3B.5 Hotel/Motel. Each hotel/motel shall comply with the following requirements:
- 3B5.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.
- 3B5.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 (1) floor; 2,500 square feet per room if rooms are on two (2) or more floors.
- 3B5.c. Each room shall have a minimum livable floor area of two hundred seventy-five (275) square feet or, alternatively, two hundred twenty-five (225) square feet for fifty (50%) percent of the rooms provided the remaining fifty (50%) percent contain a minimum of three hundred twenty-five (325) square feet.
- 3B5.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.
- 3B5.e. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation.
- 3B5.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.
- 3B5.g. Parking and loading shall be in accordance with the requirements of Section 15 of these Regulations.
- 3B5.h. Alcoholic beverages may be permitted in accordance with the regulations of the State of Liquor Control Commission.
- 3B5.i. The site shall be designed so as to protect bedroom windows from glare from automobile headlights, street lights, driveway/parking lot lighting, and other light sources on or off the site.
- 3B5.j. Accessory swimming pools shall be adequately enclosed and screened by fencing and landscaping.

- 3B5.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.

SECTION 3C WATER SUPPLY FOR FIRE PROTECTION

- 3C1. 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.
- 3C2. Section 3C of the Zoning Regulations shall apply to any application for Subdivision or Resubdivision, Special Permit or a Site Plan Review.
- 3C3. 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.
- 3C4. 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.
- 3C4a. 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.
- 3C4b. 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 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.
- 3C4c. 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 between the paved surface and the riser shall be a paved surface at least six feet in clear width.
- 3C4d. 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.

- 3C4e. 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.
- 3C4f. 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 Section 3C4e. 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 Section 3C4d. above. All requests for approval of a natural or manmade 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.
- 3C4g. 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.
- 3C4h. 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 2 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 Section 13.4 and 15 or Zoning Regulations Section 16B.6, except as otherwise required by this Section 3C. 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 Sections 3C, 16A.4, 16B.7 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 effective 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.

- 3C4i. 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 sixty-five 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 day periods shall be considered as an approval of the plans.
- 3C4j. 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.

The amendment of this Section 3C was approved on December 10, 2014.

The effective date of this Section 3C is January 1, 2015.

SECTION 3D SOLAR ENERGY SYSTEMS

3D1. SMALL-SCALE SOLAR ENERGY SYSTEMS

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.

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 it is to be located and this section.

- 3D1.a. The construction of the small-scale solar energy system shall be in accordance with an approved building permit application.
- 3D1.b. Dimensional Requirements In All Zones:
 - 3D1.b.1. Small-scale solar energy systems shall meet all the minimum yard setbacks as required for the primary use in the zone it is to be located. In measuring a pole-mounted tracking system that moves to track the sun, the drip line of the farthest extension of the tracker shall not extend into any required yard.
 - 3D1.b.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 to be located.

- 3D1.b.3. Small-scale solar energy systems shall comply with the maximum lot and impervious coverage percentages as required in the zone it is 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.
- 3D1.b.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.
- 3D1.b.5. Small-scale solar energy systems shall be subject to the same type of review as the use to which it is an accessory.
- 3D1.b.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 shall not:
 - 3D1.b.6.a. Project vertically more than six (6) inches above the peak of the sloped roof to which it is attached; or
 - 3D1.b.6.b. Project vertically more than five (5) feet above a flat roof installation.
 - 3D1.b.6.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.
- 3D1.c. 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.
- 3D1.d. Code Compliance: A small-scale solar energy system shall comply with all applicable construction and electrical codes.
- 3D1.e. Removal: All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.
- 3D1.f. 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.

The addition of this Section 3D was approved on December 11, 2013.

The effective date of this Section 3D is January 1, 2014.